

By the Committee on Judiciary; and Senators Lynn and Rich

590-02467-11

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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 exception; 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 that provides compensation, if the volunteer is not
26 acting as an agent of the source, shall incur no civil liability
27 for any act or omission by such person which results in personal
28 injury or property damage if:

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

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

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

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

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

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