

By Senator Storms

10-00606-11

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1                   A bill to be entitled  
2           An act relating to the limitation of liability for  
3           employers who employ persons with a developmental  
4           disability; creating s. 768.0985, F.S.; providing that  
5           an employer, under certain circumstances, is not  
6           liable for the acts or omissions of an employee who is  
7           a person with a developmental disability; providing  
8           that a not-for-profit supported employment service  
9           provider that provides or has provided supported  
10          employment services to an employee with a  
11          developmental disability is not liable for the actions  
12          or conduct of the employee occurring within the scope  
13          of the employee's employment; defining the term  
14          "person with a developmental disability"; providing an  
15          effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Section 768.0895, Florida Statutes, is created  
20 to read:

21           768.0895 Limitation of liability for employers of persons  
22 with disabilities.-

23           (1) An employer who employs a person with a developmental  
24 disability is not liable for the acts or omissions, negligent or  
25 intentional, of the employee if:

26           (a) The employee receives or has received supported  
27 employment services through a public or private not-for-profit  
28 service provider; and

29           (b) The employer does not have actual notice of the actions

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30 of the employee which created unsafe conditions in the  
31 workplace.

32 (2) A not-for-profit supported employment service provider  
33 that provides or has provided supported employment services to  
34 an employee with a developmental disability is not liable for  
35 the actions or conduct of the employee which occur within the  
36 scope of the employee's employment.

37 (3) As used in this section, the term "person with a  
38 developmental disability" has the same meaning as provided in s.  
39 393.063.

40 Section 2. This act shall take effect July 1, 2011.