



# Policy

2010.12.09.I.1

<b>Title:</b>	CareerSource Florida Conflict of Interest Contract Policy Clarification
<b>Program:</b>	Legal
<b>Adopted:</b>	12/9/2010
<b>Effective:</b>	12/9/2010

## I. STATEMENT OF POLICY

The CareerSource Florida (CSF) Contracting Policy needs to be interpreted consistently with the Public Law 105-220, the federal Workforce Investment Act (WIA) of 1998's conflict of interest provisions (subsections 111(f) and 117(g), WIA) and related regulations. This policy clarifies that both the CSF Contracting Policy and the WIA "conflict of interest" provisions apply to regional workforce boards' WIA-funded contracts for the provision of services.

## II. PURPOSE AND SCOPE

The purpose of the policy is to clarify the relationship between the conflict of interest provisions and related regulations, applying to subsection 445.007(11), Florida Statutes and the comparable sections of WIA (subsection 117(g)) and the Code of Federal Regulations applicable thereto. The scope of the policy is the mutual application of the CSF Contracting Policy and WIA's conflict of interest policy subsection 117(g), WIA to any conflict-of-interest contracts.

## III. INTRODUCTION

While an agency, (as defined in s. 112.312(2), Florida Statutes), is exempt from the CSF Contracting Policy, an agency is not exempt from the WIA conflict of interest provisions and the Code of Federal Regulations (CFR) fiscal and administrative requirements. When an agency is represented by a member of any board and the board is approving a contract for that agency providing services, the member of the local board who represents the agency should (under

Florida law) disclose the conflict and must (under the CFR fiscal and administrative rules and WIA law) not participate in any decision-making capacity and must not vote on the matter.

In a WIA conflict of interest situation, when the contract for services is with an agency, (as defined in s. 112.312(2), Florida Statutes) represented by a board member, the board may approve the contract by a simple majority of those members present (subject to local quorum requirements and other local board requirements, if any), provided the member with the conflict of interest does not vote. Typically, under these circumstances, the two-thirds vote required in the CSF Contracting Policy is not applicable.

#### **IV. OBJECTIVES**

The policy provides consistency in interpretation and application of the CSF Contracting Policy and the WIA conflict of interest provisions as applied to WIA funding.

#### **V. HISTORY (if applicable)**

<b>Date</b>	<b>Description</b>

#### **VI. AUTHORITY**

Proviso language of Specific Appropriation 2214 (2010); Subsection 445.007(11), Florida Statutes; Section 117(g), (WIA); 20 CFR § 667.200(a)(4); 29 CFR 95.42 or 29 CFR 97.36(b)(3); Subsection 112.312(2), Florida Statutes

#### **VII. ATTACHMENTS**

No attachments.