1 A bill to be entitled 2 An act relating to asbestos trust claims; amending s. 3 774.203, F.S.; defining terms related to asbestos trusts; creating s. 774.2055, F.S.; requiring a 4 5 plaintiff to provide certain materials within a 6 specified period after filing an asbestos claim; 7 requiring the plaintiff to supplement such materials 8 within a specified period; authorizing a defendant to 9 seek discovery from an asbestos trust; prohibiting a 10 plaintiff from barring discovery or claiming privilege 11 or confidentiality; specifying the legal relevancy of

asbestos trust claims materials and trust governance

judgments related to asbestos claims under specified

documents; requiring a trial court to adjust certain

conditions; providing an effective date.

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

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Section 1. Subsections (4) through (30) of section 774.203, Florida Statutes, are renumbered as subsections (5) through (31), respectively, present subsections (31) and (32) are renumbered as subsections (34) and (35), respectively, and new subsections (4), (32), and (33) are added to that section to read:

24 read

774.203 Definitions.—As used in this act, the term:

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CODING: Words stricken are deletions; words underlined are additions.

(4) "Asbestos trust" means a government-approved or court-
approved trust, qualified settlement fund, compensation fund, or
claims facility that is created as a result of an administrative
or legal action or a court-approved bankruptcy, including a
bankruptcy filed under 11 U.S.C. 524(g), 11 U.S.C. 1121(a), or
other applicable provision of federal law, and is intended to
provide compensation to claimants arising out of, based on, or
related to the health effects of exposure to asbestos.
(32) "Trust claims material" means any final executed

- means any final executed proof of claim and any other document or information submitted to or received from an asbestos trust, including a claim form or supplementary material, affidavit, deposition or trial testimony, work history, exposure allegation, medical or health record, or document reflecting the status of a claim against an asbestos trust and, if the trust claim has settled, any document relating to the settlement of the trust claim.
- (33) "Trust governance document" means any document that relates to eligibility and payment levels, including a claims payment matrix, trust distribution procedure, or plan for reorganization of an asbestos trust.
- Section 2. Section 774.2055, Florida Statutes, is created to read:
 - 774.2055 Asbestos trust claims disclosures.—
- (1) Within 30 days after filing an asbestos claim as defined in s. 774.203, a plaintiff must:

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CODING: Words stricken are deletions; words underlined are additions.

(a) Provide the parties with a sworn statement verifying that an investigation of all asbestos trust claims has been conducted and that all asbestos trust claims for which the plaintiff is eligible have been filed; and

(b) Identify all asbestos trust claims filed by the plaintiff and provide the parties with all trust claims materials.

- (2) A plaintiff must supplement the information and materials required under subsection (1) within 30 days after the plaintiff files an additional asbestos trust claim, supplements an existing asbestos trust claim, or receives additional information or materials related to an asbestos trust claim.
- (3) (a) Not fewer than 60 days before trial of an asbestos claim, if a defendant believes the plaintiff has not filed all asbestos trust claims as required by subsections (1) and (2), the defendant may move the court for an order to require the plaintiff to file additional asbestos trust claims for which the defendant believes the plaintiff is eligible to file.
- (b) If the court determines that there is a sufficient basis for the plaintiff to file an asbestos trust claim identified by the defendant, the court shall stay the asbestos claim until the plaintiff files the asbestos trust claim and produces all related trust claims materials. An asbestos claim may not proceed to trial until at least 60 days after the plaintiff complies with the court's order.

(4) A defendant in an asbestos claim may seek discovery from an asbestos trust. The plaintiff may not claim privilege or confidentiality to bar discovery and shall provide any expression of permission that may be required by the asbestos trust to release the information and materials sought by the defendant.

- (5) Asbestos trust claims materials and trust governance documents are presumed to be relevant and authentic and are admissible in evidence. A claim of privilege does not apply to asbestos trust claims materials or trust governance documents.
- (6) If a plaintiff files an asbestos trust claim after the plaintiff obtains a judgment in an asbestos claim and the asbestos trust was in existence at the time of the judgment, the trial court upon motion by a defendant must adjust the judgment by the amount of any subsequent asbestos trust payments obtained by the plaintiff.
 - Section 3. This act shall take effect July 1, 2020.