

Amendment No.

CHAMBER ACTION

Senate

House

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Representatives Ambler and Planas offered the following:

Substitute Amendment for Amendment (618901) (with title amendment)

Remove lines 190-191 and insert:

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

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

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

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

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

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

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

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

34 Remove lines 2-14 and insert:

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

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