

HB 647

2011

1 A bill to be entitled
 2 An act relating to the protection of volunteers; amending
 3 s. 768.1355, F.S.; clarifying that in order to fall under
 4 the protection of the Florida Volunteer Protection Act, a
 5 person performing a service for a nonprofit organization
 6 may not receive compensation from the nonprofit
 7 organization for that service, regardless of whether the
 8 person is receiving compensation from another source;
 9 providing immunity for the source of any other such
 10 compensation; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (1) of section 768.1355, Florida
 15 Statutes, is amended to read:

16 768.1355 Florida Volunteer Protection Act.—

17 (1) Any person who volunteers to perform any service for
 18 any nonprofit organization, including an officer or director of
 19 such organization, without compensation from the nonprofit
 20 organization, regardless of whether the person is receiving
 21 compensation from another source, except reimbursement for
 22 actual expenses, shall be considered an agent of such nonprofit
 23 organization when acting within the scope of any official duties
 24 performed under such volunteer services. Such person, and the
 25 source of any such compensation, shall incur no civil liability
 26 for any act or omission by such person which results in personal
 27 injury or property damage if:

28 (a) Such person was acting in good faith within the scope

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29 | of any official duties performed under such volunteer service
30 | and such person was acting as an ordinary reasonably prudent
31 | person would have acted under the same or similar circumstances;
32 | and

33 | (b) The injury or damage was not caused by any wanton or
34 | willful misconduct on the part of such person in the performance
35 | of such duties.

36 | 1. For purposes of this act, the term "nonprofit
37 | organization" means any organization which is exempt from
38 | taxation pursuant to 26 U.S.C. s. 501, or any federal, state, or
39 | local governmental entity.

40 | 2. For purposes of this act, the term "compensation" does
41 | not include a stipend as provided by the Domestic Service
42 | Volunteer Act of 1973, as amended (Pub. L. No. 93-113), or other
43 | financial assistance, valued at less than two-thirds of the
44 | federal hourly minimum wage standard, paid to a person who would
45 | otherwise be financially unable to provide the volunteer
46 | service.

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