

By Senator Garcia

36-00239-26

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A bill to be entitled
An act relating to contract protection for elderly
persons and disabled adults; creating s. 430.055,
F.S.; providing a short title; defining terms;
requiring that all contracts involving an elderly
person or a disabled adult be in that person's primary
language; requiring a contracting party to conduct a
comprehensive review of the contract before an elderly
person or disabled adult signs the contract; requiring
that the comprehensive review include certain
information; requiring a contracting party to record a
video that depicts the contracting process and the
elderly person or disabled adult signing the contract;
requiring that such video be stored by the contracting
entity for a specified amount of time after the
contract is signed; providing that the video may be
accessed only under certain circumstances; providing
penalties; authorizing harmed parties to seek civil
remedies; providing an effective date.

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

Section 1. Section 430.055, Florida Statutes, is created to
read:

430.055 Elderly and disabled adult contract protection.—

(1) SHORT TITLE.—This section may be cited as the "Elderly
and Disabled Adult Contract Protection Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Cognitive impairment" means a deficiency in cognitive

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functioning, including a person's short-term or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; judgment as it relates to safety awareness; or reading comprehension.

(b) "Contract" means any agreement that affects an individual's legal rights or property, including documents conferring power of attorney or a deed instrument.

(c) "Disabled adult" means any person between 18 and 60 years of age who has one or more permanent physical or mental limitations that restrict his or her ability to perform the normal activities of daily living or impede his or her capacity to live independently.

(d) "Elderly" means a person 60 years of age or older.

(e) "Primary language" means the language a person uses most frequently and comfortably to communicate or the language in which a person has the greatest literacy.

(3) REQUIREMENTS FOR CONTRACTING WITH ELDERLY PERSONS AND DISABLED ADULTS.—

(a) *Language requirements.*—All contracts involving either an elderly person or a disabled adult as a party must be in such person's primary language.

(b) *Verification of understanding.*—

1. Before an elderly person or a disabled adult signs any contract that involves the transfer or waiver of rights, including, but not limited to, contracts related to powers of attorney, deeds, financial records, or medical records, the contracting party must conduct a comprehensive review of the contract.

2. The comprehensive review must include a detailed

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59 explanation of all terms and implications of the contract.

60 (c) Video recording requirement.—

61 1. The contracting party shall record a video of the
62 contracting process which depicts the contracting party
63 conducting the comprehensive review of the contract with the
64 elderly person or the disabled adult and the elderly person or
65 disabled adult signing the contract to ensure that such person
66 is not under duress or undue influence during the contracting
67 process. Such video must memorialize the elderly person's or
68 disabled adult's understanding of and agreement to the contract.

69 2. The video recording must be securely stored by the
70 contracting entity for a minimum of 5 years after the signing of
71 the contract.

72 3. The video may be accessed only with the consent of the
73 elderly person or the disabled adult or as required by law.

74 (4) ENFORCEMENT AND PENALTIES.—

75 (a) Failure to comply with this act constitutes a violation
76 punishable by a fine not exceeding \$10,000 for the first offense
77 and \$25,000 for subsequent offenses.

78 (b) Individuals harmed by violations of this act may pursue
79 civil remedies, including, but not limited to, the rescission of
80 the contract and damages.

81 Section 2. This act shall take effect July 1, 2026.