

By Senator Fasano

11-792-06

1                                   A bill to be entitled  
2           An act relating to contracting by state  
3           agencies; providing a goal for governmental  
4           contracts with disabled-veteran business  
5           enterprises; defining terms; providing for  
6           businesses to be certified; providing duties of  
7           the Department of Veterans' Affairs and the  
8           Department of Management Services; requiring an  
9           annual report to legislative leaders; providing  
10          an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Disabled-veteran business enterprises;  
15 state contracting goals; definitions; certification of  
16 businesses; duties of Department of Veterans' Affairs and  
17 Department of Management Services.--

18           (1) The statewide goal for each state agency or  
19 political subdivision of the state in awarding contracts for  
20 construction, professional services, materials, supplies,  
21 equipment, alterations, repairs, or improvements is that each  
22 such entity should award to disabled-veteran business  
23 enterprises contracts having no less than 3 percent of the  
24 overall dollar amount that the entity expends each year on all  
25 such contracts to which the entity is a party.

26           (2) As used in this section, the term:

27           (a) "Disabled veteran" means a veteran as defined in  
28 s. 1.01, Florida Statutes, who has a service-connected  
29 disability of 10 percent or greater as certified by the United  
30 States Department of Veterans Affairs, its predecessor  
31 agencies, or a branch of the armed forces.

1           (b) "Disabled-veteran business enterprise" means a  
2 business entity, however organized, which is certified as such  
3 an enterprise by the Department of Management Services. The  
4 business must:

5           1. Be at least 51-percent owned by a disabled veteran,  
6 and the management and control of the daily business  
7 operations must be exercised by one or more disabled veterans.  
8 The veterans who exercise the management and control need not  
9 be the owners of the business; and

10           2. Have its home office located in the United States  
11 and must not be a branch or subsidiary of a foreign  
12 corporation, foreign firm, or other foreign-based business.

13  
14 If a disabled veteran who is a majority owner of a business  
15 that qualified as a disabled-veteran business enterprise dies  
16 or is certified as having a permanent medical disability and  
17 the business is inherited or controlled by the spouse of that  
18 majority owner, the business remains a disabled-veteran  
19 business enterprise after the death or certification of  
20 permanent medical disability, as long as the spouse does not  
21 remarry.

22           (c) "Foreign corporation," "foreign firm," or  
23 "foreign-based business" means a business entity that is  
24 incorporated or has its principal headquarters located outside  
25 the United States of America.

26           (3) By October 1, 2006, the Department of Veterans'  
27 Affairs shall publish on its website and in such other  
28 publications as are most likely to be accessed by veterans a  
29 copy of this act and information relating to procedures that a  
30 business owner must follow to obtain certification as a  
31 disabled-veteran business enterprise.

