



**Date Issued:** November 16, 2018

**Subject:** Conflict Of Interest Policy

**Expiration:** Until Rescinded or Superseded

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In accordance with Florida Statutes Section 112, Code of Ethics for Public Officers and Employees, legislative intent and declaration of policy, it is essential to the proper conduct and operation of government that public officers be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

An excerpt from the Florida Statutes

**112.3143 Voting conflicts.--**

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by

which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum. (Sample Disclosure Forms A and B are attached.)

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the

*An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

number and nature of the memoranda of conflict previously filed under this section by said officer.

### **Excerpt from Bylaws**

#### **Section 406. Conflict of Interest**

No member shall cast a vote, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents) or on any matter that would provide any direct financial benefit to that board member. Any potential conflict, whether real or perceived, must be disclosed and requires that the board member not discuss, deliberate, or in any other way attempt to persuade the issue for which a conflict of interest has been declared. A conflict of interest is present if the individual board member, any member of the individual's immediate family, the individual's business partner, or any organization which employs, or is about to employ, any of these individuals has a financial or other interest in the firm or organization selected for a financial award by the board.

The Corporation shall not, either directly or indirectly purchase, rent, or lease any realty, goods or services from any business entity of which any member, the member's spouse or child is an officer, partner, director, or proprietor or in which they have any material interest.

At the Board's discretion the following may be exempted from the above paragraph, in accordance with Section 112.313(12) Florida Statutes if:

A contract with an agency (as defined in s. 112.312(2), including, but not limited to, those statutorily required to be board members) when said agency is represented by a board member and said member does not personally benefit financially from such contracts;

- The business with the member is transacted under a rotational system whereby the business transactions are rotated among all qualified suppliers of the goods and services within the LWDA 11 service delivery area;
- The business is awarded under a system of sealed competitive bidding to the bidder that is most responsive to the needs outlined in the request;
- The member, the member's spouse or child, has in no way participated in the determination of the bid specifications or the determination of the bidder;
- The member, the member's spouse or child, has in no way used or attempted to use their influence to persuade CareerSource Flagler Volusia or any personnel thereof to enter into such a contract other than by the mere submission of the

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bid;

- When the Corporation enters into a contract with an organization or an individual represented on the Board of Directors, the contract must be approved by a two-thirds vote of the of the Board of Directors, a quorum having been established.
- A contract under \$25,000 between the corporation and a member of the Board of Directors or between a relative, as defined in s. 12.3143(1)(b), of a member or of an employee of the Board of Directors is not required to have the prior approval of CareerSource Florida Inc., but must be approved by a two-thirds vote of the Board of Directors, a quorum having been established.
- If a contract cannot be approved by CareerSource Florida Inc., a review of the decision to disapprove the contract may be requested by the Corporation or other parties to the disapproved contract.
- Any other exemption created under Section 112.313(12) Florida Statutes or any other applicable Florida or United States statutes applies.



CareerSource Flagler Volusia  
**CONFLICT OF INTEREST CERTIFICATION**

As set forth in Section 112, Florida Statutes, members of the Workforce Development Board of Flagler and Volusia Counties, Inc. dba CareerSource Flagler Volusia Board of Directors may not vote on any matter, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or accept any obligation of any kind which is in conflict with the proper conduct of their duties in the public interest.

Therefore, I hereby certify that I have no present conflict of interest and that I will recuse myself from any capacity of decision making, approval, disapproval, or recommendation of any consultant/contractor for selection on any contract or management of any contract if I have a conflict of interest or a potential conflict of interest.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date