

By Senator Baker

20-01443-10

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1 A bill to be entitled
2 An act relating to parental authority; amending s.
3 549.09, F.S.; providing that a motorsport liability
4 release signed by a minor is valid if the release is
5 also signed by the minor's parent or guardian;
6 amending s. 744.301, F.S.; authorizing natural
7 guardians to waive and release, in advance, any claim
8 or cause of action that would accrue to any of their
9 minor children to the same extent that any adult may
10 do so on his or her own behalf; providing that such
11 waiver and release shall not relieve a party of
12 liability for any acts of sexual misconduct committed
13 against the minor child; providing an effective date.
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15 Be It Enacted by the Legislature of the State of Florida:

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

19 549.09 Motorsport nonspectator liability release.—

20 (1) As used in this section:

21 (g) "Nonspectators" means event participants who have
22 signed a motorsport liability release, including a minor if the
23 minor's parent or guardian has also signed the 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 release signed by a minor is valid if the release is
29 also signed by the minor's parent or guardian.

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

32 744.301 Natural guardians.—

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

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

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

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

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

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

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

53 (b) In addition to the authority granted in paragraph (a),
54 natural guardians are authorized, on behalf of any of their
55 minor children, to waive and release, in advance, any claim or
56 cause of action that would accrue to any of their minor children
57 to the same extent that any adult may do so on his or her own
58 behalf. No such waiver and release, however, shall relieve a

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59 released party of liability for any acts of sexual misconduct
60 committed against the minor child.

61 Section 3. This act shall take effect July 1, 2010.