

FLORIDA DEPARTMENT OF EDUCATION



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July 22, 2011

MEMORANDUM

TO: Exceptional Student Education Directors
Student Services Directors

FROM: Dr. Michael Grego *MD*

SUBJECT: SENATE BILL 926 – POSTSECONDARY EDUCATION

On June 27, 2011, Governor Rick Scott signed Senate Bill 926 into law effective July 1, 2011. The bill creates section 768.0895, Florida Statutes (F.S.), which limits the liability of employers of individuals with developmental disabilities as well as supported employment service providers. This legislation impacts Florida's school districts providing supported employment to students with developmental disabilities.

The statute reads as follows:

Section 1. Section 768.0895, Florida Statutes

768.0895 Limitation of liability for employers of persons with disabilities.—

- (1) An employer who employs a person with a developmental disability is not liable for the acts or omissions, negligent or intentional, of the employee if:
- (a) The employee receives or has received supported employment services through a supported employment service provider; and
 - (b) The employer does not have actual notice of the actions of the employee which created unsafe conditions in the workplace.
- (2) A supported employment service provider that provides or has provided supported employment services to a person with a developmental disability is not liable for the actions or conduct of the person which occur within the scope of the person's employment.
- (3) As used in this section, the term:
- (a) "Developmental disability" has the same meaning as provided in s. 393.063.
 - (b) "Supported employment service provider" means a not for-profit public or private organization or agency that provides services for persons in supported employment, as defined in s. 393.063.

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

DR. MICHAEL GREGO
CHANCELLOR OF PUBLIC SCHOOLS

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Should you have questions or desire additional information, please contact Ms. Sheila Gritz, Program Specialist, Florida Department of Education, at sheila.gritz@fldoe.org or (850) 245-0478.

BJL/sdg

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