

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Ambler offered the following:

Amendment (with title amendment)

Remove lines 40-54 and insert:

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