

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/CS/HB 647 — Protection of Volunteers

by Judiciary Committee; Civil Justice Subcommittee; and Rep. McBurney and others (CS/CS/SB 930 by Children, Families, and Elder Affairs Committee; Judiciary Committee; and Senators Lynn, Rich, and Sobel)

The “Florida Volunteer Protection Act” (Act), codified in s. 768.1355, F.S., provides that any person who volunteers to perform any service for any nonprofit organization, without compensation, shall be considered an agent of such nonprofit organization when acting within the scope of any official duties performed under the volunteer services. Such person may not incur civil liability for any act or omission by the person which results in personal injury or property damage under specified circumstances.

The bill amends the Act to specify that, as long as a volunteer is not being compensated by the nonprofit organization for which he or she is volunteering, liability for the volunteer’s acts still may be shifted to the nonprofit organization, provided the other criteria of the Act are satisfied. In addition, if the volunteer is being compensated by another source and is not acting as an agent of the source of compensation, neither the volunteer nor the source of the compensation may incur any liability for the volunteer’s acts or omissions if the other criteria of the Act are also met.

Specifically, under the bill, any person who volunteers for any nonprofit organization, including an officer or director of such organization, without compensation *from the nonprofit organization, regardless of whether the person is receiving compensation from another source*, except reimbursement for actual expenses, shall be considered an agent of such nonprofit organization when acting within the scope of any official duties performed under such volunteer services.

The bill also provides that the volunteer and *the source that provides compensation, if the volunteer is not acting as an agent of the source*, may not incur any civil liability for any act or omission by the volunteer which results in personal injury or property damage if other specified criteria in the Act are also met.

If approved by the Governor, these provisions take effect July 1, 2011, and apply to causes of action accruing on or after that date.

Vote: Senate 38-0; House 113-0