

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Ambler offered the following:

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3 **Amendment to Amendment (311091) (with title amendment)**

4 Between lines 177 and 178, insert:

5 Section 4. Section 768.0985, Florida Statutes, is created
6 to read:

7 768.0985 Limitation of liability for employers of persons
8 with disabilities.--

9 (1) Subject to the provision of subsection (2), an
10 employer employing a person with a developmental disability as
11 defined in s. 393.063 shall not be liable to a third party for
12 the acts or omissions, negligent or intentional, of the
13 employee, if:

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

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17 (b) The employer does not have actual notice of actions of
18 the employee which create unsafe conditions in the workplace.

19 (2) An employer who is not otherwise liable under
20 subsection (1) shall indemnify, defend, and hold harmless any
21 employee who is liable for a negligent act or failure to act
22 within the course and scope of employment.

23 (3) A not-for-profit supported employment service provider
24 who has provided supported employment services to an individual
25 with a disability as defined in s. 393.063 shall not be liable
26 for the actions or conduct of the individual occurring within
27 the scope of such individual's employment.

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30 **T I T L E A M E N D M E N T**

31 Remove lines 186-199 and insert:

32 An act relating to persons with disabilities; amending s.
33 393.23, F.S.; revising purposes of expenditures of moneys
34 deposited in the trust accounts of developmental disabilities
35 centers; amending s. 393.0661, F.S.; revising provisions
36 relating to services provided to certain clients with
37 developmental disabilities served under the four-tiered waiver
38 system; revising provisions relating to the calculation of
39 annualized expenditures; deleting future review and repeal of s.
40 393.0661(6), F.S., relating to cost plans for individuals served
41 by the home and community-based services waiver or the family
42 and supported living waiver funded through the Agency for
43 Persons with Disabilities; creating s. 768.0985, F.S.; providing
44 an exemption from liability for certain employers of persons
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45 with disabilities under certain circumstances; requiring
46 employer to indemnify, defend, and hold harmless certain
47 employees under certain circumstances;

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