

Bill No. CS for SB 2564, 1st Eng.

Barcode 641200

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Posey moved the following amendment:

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

14 On page 1, between lines 17 and 18,

15
16 insert:

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

21 501.2077 Violations involving senior citizen or
22 handicapped person; civil penalties; presumption.--

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

31 to:

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

3 (b) Waive such a person's right of access to the
4 courts or to a jury trial,
5
6 unless the waiver is acknowledged in writing to be knowing and
7 voluntary by an attorney representing the handicapped person
8 or vulnerable adult.

9
10 (Redesignate subsequent sections.)

11
12
13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1, line 2, delete that line

16
17 and insert:

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