

1 A bill to be entitled
 2 An act relating to parental authority; amending s.
 3 744.301, F.S.; authorizing natural guardians to waive and
 4 release, in advance, any claim or cause of action that
 5 would accrue to any of their minor children to the same
 6 extent that any adult may do so on his or her own behalf;
 7 providing that such waivers and releases are disfavored
 8 and must be strictly construed against a party claiming to
 9 be relieved of liability; providing readability
 10 requirements for the wording of such waivers and releases;
 11 providing that such a waiver and release may not be
 12 construed to apply to illegal acts; providing an effective
 13 date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Subsection (2) of section 744.301, Florida
 18 Statutes, is amended to read:

19 744.301 Natural guardians.--

20 (2) (a) Natural guardians are authorized, on behalf of any
 21 of their minor children, to:

22 1.(a) Settle and consummate a settlement of any claim or
 23 cause of action accruing to any of their minor children for
 24 damages to the person or property of any of said minor children;

25 2.(b) Collect, receive, manage, and dispose of the
 26 proceeds of any such settlement;

27 3.(c) Collect, receive, manage, and dispose of any real or
 28 personal property distributed from an estate or trust;

29 ~~4.(d)~~ Collect, receive, manage, and dispose of and make
30 elections regarding the proceeds from a life insurance policy or
31 annuity contract payable to, or otherwise accruing to the
32 benefit of, the child; and

33 5.(e) Collect, receive, manage, dispose of, and make
34 elections regarding the proceeds of any benefit plan as defined
35 by s. 710.102, of which the minor is a beneficiary, participant,
36 or owner,

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38 without appointment, authority, or bond, when the amounts
39 received, in the aggregate, do not exceed \$15,000.

40 (b) In addition to the authority granted in paragraph (a),
41 natural guardians are authorized, on behalf of any of their
42 minor children, to waive and release, in advance, any claim or
43 cause of action that would accrue to any of their minor children
44 to the same extent that any adult may do so on his or her own
45 behalf. Waivers and releases under this paragraph are disfavored
46 and must be strictly construed against a party claiming to be
47 relieved of liability due to such a waiver and release. Such
48 waivers and releases are enforceable only where and to the
49 extent that the intention to be relieved of liability was made
50 clear and unequivocal in the waiver and release and the wording
51 of the waiver and release was so clear and understandable that
52 an ordinary and knowledgeable person would know what he or she
53 would be contracting away. Nothing in this paragraph shall be
54 construed to allow such a waiver and release for illegal acts.

55 Section 2. This act shall take effect July 1, 2009.