

By the Committee on Children, Families, and Elder Affairs; and  
Senator Storms

586-03456-09

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1                   A bill to be entitled  
2           An act relating to persons with disabilities;  
3           providing that an employer of certain individuals who  
4           have a disability is not liable for their acts or  
5           omissions; providing that a supported employment  
6           provider providing services to an individual with  
7           disabilities is not liable for the employees' acts or  
8           omissions under certain circumstances; providing an  
9           effective date.

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

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13           Section 1. Liability for supported employment employees.-

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

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

20           (b) The employer has relied in good faith on the  
21 information provided by the supported employment service  
22 provider regarding the supported employee; and

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

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

29           (a) The provider has provided training and supervision to

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30 the individual in a reasonable and prudent fashion; and

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

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