

1 A bill to be entitled

2 An act relating to asbestos and silica claims; amending
3 s. 774.205, F.S.; requiring additional sworn information for
4 an asbestos or silica claims; authorizing a court to dismiss
5 certain claims upon a motion by a defendant; providing an
6 effective date.

7 Be It Enacted by the Legislature of the State of Florida:

8 Section 1. Subsection (3) of Section 774.205, Florida
9 Statutes, is amended, and subsections (4), (5), and (6) are
10 added to that section to read:

11 774.205. Claimant proceedings. -

12 (3) All asbestos claims and silica claims filed in this state
13 on or after July 1, 2024, ~~the effective date of this act~~ must
14 include, in addition to the written report described in subsection
15 (2) and the information required by s. 774.207(2), a sworn
16 information form specifying the evidence providing the basis for
17 each claim against each defendant and containing the following
18 information:

19 (a) The exposed person's ~~claimant's~~ name, address, date of
20 birth, ~~and~~ marital status, and smoking history, and the name and
21 address of each person who is knowledgeable regarding the exposed
22 person's exposures to asbestos or silica;

23 (b) If the exposed person ~~claimant~~ alleges exposure to
24 asbestos or silica through the testimony of another person or
25 alleges other than direct or bystander exposure to a product, the
26 name, address, date of birth, and marital status for each person
27 by which the exposed person ~~claimant~~ alleges exposure, hereinafter
28 the "index person," and the exposed person's ~~claimant's~~
29 relationship to each such person;

30 (c) The specific product and specific location of each
31 alleged exposure for each defendant;

32 (d) The beginning and ending dates of each alleged exposure
33 as to each asbestos product or silica product for each location at
34 which exposure allegedly took place for the exposed person
35 ~~plaintiff~~ and each index person;

36 (e) The occupation and ~~name of the~~ employer of the exposed
37 person and each index person at the time of each alleged exposure;

38 (f) The specific condition related to asbestos or silica
39 claimed to exist; and

40 (g) Any supporting documentation of the condition claimed to
41 exist.

42 (4) The court, upon motion by a defendant, shall dismiss a
43 claimant's asbestos or silica claim without prejudice as to any
44 defendant whose product or premises is not specifically identified
45 in the sworn information form under subsection (3).

46 (5) The court, upon motion by a defendant, shall dismiss a
47 claimant's asbestos or silica claim without prejudice as to the
48 moving defendant or as to all defendants, as applicable, if the
49 claimant fails to comply with this section.

50 (6) A motion to dismiss filed under subsections (4) or (5)
51 must include a certification that the movant, in good faith, has
52 conferred or attempted to confer with claimant's counsel or self-
53 represented claimant to have the challenged claim dismissed or
54 challenged sworn information form appropriately corrected without
55 court action.

56 (7) The sworn information form required under subsection (3)
57 is inadmissible at trial.

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