

By the Committee on Commerce and Tourism; and Senator Storms

577-02574-11

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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 supported employment service provider that
9 provides or has provided supported employment services
10 to a person with a developmental disability is not
11 liable for the actions or conduct of the person
12 occurring within the scope of the person's employment;
13 defining the terms "developmental disability" and
14 "supported employment service provider"; providing for
15 application of the act; providing an effective date.

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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 supported employment service
28 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 supported employment service provider that provides
33 or has provided supported employment services to a person with a
34 developmental disability is not liable for the actions or
35 conduct of the person which occur within the scope of the
36 person's employment.

37 (3) As used in this section, the term:

38 (a) "Developmental disability" has the same meaning as
39 provided in s. 393.063.

40 (b) "Supported employment service provider" means a not-
41 for-profit public or private organization or agency that
42 provides services for persons in supported employment, as
43 defined in s. 393.063.

44 Section 2. This act shall take effect July 1, 2011, and
45 applies to causes of action occurring on or after that date.