

By the Committee on Judiciary; and Senator Hutson

590-02909-24

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1                   A bill to be entitled  
2           An act relating to asbestos and silica claims;  
3           amending s. 774.205, F.S.; revising the information  
4           required to be included in a sworn information form  
5           for asbestos or silica claims filed after a specified  
6           date; specifying that such a form is inadmissible in  
7           evidence, and may not be relied upon by a witness, at  
8           trial; requiring courts to dismiss certain claims upon  
9           a motion by a defendant; requiring motions to dismiss  
10          to include certain certifications; providing an  
11          effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsection (3) of section 774.205, Florida  
16           Statutes, is amended, and subsection (4) is added to that  
17           section, to read:

18           774.205 Claimant proceedings.—

19           (3) All asbestos claims and silica claims filed in this  
20           state on or after July 1, 2024, ~~the effective date of this act~~  
21           must include, in addition to the written report described in  
22           subsection (2) and the information required by s. 774.207(2), a  
23           sworn information form.

24           (a) The sworn information form must specify the evidence  
25           that provides the basis for each claim against each defendant  
26           and must contain all of ~~containing~~ the following information:

27           1.(a) The exposed person's claimant's name, address, date  
28           of birth, ~~and~~ marital status, and smoking history, and the name  
29           and address of each person who is knowledgeable regarding the

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30 exposed person's exposure to asbestos or silica.†

31 2.(b) If the exposed person ~~claimant~~ alleges exposure to  
32 asbestos or silica through the testimony of another person or  
33 alleges other than direct or bystander exposure to a product,  
34 the name, address, date of birth, and marital status for each  
35 person by which the exposed person ~~claimant~~ alleges exposure,  
36 hereinafter the "index person," and the exposed person's  
37 ~~claimant's~~ relationship to each such person.†

38 3.(e) The specific location of each alleged exposure for  
39 each defendant.†

40 4.(d) The beginning and ending dates of each alleged  
41 exposure as to each asbestos product or silica product for each  
42 location at which exposure allegedly took place for the exposed  
43 person ~~plaintiff~~ and each index person.†

44 5.(e) The occupation and ~~name of the~~ employer of the  
45 exposed person and each index person at the time of each alleged  
46 exposure.†

47 6.(f) The specific condition related to asbestos or silica  
48 claimed to exist.† ~~and~~

49 7.(g) Any supporting documentation of the condition claimed  
50 to exist.

51 (b) The sworn information form is inadmissible in evidence  
52 at trial and may not be relied upon by a witness, including an  
53 expert witness, at trial.

54 (4) (a) A court, upon motion by a defendant, shall dismiss a  
55 claimant's asbestos or silica claim without prejudice as to:

56 1. Any defendant whose product or premises is not  
57 specifically identified in the sworn information form submitted  
58 pursuant to subsection (3); and

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59       2. The moving defendant or all defendants, as applicable,  
60 if the claimant fails to comply with this section.

61       (b) The motion to dismiss must include a certification that  
62 the movant, in good faith, has conferred or attempted to confer  
63 with the claimant's counsel or the self-represented claimant, as  
64 applicable, to have the challenged claim dismissed or to have  
65 the challenged sworn information form appropriately corrected  
66 without court action.

67       Section 2. This act shall take effect July 1, 2024.