

By the Committees on Children, Families, and Elder Affairs; and
Judiciary; and Senators Lynn and Rich

586-02858-11

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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 for application of the act;
11 providing an effective date.

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

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

17 768.1355 Florida Volunteer Protection Act.—

18 (1) Any person who volunteers to perform any service for
19 any nonprofit organization, including an officer or director of
20 such organization, without compensation from the nonprofit
21 organization, regardless of whether the person is receiving
22 compensation from another source, except reimbursement for
23 actual expenses, shall be considered an agent of such nonprofit
24 organization when acting within the scope of any official duties
25 performed under such volunteer services. Such person, and the
26 source that provides compensation, if the volunteer is not
27 acting as an agent of the source, shall incur no civil liability
28 for any act or omission by such person which results in personal
29 injury or property damage if:

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30 (a) Such person was acting in good faith within the scope
31 of any official duties performed under such volunteer service
32 and such person was acting as an ordinary reasonably prudent
33 person would have acted under the same or similar circumstances;
34 and

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

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

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

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