

**FLORIDA KEYS MOSQUITO CONTROL DISTRICT**

**RFP 2024-06**

**AUDITOR**

**Submissions must be in an envelope separate from any express mail or courier envelopes, as those will be opened and discarded.**

**Be sure to include the name of the company submitting the proposal where requested.**

**Cut along the outer border and affix this label to your sealed envelope to identify it as a "Sealed Proposal".**

**SEALED PROPOSAL •  
DO NOT OPEN**

SOLICITATION NO: **RFP 2024-06**

SOLICITATION TITLE:

**AUDITOR**

SUBMISSION DUE DATE/TIME:

Wednesday, August 7<sup>th</sup>, 2024

4:00 PM

SUBMITTED BY:

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**(Name of Company)**

DELIVER TO:

Florida Keys Mosquito Control District

503 107<sup>th</sup> Street, Gulf

Marathon, FL 33050

**RFP 2024-06**

**FLORIDA KEYS MOSQUITO CONTROL DISTRICT**

**REQUEST FOR PROPOSALS**

Notice is hereby given that the Board of Commissioners for the Florida Keys Mosquito Control District, at 503 107<sup>th</sup> Street, Gulf, Marathon, FL 33050, will receive SEALED PROPOSALS for the following:

**AUDITOR**

INTERESTED PERSONS may obtain specifications by calling the Florida Keys Mosquito Control District Office at (305) 292-7190, email requests to [rlmiller@keysmosquito.org](mailto:rlmiller@keysmosquito.org) or by download from the District website: [www.keysmosquito.org](http://www.keysmosquito.org).

SEALED PROPOSALS WILL BE RECEIVED up to 4:00 PM on Wednesday, August 7<sup>th</sup>, 2024 and OPENED on Thursday, August 8<sup>th</sup>, 2024 at 10:00 AM at the Marathon Mosquito Control Office, 503 107<sup>th</sup> Street, Gulf, Marathon, FL 33050. Recommendations will be given to the Board of Commissioners at the Regular Meeting to be held on Tuesday, August 20<sup>th</sup>, 2024, at the Marathon Mosquito Control Office, 503 107<sup>th</sup> Street, Gulf, Marathon, FL 33050. Proposals must be clearly marked on the face of the envelope "AUDITOR." All Bidders are welcome to be present for the opening and/or the award of the bids.

THE BOARD reserves the right to reject any and all proposals and/or to waive any and all irregularities in all proposals.

BY ORDER of the Board of Commissioners, Florida Keys Mosquito Control District.

Phillip L. Goodman  
Chairman

ATTEST:

Bette Brown  
Secretary/Treasurer



Publish July 6, 2024.

**An RFP is preferred over an ITB in this particular case** as we wish to evaluate the best overall candidate with comparable governmental experience that meets or exceeds all requirements in a cost effective manner.

## **I. INTRODUCTION**

The Florida Keys Mosquito Control District (“FKMCD” or “District”) invites qualified audit firms to submit proposals and/or indicate their interest to provide independent audit services to the District, as more fully set forth in Section III below. The purpose of the audit is to express an opinion as to whether the District’s financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles; and to submit a management letter advising of the opportunities observed during the audit for economies and efficiencies in operations and improvements in the internal control structure, and compliance with laws, regulations and the provisions of contracts or agreements. The audit is to be conducted in accordance with generally accepted auditing standards; the standards for financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States; and the Florida Rules of the Auditor General; and will include tests of accounting records, and determination of major programs; and other procedures necessary to enable the expression of an opinion.

## **II. RESPONSE PROCEDURES**

### **A. Submittal Instructions**

Audit firms responding to the Request for Proposals (“RFP”) must submit one (1) original and four (4) complete sealed copies.

Responses will be received until 4:00 pm on Wednesday, August 7<sup>th</sup>, 2024. Any responses received after the stated time and date will not be considered and will be returned unopened.

Responses are to be sealed and delivered to:

Florida Keys Mosquito Control District  
503 107<sup>th</sup> Street Gulf  
Marathon, FL 33050

Responses must be clearly marked on the face of the envelope “AUDITOR.”

### **B. Response Format**

The response must address the issues identified in Attachment A.

### **Questions and Additional Information**

All questions pertaining to the bid process or requirements must be addressed in writing to Rochele Miller, Purchasing Agent, and e-mailed to [rlmiller@keysmosquito.org](mailto:rlmiller@keysmosquito.org).

### **C. Receipt and Opening of Responses**

The Selection Committee, comprised of FKMCD personnel, will open the responses publicly on Thursday, August 8<sup>th</sup>, 2024 at 10:00 AM at the Marathon Mosquito Control Office, 503 107<sup>th</sup> Street, Gulf, Marathon, FL 33050. Recommendations will be given to the Board of Commissioners at the Regular Meeting to be held on Tuesday, August 20<sup>th</sup>, 2024, at the Marathon Mosquito Control Office, 503 107<sup>th</sup> Street, Gulf, Marathon, FL 33050.

## **III. GENERAL INFORMATION**

The Florida Keys Mosquito Control District is an independent special taxing district established by Monroe County, Florida referendum on November 7<sup>th</sup>, 1950. It was created by special act of the Florida Legislature and is governed by a five member Board of Commissioners.

The District is a unit of local government engaged solely in mosquito control in the Florida Keys. The District's stated business is defined in Florida Statute 388.0101 as ". . . maintain such levels of arthropod control as will protect human health and safety and foster the quality of life of the people, promote the economic development of the state, and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods." The District's operations are conducted in the Florida Keys and not in the mainland portion of Monroe County.

The total assets of the District as of September 30, 2023 were approximately \$7,000,000 and consist almost entirely of cash and investments. In accordance with the District's investment policy, the District invests funds to yield the highest returns within investment guidelines adopted by the District consistent with the guidelines established by Florida Statutes.

Section 218.391, Florida Statutes, requires each local governmental entity, which includes the District, to publicly announce requests for proposals for independent audit services; provide interested firms with a copy of the RFP; evaluate proposals received; rank and recommend in order of preference the most highly qualified responders; and proceed to negotiate an Audit Services Agreement.

The District is currently seeking proposals from qualified audit firms interested in providing independent audit services to the District for the District's fiscal year ending September 30, 2024. It is expected that the audit will be presented to the Board in May of each year for the prior fiscal year, and timely filed with the Auditor General. The successful bidder will be responsible for preparing the District's independent audit, consistent with all generally accepted accounting principles and the requirements of Florida law governing public bodies.

Qualified and interested audit firms are requested to submit proposals to provide the services described in this RFP. The District expects its independent audit firm to be highly experienced, familiar with the laws placed upon governmental entities, to provide a comprehensive audit and management letter consistent with generally accepted accounting principles and Florida Law, and to have positive peer review.

The District's current, longstanding auditors, will no longer be performing audit services at the conclusion of the District's 2023 fiscal year audit, and thus applicants will not be competing with an incumbent audit firm.

#### **IV. DISTRICT PROCESS**

##### **A. District Obligations**

Compensation shall *not* be the sole or predominant consideration of the District. Rather, governmental auditing experience, ability to furnish the requested services, locality of the firm, and ability to meet District time frames are of utmost importance, although fees to be charged will be considered.

The District's Bid Committee, shall meet and review all proposals received. The Committee shall rank and recommend in order of preference the firms deemed most highly qualified.

Upon receipt of the Committee recommendations, the Board shall review the Committee recommendations, may but are not obligated to request oral presentations by the responders, and shall proceed to identify one of the responders and seek to negotiate an Audit Services Agreement with the highest ranked qualified firm unless the Board states for the record why it elected to negotiate with a lesser ranked firm.

Once negotiations have been concluded, a written agreement will be prepared embodying all terms agreed upon, including services to be provided, professional fees, the term of the agreement, and conditions upon which it can be renewed or earlier terminated, and submitted to the Board for final approval.

##### **B. Proposal Schedule**

- (a) Issue RFP: July 5, 2024
- (b) Responses due: August 7, 2024
- (c) Bid Committee meeting to review proposals and rank responses: August 8, 2024
- (d) Oral presentations, if requested by Bid Committee:

August 12-16, 2024

- (e) Selection of proposed Auditor – August 20, 2024
- (f) Negotiation and execution of contract: September 2024

**C. Right of Rejection by District**

Notwithstanding any other provisions of this RFP, the District reserves the right to award this contract to the audit firm that best meets the requirements of the RFP and is compliant with Florida Law. Further, the District reserves the right to reject any or all proposals prior to execution of the contract, and to waive any informalities or irregularities in any response, with no penalty to the District.

**D. Contract Term**

It is the intent to award a contract for an initial period of three (3) years, with the option to renew it for an additional three (3) year period. The decision to renew the contract will be at the sole discretion of the District.

**E. Indemnification**

The proposer to whom a contract is awarded shall defend, indemnify and hold harmless the FKMCD as outlined below.

The Vendor covenants and agrees to indemnify, hold harmless and defend Florida Keys Mosquito Control District, its commissioners, officers, employees, agents, and servants from any and all claims for bodily injury, including death, personal injury, and property damage, including damage to property owned by the District, and any other losses, damages, and expenses of any kind, including attorney's fees, court costs and expenses, which arise out of, in connection with, or by reason of services provided by the Proposer or any of its Subcontractors, occasioned by the negligence, errors, or other wrongful act or omission of the proposer, its Subcontractors, their officers, employees, servants, or agents.

The first ten dollars (\$10.00) of remuneration paid to the Vendor is consideration for the indemnification provided for above. The extent of liability is in no way limited to, reduced, or lessened by the insurance requirements contained elsewhere within this agreement.

**F. Execution of Contract**

The FKMCD intends to make an award to a Vendor that best meets the needs of the District. An agreement resulting from this process must be governed by the laws

of the State of Florida, and must have venue established in Monroe County. The various bid proposals will be submitted to the Florida Keys Mosquito Control District Board of Commissioners for a final decision.

**G. Proprietary and Confidential Information**

All proposals received as a result of the RFP are subject to Chapter 119, Florida Statutes and will be made available for inspection by any persons in accordance with Florida Statutes. Any proposer asserting that any portion of its Proposal is confidential or exempt from disclosure under Florida's public records laws must specifically identify the portions of the Proposal asserted to be confidential and must provide specific citations of the Florida Statutes that establish the confidentiality or exemption.

All material that is designated as exempt from Chapter 119 must be submitted in a separate envelope, clearly identified as "Public Records Exempt" with your name and the Proposal Name marked on the outside. If that material is requested through a public records request, the District will notify the Proposed of the request and give the Proposer five (5) calendar days to obtain a court order blocking the production of the material. If a court order is not issued during that time to block the production, the material will be produced.

**V. ADDITIONAL SUBMISSION REQUIREMENTS**

**A. Public Entity Crimes**

In accordance with Florida Statutes Chapter 287, person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount of \$35,000.00 for a period of thirty-six (36) months following the date of being placed on the convicted vendor list. Prior to award of this contract, vendors will be required to execute the Sworn Statement on Public Entity Crimes attached to this solicitation.

**B. E-Verify Compliance**

Successful Bidder shall be required to provide proof of enrollment in the E-Verify system. Contractor shall be required to insure compliance with all applicable E-Verify requirements, including screening all employees to verify their work authorization status. If Contractor enters into any contract with a subcontractor, Contractor shall be required to obtain an affidavit from the subcontractor confirming that the subcontractor does not employ, contract with, or subcontract with any person who is not authorized under federal law to be employed in the United States. Contractor shall be required to maintain a copy of said affidavit for the duration of the Contract Term.

**C. Affidavit Regarding the Use of Coercion for Labor and Services**



## ATTACHMENT A

### I. MINIMUM INFORMATION FROM RESPONDERS

1. State the overall size of the audit firm.
2. State whether the audit firm is local, regional, national or international.
3. State the location of the office from which the work is to be performed and the number of partners, managers, supervisors, seniors and other professional staff employed at the office.
4. Identify the personnel who will be assigned work on the District audit, their prior governmental audit experience, and attach résumés of such individuals to the RFP response.
5. Provide proof of licensure of the assigned personnel as CPA's in Florida.
6. Identify the firm's continuing professional education requirements for its personnel.
7. Identify all previous governmental type audits the firm has performed, stating for each the year, nature of governmental entity, and identity of a contact person at that governmental entity.
8. Provide information on the professional societies the firm, and the individuals to be assigned to the District audit, belong to.
9. Identify the information technology abilities of the firm.
10. Provide a copy of the Firm's most recent peer review.
11. Identify whether the firm's most recent peer reviews included a review of the quality of specific government audits.
12. State whether any disciplinary action has been taken against the firm and, if so, the status of such action.
13. Provide a list of client references whom the District can contact.

## **II. COMPENSATION**

1. Set forth the proposed fees and compensation, either as a sum certain or the hourly rates of each of the contemplated audit engagement personnel, and the approximate number of hours the engagement is expected to take.
2. State the firm's willingness to attend District Audit Committee and/or Board meetings, which are currently held monthly from November to May/June, and what, if any, fees will be charged for such attendance.

## **III. COOPERATION**

1. Identify the type and nature of services that can be performed by District personnel that will lessen the engagement fee, and identify the nature of such work.

## **IV. AUDIT REQUIREMENTS**

1. Audit the general purpose financial statements of the District.
2. Audit the statements of revenues and expenses and cash flows of the District.
3. Render an audit opinion in conjunction with the full-scope audit of a comprehensive annual financial report.
4. Reports on internal controls and compliance, in accordance with Governmental Auditing Standards.
5. Issue a management letter indicating deficiencies or opportunities for accounting and reporting improvements, including identifying material weaknesses, as required by Florida Statutes and the Rules of the Auditor General.
6. Communicate with the applicable Florida agencies and transmit the Audit as required by law.

**287.133 PUBLIC ENTITY CRIME; DENIAL OR REVOCATION OF THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES.**

(1) As used in this section:

(a) “Affiliate” means:

1. A predecessor or successor of a person convicted of a public entity crime; or

2. 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 a 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.

(b) “Convicted” or “conviction” 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, nonjury trial, or entry of a plea of guilty or nolo contendere.

(c) “Convicted vendor list” means the list required to be kept by the department pursuant to paragraph (3)(d).

(d) “Department” means the Department of Management Services.

(e) “Person” means any natural person or any 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 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.

(f) “Public entity” means the State of Florida, any of its departments or agencies, or any political subdivision. (g)

“Public entity crime” 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 or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

(2)(a) A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. [287.017](#) for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.

(b) A public entity may not accept any bid, proposal, or reply from, award any contract to, or transact any business in excess of the threshold amount provided in s. [287.017](#) for CATEGORY TWO with any person or affiliate on the convicted vendor list for a period of 36 months following the date that person or affiliate was placed on the convicted vendor list unless that person or affiliate has been removed from the list pursuant to paragraph (3)(f). A public entity that was transacting business with a person at the time of the commission of a public entity crime resulting in that person being placed on the convicted vendor list may not accept any bid, proposal, or reply from, award any contract to, or transact any business with any other person who is under the same, or substantially the same, control as the person whose name appears on the convicted vendor list so long as that person’s name appears on the convicted vendor list.

(3)(a) All invitations to bid, requests for proposals, and invitations to negotiate, as defined in s. [287.012](#), and any contract document described by s. [287.058](#) shall contain a statement informing persons of the provisions of paragraph (2)(a).

(b) Any person must notify the department within 30 days after a conviction of a public entity crime applicable to that person or to an affiliate of that person. Any public entity which receives information that a person has been convicted of a public entity crime shall transmit that information to the department in writing within 10 days.

(c) If the department has reason to believe that a person or an affiliate has been convicted of a public entity crime, the department may issue a written demand upon that person or affiliate, concerning any such conviction or affiliation, to appear and be examined under oath, to answer interrogatories under oath, or to produce documents or other tangible evidence for inspection and copying. The department shall conduct any such inquiry in accord with applicable provisions of the Florida Rules of Civil Procedure.

(d) The department shall maintain a list of the names and addresses of those who have been disqualified from the public contracting and purchasing process under this section. The department shall publish an initial list on January 1, 1990, and shall publish an updated version of the list quarterly thereafter. The revised quarterly lists shall be electronically posted. Notwithstanding this paragraph, a person or affiliate disqualified from the public contracting and purchasing process pursuant to this section shall be disqualified as of the date the final order is entered.

(e)1. Upon receiving reasonable information from any source that a person has been convicted, the department shall investigate the information and determine whether good cause exists to place that person or an affiliate of that person on the convicted vendor list. If good cause exists, the department shall notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the convicted vendor list, and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the person or affiliate does not request a hearing, the department shall enter a final order placing the name of the person or affiliate on the convicted vendor list. No person or affiliate may be placed on the convicted vendor list without receiving an individual notice of intent from the department.

2. Within 21 days of receipt of the notice of intent, the person or affiliate may file a petition for a formal hearing pursuant to ss. [120.569](#) and [120.57\(1\)](#) to determine whether it is in the public interest for that person or affiliate to be placed on the convicted vendor list. A person or affiliate may not file a petition for an informal hearing under s. [120.57\(2\)](#). The procedures of chapter 120 shall apply to any formal hearing under this section except where they are in conflict with the following provisions:

a. The petition shall be filed with the department. The department shall be a party to the proceeding for all purposes.

b. Within 5 days after the filing of the petition, the department shall notify the Division of Administrative Hearings of the request for a formal hearing. The director of the Division of Administrative Hearings shall, within 5 days after receipt of notice from the department, assign an administrative law judge to preside over the proceeding. The administrative law judge, upon request by a party, may consolidate related proceedings.

c. The administrative law judge shall conduct the formal hearing within 30 days after being assigned, unless otherwise stipulated by the parties.

d. Within 30 days after the formal hearing or receipt of the hearing transcript, whichever is later, the administrative law judge shall enter a final order, which shall consist of findings of fact, conclusions of law, interpretation of agency rules, and any other information required by law or rule to be contained in the final order. Such final order shall place or not place the person or affiliate on the convicted vendor list.

e. The final order of the administrative law judge shall be final agency action for purposes of s. [120.68](#).

f. At any time after the filing of the petition, informal disposition may be made pursuant to s. [120.57\(4\)](#). In that event, the administrative law judge shall enter a final order adopting the stipulation, agreed settlement, or consent order.

3. In determining whether it is in the public interest to place a person or affiliate on the convicted vendor list, the administrative law judge shall consider the following factors:

a. Whether the person or affiliate committed a public entity crime.

b. The nature and details of the public entity crime.

c. The degree of culpability of the person or affiliate proposed to be placed on the convicted vendor list.

d. Prompt or voluntary payment of any damages or penalty as a result of the conviction.

e. Cooperation with state or federal investigation or prosecution of any public entity crime, provided that a good faith exercise of any constitutional, statutory, or other right during any portion of the investigation or prosecution of any public entity crime shall not be considered a lack of cooperation.

f. Disassociation from any other persons or affiliates convicted of the public entity crime.

g. Prior or future self-policing by the person or affiliate to prevent public entity crimes.

h. Reinstatement or clemency in any jurisdiction in relation to the public entity crime at issue in the proceeding.

i. Compliance by the person or affiliate with the notification provisions of paragraph (b).

j. The needs of public entities for additional competition in the procurement of goods and services in their respective markets.

k. Mitigation based upon any demonstration of good citizenship by the person or affiliate.

4. In any proceeding under this section, the department shall be required to prove that it is in the public interest for the person to whom it has given notice under this section to be placed on the convicted vendor list. Proof of a conviction of the person or that one is an affiliate of such person shall constitute a prima facie case that it is in the public interest for the person or affiliate to whom the department has given notice to be put on the convicted vendor list. Prompt payment of damages or posting of a bond, cooperation with investigation, and termination of the employment or other relationship with the employee or other natural person responsible for the public entity crime shall create a rebuttable presumption that it is not in the public interest to place a person or affiliate on the convicted vendor list. Status as an affiliate must be proven by clear and convincing evidence. If the administrative law judge determines that the person was not convicted or is not an affiliate of such person, that person or affiliate shall not be placed on the convicted vendor list.

5. Any person or affiliate who has been notified by the department of its intent to place his or her name on the convicted vendor list may offer evidence on any relevant issue. An affidavit alone shall not constitute competent substantial evidence that the person has not been convicted or is not an affiliate of a person so convicted. Upon establishment of a prima facie case that it is in the public interest for the person or affiliate to whom the department has given notice to be put on the convicted vendor list, that person or affiliate may prove by a preponderance of the evidence that it would not be in the public interest to put him or her on the convicted vendor list, based upon evidence addressing the factors in subparagraph 3.

(f)1. A person on the convicted vendor list may petition for removal from the list no sooner than 6 months from the date a final order is entered disqualifying that person from the public purchasing and contracting process pursuant to this section, but may petition for removal at any time if the petition is based upon a reversal of the conviction on appellate review or pardon. The petition shall be filed with the department, and the proceeding shall be conducted pursuant to the procedures and requirements of this subsection.

2. A person may be removed from the convicted vendor list subject to such terms and conditions as may be prescribed by the administrative law judge upon a determination that removal is in the public interest. In determining whether removal would be in the public interest, the administrative law judge shall give consideration to any relevant factors, including, but not limited to, the factors identified in subparagraph (e)3. Upon proof that a person's conviction has been reversed on appellate review or that he or she has been pardoned, the administrative law judge shall determine that removal of the person or an affiliate of that person from the convicted vendor list is in the public interest.

3. If a petition for removal is denied, the person or affiliate may not petition for another hearing on removal for a period of 9 months after the date of denial, unless the petition is based upon a reversal of the conviction on appellate review or a pardon. The department may petition for removal prior to the expiration of such period if, in its discretion, it determines that removal would be in the public interest.

(4) The conviction of a person for a public entity crime, or placement on the convicted vendor list, shall not affect any rights or obligations under any contract, franchise, or other binding agreement which predates such conviction or placement on the convicted vendor list. However, the administrative law judge in a proceeding instituted under this section may declare voidable any specific contract, franchise, or other binding agreement entered into after July 1, 1989, by a person placed on the convicted vendor list and a public entity, but only if the administrative law judge finds as fact that the person to be placed on the list has not satisfied the criteria set forth in sub-subparagraphs (3)(e)3.d., f., and g.

(5) The provisions of this section do not apply to any activities regulated by the Florida public Service Commission or to the purchase of goods or services made by any public entity from the Department of Corrections, from the nonprofit corporation organized under chapter 946, or from any accredited nonprofit workshop certified under ss. [413.032-413.037](#).

History.—s. 2, ch. 89-114; s. 1, ch. 90-33; s. 32, ch. 90-268; s. 259, ch. 92-279; s. 55, ch. 92-326; s. 217, ch. 95-148; s. 33, ch. 95-196; s. 4, ch. 95-420; s. 62, ch. 96-410; s. 58, ch. 99-13; s. 29, ch. 2002-207.

**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 \_\_\_\_\_  
(print name of the public entity)  
by \_\_\_\_\_  
(print individual's name and title)  
for \_\_\_\_\_  
(print name of entity submitting sworn statement)

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 or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, 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 of a conviction of 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 of information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133 (1) (a), Florida Statutes, means:
1. A predecessor or successor of a person convicted of a public entity crime; or
  2. 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 a 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 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) ©, 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 public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, member, and agents who are active in management of an entity.

6. Based on information and belief, that statement which I have marked below is true in relation to the entity submitting this sworn statement. (Indicate which statement applies.)

\_\_\_\_\_Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, share holders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with any convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_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, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_\_\_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 and convicted of a public entity crime subsequent to July 1, 1989. 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 the sworn statement on the convicted vendor list. (Attached a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY INDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. 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.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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

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

PERSONALLY APPEARED BEFORE ME, the undersigned authority,

Who, after first sworn by me, affixed his/her signature in the space provided

\_\_\_\_\_  
(name of individual signing)

above on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

