

Bill No. SB 284

Barcode 961714

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Aronberg) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 4, between lines 15 and 16,

insert:

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

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

(3) It is presumed to be substantively and procedurally unconscionable and an unfair or deceptive trade act in violation of this part for any person to cause a handicapped person, or a senior citizen who is at least 70 years of age and whose ability to perform the normal activities of daily living is impaired, or the designee or legal representative of the handicapped person or senior citizen, 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 the person's right of access to a jury  
4 trial,

5  
6 unless the waiver is acknowledged in writing to be knowing and  
7 voluntary by an attorney representing the senior citizen or  
8 handicapped person.

9  
10 (Redesignate subsequent sections.)

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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 20, after the semicolon,

16  
17 insert:

18       amending s. 501.2077, F.S.; providing that it  
19       is an unfair or deceptive act to cause a  
20       handicapped person or certain senior citizens  
21       to waive certain benefits or rights; providing  
22       an exception;

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