

## **CERTIFICATION REGARDING LOBBYING FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all\* subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all\* subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\*Note: In these instances, "All," in the Final Rule is expected to be clarified to show that it applies to covered contract/grant transactions over \$100,000 (per OMB).

## **CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS**

1. The service provider certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and,
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall submit an explanation to SFW.

**SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a),  
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to The South Florida Workforce:  
by \_\_\_\_\_ (print individual's name and title)  
for \_\_\_\_\_ (print name of swearing entity)  
whose business address is \_\_\_\_\_  
and (if applicable) its Federal Employer Identification Number (FEIN) is \_\_\_\_\_.  
(if the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:)
2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b) Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a) Florida Statutes, means:
  - a. A predecessor or successor of a person convicted of a public entity crime; or,
  - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies).  
  
\_\_\_\_\_Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor the affiliate of the entity has been charged with and convicted of a public entity crime within the past 36 months.  
  
\_\_\_\_\_The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with an convicted of a public entity crime within the past 36 months AND (Please indicate which additional statement applies)  
  
\_\_\_\_\_The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with an convicted of a public entity crime within the past 36 months. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

**I understand that the submission of this form to the contracting officer for the public entity identified in paragraph 1 (one) above is for that public entity only and, that this form is valid through the life of the contract. I also understand that i am required to inform the public entity prior to entering into a contract in excess of the threshold amount provided in section 287.017, Florida statutes for category two of any change in the information contained in this form.**

## FLORIDA CLEAN INDOOR AIR ACT

The purpose of the Florida Clean Indoor Air Act is to protect the public health, comfort, and environment by creating areas in public places and at public meetings that are reasonably free from tobacco smoke by providing a uniform statewide maximum code. The law cannot be interpreted to require the designation of smoking areas. However, it is the intent of the Legislature to discourage the designation of any area within a government building as a smoking area. **The Florida Clean Indoor Air Act provides the following:**

### A. Smoking Area MAY NOT Be Designated In (S.386.205(2)(a), F.S.):

- Elevators
- School Buses
- Public Means of Mass Transportation
- Common Areas of Retirement Homes and Condominiums
- Restrooms
- Hospitals
- Doctor's or Dentist's Waiting Rooms
- Jury Deliberation and Waiting Rooms
- County Health Departments
- Day Care Centers
- Schools or other Educational Facilities (Public or Private)
- Common areas of public places. These are defined as any hallway, corridor, lobby, aisle, water fountain area, restroom, stairwell, entryway, or conference room in any public place.

Smoking is not permitted in common areas of any public place, (s. 386.203(6), F.S.). Smoking areas may be designated in the following public places, however, no more than one-half of the total square footage of a single enclosed indoor area can be designated as a smoking area.

- Libraries
- Museums
- Theaters
- Indoor Auditoriums
- Indoor Arenas
- Indoor Recreational facilities
- Grocery Stores
- Retail Stores
- Nursing Homes
- Court Rooms
- Places of Employment
- Government Buildings - (any building or portion of any building owned by or leased to the state or any political subdivision thereof and used for governmental purposes)

### B. Key Points of the law:

- A person may not smoke at a public meeting except in designated smoking areas.
- A restaurant that seats more than 50 persons must ensure that at least 50 percent of its dining area is reserved nonsmoking (s.386.205(4), F.S.). Effective October 1, 2001 all restaurants must ensure that 65 percent of its dining area is reserved nonsmoking. Restaurant owners may choose to be smoke-free.
- Terminals of public transportation carriers located in standard metropolitan statistical areas with populations over 230,000 are required to announce over public address systems every 30 minutes, in appropriate languages, that Florida is a clean indoor air state and that smoking is allowed only in designated areas, (s. 366.211, F.S.)
- Smoking is prohibited for any person under 18 years of age in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school. (s.386.212, F.S.)
- A patient's room in a hospital, nursing home, or other health care facility may be designated as a smoking area only if such designation is ordered by the attending physician and agreed to by all patients assigned to that room. No more than one-half of the rooms in any health care facility may be designated as smoking areas (s. 386.205 (2)(a)(b), F.S. ).
- Posting of signs (s. 386.206, F.S.) The person in charge of a public place shall conspicuously post, or cause to be posted, in any area designated as a smoking area signs stating that smoking is permitted in such area.
- In a workplace: (s.386.205(3)(4), F.S.) Employers shall develop, implement, and post a smoking policy taking into consideration existing physical barriers and ventilation systems. Employers may choose to make the workplace smoke free.

If smoking is permitted, no more than one-half of the total square footage in any public place within a single enclosed indoor area used for a common purpose shall be designated for smoking.

An entire common work area may be designated as a smoking area if all workers routinely assigned to work in that area at the same time agree.

- A smoking area may not contain common areas which are expected to be used by the public. (s.386.205(5), F.S.)

### Administration and Enforcement:

- The Department of Health (DOH) shall enforce the designation of smoking areas and the posting of signs. For information regarding the law or to report non-compliance, contact the Department of Health, (DOH) Bureau of Facility Programs at 1-800-337-3742. When filing a complaint, DOH must have the following information: business or facility name, name of person in charge, street address, city, and specific information concerning exact violations of the law (s.386.207, F.S)
- Any person who violates (s.386.204, F.S.), commits a non-criminal violation as provided in (s. 775.08(3), F.S.), punishable by a fine of not more than 4100 for the first violation and not more than 4500 for each subsequent violation. Jurisdiction shall be with the appropriate county court.
- To report non-compliance of the Florida Clean Indoor Air Act in restaurants contact the Department of Business and Professional Regulation, Division of Hotels and Restaurants at 850-488-9263.

## CERTIFICATION REGARDING A DRUG-FREE WORKPLACE

We, \_\_\_\_\_, authorized representatives of the contractor organization, do hereby make the following certification with respect to the execution of responsibilities assigned to **South Florida Workforce**, by the State Welfare Transition Program, and the Drug-Free Workplace Act of 1988. The contractor organization will:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the contractor organization's workplace and specifying actions that will be taken against employees for violation of such prohibition:
2. Publish a drug-free awareness program to inform employees regarding
  - a. The dangers of drug abuse in the workplace;
  - b. The Contractor organization's policy of maintaining a drug-free workplace;
  - c. Any available drug counseling rehabilitation, and employee assistance programs; and,
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Make it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by paragraph (1) of this certification.
4. Notify the employees in the statement required by paragraph (1) of this certification that, as a condition of employment under the grant, the employee will
  - a. Abide by the terms of the statement; and,
  - b. Notify the Contractor organization of any criminal drug statute conviction, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Notify the **South Florida Workforce** within ten (10) days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction;
6. Take one of the following actions within thirty (30) days of receiving notice under the subparagraph (4)(b) with respect to any employee who is so convicted:
  - a. Take appropriate personnel action against such an employee, up to and including termination; or,
  - b. Require such employee to participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, local health, law enforcement, or other appropriate agency; and
7. Making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).

## SIGNATURES AND NOTARIZATION FOR ASSURANCES & CERTIFICATIONS

The contracting organization, represented by the authorized signatures below, certifies that it will comply with all of the provisions and requirements listed below, as detailed in Attachment C.

1. Certification Regarding Lobbying For Contracts, Grants, Loans, And Cooperative Agreements (Attachment C; Page 1);
2. Certification Regarding Debarment, Suspension, And Other Responsibility Matters Primary Covered Transactions (Attachment C; Page 1);
3. Sworn Statement Pursuant To Section 287.133 (3) (A), Florida Statutes, On Public Entity Crimes (Attachment C; Pages 2)
4. Sworn Statement Pursuant To Section 287.133 (3) (A), Florida Statutes, On Public Entity Crimes (Attachment C; Pages 3)
5. Certification Regarding A Drug-Free Workplace (Attachment C; Page 4)

\_\_\_\_\_  
Contractor Organization

\_\_\_\_\_  
Name of Certifying Representative

\_\_\_\_\_  
Title of Certifying Representative

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

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**NOTARIZATION**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Personally appeared before me, \_\_\_\_\_ Notary Public, the undersigned authority, who, after first being sworn by me, affixed his/her signature in the space provided above on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ . My commission expires \_\_\_\_\_.