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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2009	.	
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The Committee on Children, Families, and Elder Affairs (Storms) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Liability for supported employment employees.-

(1) An employer employing an individual who has a disability, as defined by the ADA Amendments Act of 2008, 42 U.S.C. s. 12102(2), is not liable for the acts or omissions, negligent or intentional, of the employee if:

(a) The employee has received supported employment services through a public or private not-for-profit provider;



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12           (b) The employer has relied in good faith on the  
13 information provided by the supported employment service  
14 provider regarding the supported employee; and

15           (c) The employer does not have prior actual notice of the  
16 employee's propensity for the actions at issue.

17           (2) A supported employment service provider that provides  
18 supported employment services to an individual who has a  
19 disability as defined in subsection (1), is not liable for the  
20 acts or omissions, negligent or intentional, of the employee if:

21           (a) The provider has provided training and supervision to  
22 the individual in a reasonable and prudent fashion; and

23           (b) If legally permissible, the provider or its  
24 representative has provided information to the individual's  
25 employer regarding the supported employee.

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

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

29 And the title is amended as follows:

30           Delete everything before the enacting clause  
31 and insert:

32                               A bill to be entitled  
33           An act relating to persons with disabilities;  
34           providing that an employer of certain individuals who  
35           have a disability is not liable for their acts or  
36           omissions; providing that a supported employment  
37           provider providing services to an individual with  
38           disabilities is not liable for the employees' acts or  
39           omissions under certain circumstances; providing an  
40           effective date.