

By the Committee on Judiciary; and Senators Oelrich and Baker

590-05204-09

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1 A bill to be entitled
2 An act relating to liability releases; amending s.
3 549.09, F.S.; revising the definition of the term
4 “nonspectators” to include a minor on whose behalf a
5 natural guardian has signed a motorsport liability
6 release; providing that a motorsport liability release
7 signed by a natural guardian on behalf of a minor is
8 valid; amending s. 744.301, F.S.; authorizing natural
9 guardians to waive, in advance, the risks involved in
10 any activity; providing exceptions; authorizing
11 waivers and releases in accordance with ch. 773 and s.
12 549.09, F.S.; providing an effective date.

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

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16 Section 1. Paragraph (g) of subsection (1) and subsection
17 (3) of section 549.09, Florida Statutes, are amended to read:
18 549.09 Motorsport nonspectator liability release.—

19 (1) As used in this section:

20 (g) “Nonspectators” means event participants who have
21 signed a motorsport liability release and an event participant
22 who is a minor, if the minor’s natural guardian has signed a
23 motorsport liability release.

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

28 (b) A motorsport liability release signed by a natural
29 guardian on behalf of a minor is valid to the extent provided in

590-05204-09

2009886c1

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 any claims against the activity
57 provider and its employees for the inherent risks involved in
58 any activity; however, any waiver or release by a natural

590-05204-09

2009886c1

59 guardian on behalf of any of his or her minor children does not
60 grant civil immunity to any person or entity whose negligence,
61 gross negligence, or intentional conduct causes injury to a
62 minor child sustained in the course of an activity. As used in
63 this section, the term "negligence" means doing something that a
64 reasonably careful person would not do under like circumstances
65 or failing to do something that a reasonably careful person
66 would do under like circumstances.

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

72 Section 3. This act shall take effect July 1, 2009.