

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Llorente offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 40-54 and insert:

5 (b) In addition to the authority granted in paragraph (a),  
6 natural guardians are authorized, on behalf of any of their  
7 minor children, to waive and release, in advance, any claim or  
8 cause of action against an activity provider and its employees  
9 for the inherent risks involved in any activity; however, any  
10 waiver or release by a natural guardian on behalf of any of his  
11 or her minor children does not grant civil immunity to any  
12 person or entity whose negligence, gross negligence, or  
13 intentional conduct causes injury to a minor child sustained in  
14 the course of an activity. As used in this section, the term  
15 "negligence" means doing something that a reasonably careful  
16 person would not do under like circumstances or failing to do

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17 something that a reasonably careful person would do under like  
 18 circumstances. Waivers and releases under this subsection are  
 19 disfavored and must be strictly construed against a party  
 20 claiming to be relieved of liability due to such a waiver and  
 21 release. Such waivers and releases are enforceable only where  
 22 and to the extent that the intention to be relieved of liability  
 23 was made clear and unequivocal in the waiver and release and the  
 24 wording of the waiver and release was so clear and  
 25 understandable that an ordinary and knowledgeable person would  
 26 know what he or she would be contracting away. Nothing in this  
 27 paragraph shall be construed to relieve an activity provider or  
 28 its employees or agents from liability for any claim based on a  
 29 violation of state or federal law.

30 (c) Notwithstanding the authority granted in paragraph  
 31 (b), natural guardians are authorized, on behalf of any of their  
 32 minor children, to sign waivers or releases in accordance with  
 33 chapter 773, regarding equine, activities and s. 549.09,  
 34 regarding motor sport activities.

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 37 **T I T L E A M E N D M E N T**

38 Remove lines 3-13 and insert:

39 744.301, F.S.; authorizing natural guardians to waive, in  
 40 advance, the risks involved in any activity; providing  
 41 exceptions; providing that such waivers and releases are  
 42 disfavored and must be strictly construed against a party  
 43 claiming to be relieved of liability; providing readability  
 44 requirements for the wording of such waivers and releases;

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45 providing that such a waiver and release may not be construed to  
46 apply to claims based on a violation of state or federal law;  
47 authorizing waivers and releases in accordance with ch. 773 and  
48 s. 549.09, F.S.; providing an effective date.