



THE TREASURER OF THE STATE OF FLORIDA  
DEPARTMENT OF INSURANCE

Bill Nelson

March 23, 2000

**TO:** Workers' Compensation Claim Coordinators, Personnel Officers, and Safety Coordinators

**FROM:** Larry Sharp

**SUBJECT:** Important Workers' Compensation Information

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- **Thank you for your hard work.**

With the start of 2000, the staff of Risk Management would like to say "thank you" to all agency personnel who are involved with providing workers' compensation benefits to injured state employees. You provide a vital and essential service and we could not do our job without your help.

- **Notice of Change in Procedure for filing First Reports of Injury**

Effective April 1, 2000, reporting of First Reports of Injury by all State Agencies will be made directly to Humana. Department of Transportation tested this procedure in a pilot project with Humana. Department of Corrections began this same procedure on March 1, 2000. The new procedure has proved effective according to the statistical data provided by Humana.

Humana will distribute the announcement package for this new procedure to all State Agencies, with the exception of Department of Transportation and Department of Corrections, on March 13, 2000. Under the new reporting procedure, Humana will be responsible for producing the First Report of Injury and providing a copy to Risk Management, the employee, and the reporting agency. The details of the procedure will be provided in the Humana announcement.

TREASURER • INSURANCE COMMISSIONER • FIRE MARSHAL

LARRY SHARP • BUREAU CHIEF • DIVISION OF RISK MANAGEMENT, BUREAU OF STATE EMPLOYEES' WC CLAIMS  
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Affirmative Action / Equal Opportunity Employer

- **Mentor and Community Volunteer Programs**

**ISSUE OF WORKERS' COMPENSATION COVERAGE:**

State employees are not eligible for workers' compensation benefits from the State if injured while performing mentor/volunteer services or while traveling to and from. The employees are considered to be volunteers or employees for the school districts, etc., for whom they are providing services. Employees should be cautioned regarding volunteer work for those organizations that are not a county, municipality, or other governmental entity.

**REASONS FOR NON-COVERAGE:**

Florida Statute 440.09(1) states: "The employer shall pay compensation or furnish benefits required by this chapter if the employee suffers an accidental injury or death arising out of work performed in the course and the scope of employment." The fact the employing agency grants administrative leave to an employee for the purpose of participating in a Mentor or Community Volunteer Program does not automatically lead to the conclusion that the employee/mentor is in the course and scope of State employment.

Definition under F.S. 440.02 says a volunteer is not an employee, except a volunteer worker for the state or a county, municipality, or other governmental entity. The State of Florida does provide workers' compensation coverage for volunteers who provide services to our state agencies. Volunteers who work for a county, municipality, or other governmental entity are covered by statute through the entity for which the volunteer performs the service. **(Warning: Those employees volunteering for organizations other than state, county, municipality, or other governmental entity, are by statute not covered for workers' compensation benefits per F.S. 440.02.)**

Florida Statute 440.092 covers "Special Requirements for Compensability". F.S. 440.092(2) reads: "An injury suffered while going to or coming from work is not an injury arising out of and in the course of employment . . ." The State is providing administrative leave only for the actual time spent mentoring, and not for travel time back and forth to work for which it expects employees to use their own time. Therefore, travel to and from the place of mentoring/volunteering, is not covered as well.

Finally, legislative intent not to provide workers' compensation coverage for activities that are not expressly required by the employer nor produce a substantial direct benefit to the employer, can be found in F.S. 440.092(1). While employees' participation in mentoring and/or community volunteer programs is encouraged by the State, the employer does not require such activity, nor does it receive a substantial direct benefit from the activity.