

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Flanagan and Warner offered the following:

Amendment to Amendment (111547) (with title amendment)

On page 5, between lines 16 and 17 of the amendment

insert:

Section 21. (1) An employer in a joint employment relationship pursuant to s. 468.520 shall not be liable for the tortious actions of another employer in that relationship, or for the tortious actions of any jointly employed employee under that relationship, provided that:

(a) The employer seeking to avoid liability pursuant to this section did not authorize or direct the tortious action;

(b) The employer seeking to avoid liability pursuant to this section did not have actual knowledge of the tortious conduct and fail to take appropriate action;

(c) The employer seeking to avoid liability pursuant to this section did not have actual control over the day to day job duties of the jointly employed employee who has committed a tortious act, nor actual control over the portion

Amendment No. 1 (for drafter's use only)

1 of a job site at which or from which the tortious conduct
2 arose or at which and from which a jointly employed employee
3 worked, and that said control was assigned to the other
4 employer under the contract;

5 (d) That complaints, allegations or incidents of any
6 tortious misconduct or workplace safety violations, regardless
7 of the source, are required to be reported to the employer
8 seeking to avoid liability pursuant to this section by all
9 other joint employers under a written contract forming the
10 joint employment relationship, and that the employer seeking
11 to avoid liability pursuant to this section did not fail to
12 take appropriate action as a result of receiving any such a
13 report related to a jointly employed employee who has
14 committed a tortious act.

15 (2) An employer seeking to avoid liability pursuant to
16 this section shall not be presumed to have actual control over
17 the day to day job duties of the jointly employed employee who
18 has committed a tortious act, nor actual control over the
19 portion of a job site at which or from which that employee
20 worked, based solely upon the fact that the employee at issue
21 is a leased employee.

22 (3) This section shall not alter any responsibilities
23 of the joint employer who has actual control over the day to
24 day job duties of the jointly employed employee and who has
25 actual control over the portion of a job site at which or from
26 which the employee is employed, which arise from s. 768.096.

27
28

29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 6, line 3 of the amendment

Amendment No. 1 (for drafter's use only)

1 remove:

2 All of said line

3

4 and insert in lieu thereof:

5 vehicle to certain users; limiting the liability of employers

6 in a joint employment relationship under specific

7 circumstances; providing exceptions and limitations; providing

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31