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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; providing an exception; requiring courts to
9 dismiss certain claims upon a motion by a defendant;
10 requiring motions to dismiss to include certain
11 certifications; providing an effective date.

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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, except for impeachment.

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.