

Legal Aspects Relating to Volunteers in Florida¹

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This is one publication in the series The Cooperative Extension Volunteer Teacher. This volunteer teacher series addresses the need for guidelines to assist Extension county faculty in the important task of preparing the volunteer to teach.

Florida Statutes

The statutes of Florida are very specific concerning the utilization of volunteers in state agencies. The following is excerpted from Title 10, Chapter 110. 2004 Statutes and Constitution.

Volunteers and State Agencies

110.501 Definitions -- As used in this act:

1. "Volunteer" means any person who, of his or her own free will, provides goods or services, or conveys an interest in or otherwise consents to the use of real property pursuant to ss. -260.018, to any state department or agency, or nonprofit organization, with no monetary or material compensation. A person registered and serving in Older American volunteer Programs authorized by the Domestic volunteer service Act of 1973, as amended (Pub. L. No. 93-113), shall also be defined as a volunteer and shall incur no civil liability as provided by s. 768.1355. A volunteer

shall be eligible for payment of volunteer benefits as specified in Pub. L. No. 93-113, this section, and s. 430.204.

2. "Regular-service volunteer" means any person engaged in specific voluntary service activities on an ongoing or continuous basis.
3. "Occasional-service volunteer" means any person who offers to provide a one-time or occasional voluntary service.
4. "Material donor" means any person who provides funds, materials, employment, or opportunities for clients of state departments or agencies, without monetary or material compensation.

110.502 Scope of act; status of volunteers:

1. Every state department or state agency, through the head of the department or agency, secretary of the department, or executive director of the department, is authorized to recruit, train, or accept, without regard to requirements of the State Career Service System as set forth in part ii of this chapter, the services of volunteers, including regular-service volunteers, occasional-service volunteers, or material

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- donors, to assist in programs administered by the department or agency.
2. Volunteers, recruited, trained or accepted by any state department or agency shall not be subject to any provisions of law relating to state employment, to any collective bargaining agreement between the state and any employees' association or union, or to any laws relating to hours of work, rates of compensation, leave time, and employee benefits, except those consistent with s.110.504. However, all volunteers shall comply with applicable department or agency rules.
 3. Every department or agency utilizing the services of volunteers is hereby authorized to provide such incidental reimbursement consistent with the provisions of s.110.504, including transportation costs, lodging, and subsistence, as the department or agency deems necessary to assist volunteers in performing their functions. No department or agency shall expend or authorize an expenditure therefore in excess of the amount provided to the department or agency by appropriation in any fiscal year.
 4. Persons working with state agencies pursuant to this part shall be considered as unpaid independent volunteers and shall not be entitled to unemployment compensation.

110.503 Responsibilities of department and agencies:

Each department or agency utilizing the services of volunteers shall:

1. Take such actions as are necessary and appropriate to develop meaningful opportunities for volunteers involved in state-administered programs.
2. Comply with the uniform rules adopted by the Department of Management Services governing the recruitment, screening, training, responsibility, use, and supervision of volunteers.
3. Take such actions as are necessary to ensure that volunteers understand their duties and responsibilities.

4. Take such actions as are necessary and appropriate to ensure a receptive climate for citizen volunteers.
5. Provide for the recognition of volunteers who have offered continuous and outstanding service to state-administered programs. Each department or agency using the services of volunteers is authorized to incur expenditures not to exceed \$100 each plus applicable taxes for suitable framed certificates, plaques, or other tokens of recognition to honor, reward, or encourage volunteers for their service.
6. Recognize prior volunteer service as partial fulfillment of state employment requirements for training and experience pursuant to rules adopted by the Department of Management Services.

110.504 Volunteer benefits:

1. Meals may be furnished without charge to regular-service volunteers serving state departments, provided the scheduled assignment extends over an established meal period, and to occasional-service volunteers at the discretion of the department head. No department shall expend or authorize any expenditure in excess of the amount provided for by appropriation in any fiscal year.
2. Lodging, if available, may be furnished temporarily, in case of a department emergency, at no charge to regular-service volunteers.
3. Transportation reimbursement may be furnished those volunteers whose presence is determined to be necessary to the department. Volunteers may utilize state vehicles in the performance of department-related duties. No department shall expend or authorize an expenditure in excess of the amount appropriated in any fiscal year.
4. Volunteers shall be covered by state liability protection in accordance with the definition of a volunteer and the provisions of s.
5. Volunteers shall be covered by workers' compensation in accordance with chapter 440.

6. Incidental recognition benefits or incidental nonmonetary awards may be furnished to volunteers serving in state departments to award, recognize, or encourage volunteers for their service. The awards may not cost in excess of \$100 each plus applicable taxes.
7. Volunteers, including volunteers receiving a stipend as provided by the Domestic Service Volunteer Act of 1973, as amended (Pub. L. No. 93-113), shall be covered by s., the Florida Volunteer Protection Act.

Volunteers and County Government

125.9501 Definitions--as used in this act:

1. "Volunteer" means a person who, of his or her own free will, provides goods or services to any unit of county government or to any constitutional county officer without receiving monetary or material compensation.
2. "Regular-service volunteer" means a person engaged in specific voluntary service activities on an ongoing or continual basis.
3. "Occasional-service volunteer" means a person who offers to provide a one-time or occasional voluntary service.
4. "Material donor" means a person who provides funds, materials, employment, or opportunities for clients of county government without receiving monetary or material compensation.

125.9502 Scope of act; status of volunteers:

1. Each unit of county government and each constitutional county officer may recruit and accept, without regard to requirements of any civil service system, the services of volunteers, including regular-service volunteers, occasional-service volunteers, or material donors, to assist in programs administered by that unit of county government or constitutional county officer.
2. Volunteers who are recruited, trained, or accepted by a unit of county government or constitutional county officer are not subject to any provisions of state law relating to public

employment, to any collective bargaining agreement between the unit of county government or constitutional county officer and an employees' association or union or to any laws relating to hours of work, rates of compensation, leave time, or employee benefits, except as provided under s. However, all volunteers must comply with applicable rules of the unit of county government or county constitutional officer.

3. Each unit of county government or county constitutional officer who uses the services of volunteers may provide such incidental reimbursement generally consistent with the provisions of s. , including, but not limited to, transportation costs, lodging, and subsistence, as the unit of county government or constitutional county officer deems necessary to assist volunteers in performing their functions.
4. Persons working with a unit of county government or a constitutional county officer pursuant to ss. -125.9506 are considered unpaid independent volunteers and are not entitled to unemployment compensation.

125.9503 Responsibilities of units of county government and constitutional county officers:

Each unit of county government and each constitutional county officer who uses the services of volunteers must:

1. Take such actions as are necessary and appropriate to develop meaningful opportunities for volunteers involved in locally administered programs.
2. Adopt rules governing the recruitment, screening, training, responsibility, use, and supervision of volunteers.
3. Take such actions as are necessary to ensure that volunteers understand their duties and responsibilities.
4. Take such actions as are necessary and appropriate to ensure a receptive climate for volunteers.

5. Provide for the recognition of volunteers who have offered continuous and outstanding service to administered programs.

125.9504 Volunteer benefits:

1. Meals may be furnished without charge to a regular-service volunteer serving a unit of county government or constitutional county officer if the volunteer's scheduled service extends over an established meal period, and to an occasional-service volunteer at the discretion of the head of the unit of county government or constitutional county officer.
2. Lodging, if available, may be furnished temporarily, in case of an emergency, at no charge to a regular-service volunteer.
3. Transportation reimbursement may be furnished to a volunteer whose presence is determined to be necessary by the unit of county government or constitutional county officer. Volunteers may use county vehicles in the performance of their county duties.
4. Volunteers are covered by workers' compensation in accordance with chapter 440, and ss. -125.9506 do not limit any workers' compensation rights or benefits.
5. Volunteers may be furnished such other benefits, subsistence, or reimbursement of expenses as the unit of county government or constitutional county officer considers appropriate and necessary to further ss. -125.9506.

Department and Agency required information:

It is recommended that every agency that utilizes volunteers prepare an annual report that includes:

- a. Information relating to the number, location, and duties of all volunteers, including regular-service volunteers, occasional-service volunteers, and material donors.
- b. Information relating to the total number of annual hours of service provided to the department or agency by all volunteers,

including regular-service volunteers, occasional-service volunteers, and material donors.

References

Public Officers, Employees and Records State Employment. Title 10, Chapter 110.501-504. *The 2004 Florida Statutes.*

Country Organization and Intergovernmental Relations. Title 11, Chapter 125.9501-9504. *The 2004 Florida Statutes.*