

Bill No. HB 1925, 1st Eng.

Barcode 690520

CHAMBER ACTION

Senate

House

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11 Senator Posey moved the following **amendment to amendment**
12 (405302):

14 **Senate Amendment (with title amendment)**

15 On page 1, between lines 16 and 17,

17 insert:

18 Section 1. Present subsections (3) and (4) of section
19 501.2077, Florida Statutes, are redesignated as subsections
20 (4) and (5), respectively, and a new subsection (3) is added
21 to that section, to read:

22 501.2077 Violations involving senior citizen or
23 handicapped person; civil penalties; presumption.--

24 (3) In any contract for the provision of custodial and
25 institutional long-term care services relating to major life
26 activities, it is presumed substantively and procedurally
27 unconscionable and an unfair or deceptive trade practice in
28 violation of this part for a person to cause a handicapped
29 person, or a vulnerable adult as defined in s. 415.102 who is
30 at least 70 years of age, or the designee or legal
31 representative of the handicapped person or vulnerable adult,

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1 to:

2 (a) Waive or limit any benefit or right conferred by
3 any statute intended to provide protection to such persons; or

4 (b) Waive such a person's right of access to the
5 courts or to a jury trial,

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7 unless the waiver is acknowledged in writing to be knowing and
8 voluntary by an attorney representing the handicapped person
9 or vulnerable adult.

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11 (Redesignate subsequent sections.)

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 2, line 27, delete that line

17

18 and insert:

19 An act relating to civil actions; amending s.
20 501.2077, F.S.; providing that it is an unfair
21 or deceptive act to cause a handicapped person
22 or vulnerable adult to waive certain benefits
23 or rights; creating s.

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