

By the Committee on Commerce and Tourism; and Senator Simmons

577-03866-20

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1 A bill to be entitled
2 An act relating to asbestos trust claims; creating s.
3 774.301, F.S.; defining terms; requiring a plaintiff
4 who files an asbestos claim to provide certain
5 information to the parties of the action within a
6 specified timeframe; requiring the plaintiff to
7 supplement the information and materials under certain
8 circumstances within a specified timeframe;
9 authorizing the defendant to seek discovery from an
10 asbestos trust; prohibiting the plaintiff from
11 claiming privilege or confidentiality to bar discovery
12 of such materials; providing that asbestos trust claim
13 materials are admissible in evidence under certain
14 circumstances; providing for the adjustment of a
15 judgment under certain circumstances; providing for
16 severability; providing an effective date.

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

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20 Section 1. Section 774.301, Florida Statutes, is created to
21 read:

22 774.301 Asbestos trust claim disclosures.—

23 (1) As used in this section, the term:

24 (a) "Asbestos claim" has the same meaning as in s. 774.203.

25 (b) "Asbestos trust" means a government-approved or court-
26 approved trust, qualified settlement fund, compensation fund, or
27 claims facility that is created as a result of an administrative
28 or legal action or a court-approved bankruptcy, or under 11
29 U.S.C. s. 524(g), 11 U.S.C. s. 1121(a), or other applicable law,

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30 and that is intended to provide compensation to claimants
31 arising out of, based on, or related to the health effects of
32 exposure to asbestos.

33 (c) "Trust claim materials" means a final, executed proof
34 of claim and any other document or information submitted to or
35 received from an asbestos trust, including a claim form or
36 supplementary material, an affidavit, a deposition or trial
37 testimony, a work history, an exposure allegation, a medical or
38 health record, or a document reflecting the status of a claim
39 against an asbestos trust and, if the trust claim has been
40 settled, any document relating to the settlement of the trust
41 claim.

42 (2) Within 30 days after filing an asbestos claim, a
43 plaintiff shall provide all parties with a sworn statement
44 identifying all asbestos trust claims made by the plaintiff and
45 all material submitted to or received from an asbestos trust.

46 (3) A plaintiff must supplement the information required
47 under subsection (2) within 30 days after the plaintiff files an
48 additional asbestos trust claim, supplements an existing
49 asbestos trust claim, or receives additional information related
50 to an asbestos trust claim.

51 (4) A defendant in an asbestos claim may seek discovery
52 from an asbestos trust. The plaintiff may not claim privilege or
53 confidentiality to bar discovery and shall provide consent or
54 other expression of permission that may be required by the
55 asbestos trust to release the information sought by the
56 defendant.

57 (5) Asbestos trust claim materials are admissible in
58 evidence only to the extent permissible under the Florida

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59 Evidence Code.

60 (6) If a plaintiff files an asbestos trust claim after the
61 plaintiff obtains a judgment in an asbestos claim and before
62 satisfaction of the judgment, and the asbestos trust was in
63 existence at the time of the judgment, the trial court, upon
64 motion by a defendant, may only adjust the judgment by the
65 amount of any payments obtained by the plaintiff as a result of
66 such after-filed claim to the extent permissible under Florida
67 law.

68 Section 2. If any provision of this act or its application
69 to any person or circumstance is held invalid, the invalidity
70 does not affect other provisions or applications of the act
71 which can be given effect without the invalid provision or
72 application, and to this end the provisions of this act are
73 severable.

74 Section 3. This act shall take effect July 1, 2020.