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JU.JU.03277

Proposed Committee Substitute by the Committee on Judiciary

A bill to be entitled

An act relating to liability releases; amending s. 549.09, F.S.; revising the definition of the term "nonspectators" to include a minor on whose behalf a natural guardian has signed a motorsport liability release; providing that a motorsport liability release signed by a natural guardian on behalf of a minor is valid; amending s. 744.301, F.S.; authorizing natural guardians to waive and release, in advance, any claim or cause of action that would accrue to any of their minor children to the same extent that any adult may do so on his or her own behalf; providing an effective date.

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

Section 1. Paragraph (g) of subsection (1) and subsection (3) of section 549.09, Florida Statutes, are amended to read:

549.09 Motorsport nonspectator liability release.—

(1) As used in this section:

(g) "Nonspectators" means event participants who have signed a motorsport liability release and an event participant who is a minor, if the minor's natural guardian has signed a motorsport liability release.

(3) (a) A motorsport liability release may be signed by more than one person if so long as the release form appears on each page, or side of a page, which is signed. A motorsport liability release shall be printed in 8 point type or larger.

(b) A motorsport liability release signed by a natural



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29 guardian on behalf of a minor is valid to the extent provided in
30 s. 744.301.

31 Section 2. Subsection (2) of section 744.301, Florida
32 Statutes, is amended to read:

33 744.301 Natural guardians.—

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

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

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

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

43 4. (d) Collect, receive, manage, and dispose of and make
44 elections regarding the proceeds from a life insurance policy or
45 annuity contract payable to, or otherwise accruing to the
46 benefit of, the child; and

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

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

54 (b) In addition to the authority granted in paragraph (a),
55 natural guardians are authorized, on behalf of any of their
56 minor children, to waive and release, in advance, any claim or
57 cause of action that would accrue to any of their minor children



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58 to the same extent that any adult may do so on his or her own
59 behalf.

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