

Bill No. SB 108



163428

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
1/8/2008	.	
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	.	

1 The Committee on Military Affairs and Domestic Security (Storms)
 2 recommended the following **substitute for amendment (823198)** :

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

8 Section 1. Florida Service-Disabled Veteran Business
9 Enterprise Opportunity Act.--

10 (1) TITLE.--This section may be cited as the "Florida
11 Service-Disabled Veteran Business Enterprise Opportunity Act."

12 (2) INTENT.--It is the intent of the Legislature to
13 rectify the economic disadvantage of service-disabled veterans
14 who are statistically the least likely to be self-employed when
15 compared to the veteran population as a whole and who have made

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16 extraordinary sacrifices on behalf of the nation, the state, and
17 the public, by providing opportunities for service-disabled
18 veteran business enterprises as set forth in this section.

19 (3) DEFINITIONS.--For the purpose of this section, the
20 term:

21 (a) "Certified service-disabled veteran business
22 enterprise" means a business that has been certified by the
23 state to be a service-disabled veteran business enterprise as
24 defined paragraph (c).

25 (b) "Service-disabled veteran" means a veteran who has a
26 service-connected disability of 10 percent or greater as
27 determined by the United States Department of Veterans Affairs
28 or who has been terminated from military service by reason of
29 disability by the United States Department of Defense.

30 (c) "Service-disabled veteran business enterprise" means
31 an independently owned and operated business that:

32 1. Employs 200 or fewer permanent full-time employees;

33 2. Together with its affiliates has a net worth of \$5
34 million or less and, if a sole proprietorship, the net worth
35 includes both personal and business investments;

36 3. Is organized to engage in commercial transactions;

37 4. Is domiciled in this state;

38 5. Is at least 51 percent-owned by one or more service-
39 disabled veterans; and

40 6. The management and daily business operations are
41 controlled by one or more service-disabled veterans or, for a
42 service-disabled veteran with a permanent and total disability,
43 by the spouse or permanent caregiver of the veteran.



44 (4) VENDOR PREFERENCE.--

45 (a) A state agency, when considering two or more bids,
46 proposals, or replies for the procurement of commodities or
47 contractual services, at least one of which is from a certified
48 service-disabled veteran business enterprise, and that are equal
49 with respect all relevant considerations including price,
50 quality, and service, shall award such procurement or contract
51 to the certified service-disabled veteran business enterprise.

52 (b) Notwithstanding s. 287.057(12), Florida Statutes, if a
53 business that is entitled to the vendor preference under
54 paragraph (a) and one or more businesses entitled to this
55 preference or another vendor preference are equal with respect
56 to all relevant considerations including price, quality, and
57 service, the business having the smallest net worth or average
58 annual income shall receive the award.

59 (c) Political subdivisions of the state are encouraged to
60 offer a similar consideration to businesses certified under this
61 section.

62 (5) CERTIFICATION PROCEDURE.--At a minimum, the
63 certification procedure must include the following requirements.

64 (a) The application for certification as a service-
65 disabled veteran business enterprise must, at a minimum,
66 include:

67 1. The name of the applicant, who must be the service-
68 disabled veteran business owner, or one of the owners for a
69 business that has more than one service-disabled veteran owner.

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70 2. The name of all other owners of the business, including
71 both service-related business owners and nonservice-related
72 owners.

73 3. The name of all persons involved in the management and
74 daily operations of the business, including the spouse or
75 permanent caregiver of a veteran with a permanent and total
76 disability.

77 4. The service-connected disability of all persons listed
78 under subparagraphs 1., 2., and 3., as applicable, with
79 supporting documentation from the United States Department of
80 Veterans Affairs or United States Department of Defense.

81 5. The number of permanent full-time employees.

82 6. The location of the business headquarters.

83 7. The total net worth, including affiliates, and, in the
84 case of a sole proprietor, the total net worth of any personal
85 or business investments in the business.

86 (b) To maintain certification, a certified business must
87 reapply and renew its certification biennially.

88 (c) The Department of Management Services shall render a
89 determination on an application for certification and notify the
90 applying business within 90 days.

91 (d) A certified service-disabled business enterprise must
92 report within 30 days to the Department of Management Services
93 any event that may significantly affect the certification of the
94 business, including, but not limited to, a change in ownership
95 or change in management and daily business operations.

96 (e) If a certified business is determined by the
97 Department of Management Services to have violated paragraph

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98 (d), the business shall have its certification revoked and the
99 business may not reapply for 12 months. No other service-
100 disabled veteran named on the certification application who may
101 be eligible to apply for certification for the business whose
102 certification has been revoked or for any other business may
103 apply for certification under this section during the 12-month
104 revocation period.

105 2. During the 12-month revocation period, the business may
106 continue to bid on state contracts but is not eligible for any
107 preferences available under this section until it is
108 recertified.

109 3. A business whose certification has been revoked may
110 reapply for certification at the conclusion of the 12-month
111 period in order to regain the preferences it may be due under
112 this section.

113 (f) A business that has its certification denied or
114 revoked may appeal to the Department of Management Services
115 within 30 days after notification of the denial or revocation;
116 the Department of Management Services has up to 90 days to
117 review the circumstances that led to the denial or revocation
118 and notify the appealing business of its determination. A
119 business appealing under this paragraph does not waive its
120 rights under chapter 120, Florida Statutes.

121 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.--The
122 department shall:

123 (a) Assist the Department of Management Services in
124 establishing a certification application procedure, which shall
125 be reviewed and updated biennially.

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126 (b) Identify eligible service-disabled veteran business
127 enterprises by any electronic means, including electronic mail
128 or Internet website, or, subject to an appropriation, by any
129 other reasonable means.

130 (c) Encourage and assist eligible service-disabled veteran
131 business enterprises businesses to apply for certification under
132 this section.

133 (d) Provide information regarding services available from
134 the Office of Veterans' Business Outreach of the Florida Small
135 Business Development Center to service-disabled veteran business
136 enterprises.

137 (e) Subject to an appropriation, contract with a private
138 entity to carry out any of the duties specified under this
139 subsection.

140 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.--The
141 department shall:

142 (a) With assistance from the Department of Veterans'
143 Affairs, establish a certification application procedure, which
144 shall be reviewed and updated biennially.

145 (b) Grant or reject certification by a business applying
146 under this section.

147 (c) Maintain an electronic directory of certified service-
148 disabled veteran business enterprises for use by the state,
149 political subdivisions of the state, and the public.

150 (8) REPORT.--The Florida Small Business Development Center
151 shall include in its report under s. 288.705, Florida Statutes,
152 the percentage of businesses using the statewide contracts

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153 register which are certified service-disabled veteran business
154 enterprises.

155 (9) RULES.--The Department of Veterans' Affairs and
156 Department of Management Services, as appropriate, may adopt
157 rules as necessary to administer this section.

158 Section 2. Section 288.705, Florida Statutes is amended to
159 read:

160 288.705 Statewide contracts register.--All state agencies
161 shall in a timely manner provide the Florida Small Business
162 Development Center Procurement System with all formal
163 solicitations for contractual services, supplies, and
164 commodities. The Small Business Development Center shall
165 coordinate with Minority Business Development Centers to compile
166 and distribute this ~~such~~ information to ~~Florida~~ small and
167 minority businesses requesting such service for the period of
168 time necessary to familiarize the business with the market
169 represented by state agencies. On or before February 1 of each
170 year, the Small Business Development Center shall report to the
171 Agency for Workforce Innovation ~~Department of Labor and~~
172 ~~Employment Security~~ on the use ~~utilization~~ of the statewide
173 contracts register. The ~~Such~~ report shall include, but not be
174 limited to, information relating to:

175 (1) The total number of solicitations received from state
176 agencies during the calendar year.

177 (2) The number of solicitations received from each state
178 agency during the calendar year.

179 (3) The method of distributing solicitation information to
180 ~~these~~ businesses requesting such service.



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181 (4) The total number of businesses using the service.

182 (5) The percentage of businesses using the service which
183 are owned and controlled by minorities.

184 (6) The percentage of service-disabled veteran business
185 enterprises using the service.

186 Section 3. Subsection (2) of section 288.7015, Florida
187 Statutes, is amended to read:

188 288.7015 Appointment of rules ombudsman; duties.--The
189 Governor shall appoint a rules ombudsman, as defined in s.
190 288.703, in the Executive Office of the Governor, for
191 considering the impact of agency rules on the state's citizens
192 and businesses. In carrying out duties as provided by law, the
193 ombudsman shall consult with Enterprise Florida, Inc., at which
194 point the office may recommend to improve the regulatory
195 environment of this state. The duties of the rules ombudsman are
196 to:

197 (2) Review state agency rules that adversely or
198 disproportionately affect ~~impact~~ businesses, particularly those
199 relating to small and minority businesses, and to service-
200 disabled veteran business enterprises.

201 Section 4. This act shall take effect November 11, 2008.

202
203 ===== T I T L E A M E N D M E N T =====

204 And the title is amended as follows:

205 Delete everything before the enacting clause
206 and insert:

207 A bill to be entitled

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208 An act relating to service-disabled veteran businesses;
209 creating the Florida Service-Disabled Veteran Business
210 Enterprise Opportunity Act; providing legislative intent;
211 providing definitions; providing a selection preference in
212 state contracting for certified service-disabled veteran
213 businesses; providing a certification procedure; providing
214 for the revocation of certification; providing for the
215 duties of the Department of Veterans' Affairs and the
216 Department of Management Services; providing for data
217 reporting; authorizing the departments to adopt rules;
218 amending s. 288.705, F.S.; requiring the Small Business
219 Development Center to report the percentage of service-
220 disabled veteran businesses using the statewide contracts
221 registry; amending s. 288.703, F.S.; requiring the state
222 rules ombudsman to review state rules that adversely
223 affect service-disabled veteran business; providing an
224 effective date.