

By Senator Lynn

7-00975A-11

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1                   A bill to be entitled  
2           An act relating to the protection of volunteers;  
3           amending s. 768.1355, F.S.; clarifying that in order  
4           to fall under the protection of the Florida Volunteer  
5           Protection Act, a person performing a service for a  
6           nonprofit organization may not receive compensation  
7           from the nonprofit organization for that service,  
8           regardless of whether the person is receiving  
9           compensation from another source; providing an  
10          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 that provides compensation, shall incur no civil  
26 liability for any act or omission by such person which results  
27 in personal injury or property damage if:

28           (a) Such person was acting in good faith within the scope  
29 of any official duties performed under such volunteer service

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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.