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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/27/2008	.	
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1 The Committee on Governmental Operations (Dean) recommended the  
2 following **amendment**:

3  
4 **Senate Amendment (with title amendment)**

5 Delete everything after the enacting clause  
6 and insert:

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

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

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



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16 the public, by providing opportunities for service-disabled  
17 veteran business enterprises as set forth in this section.

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

20 (a) "Certified service-disabled veteran business  
21 enterprise" means a business that has been certified by the  
22 Department of Management Services to be a service-disabled  
23 veteran business enterprise as defined in paragraph (c).

24 (b) "Service-disabled veteran" means a veteran who is a  
25 permanent Florida resident having a service-connected disability  
26 of 10 percent or greater as determined by the United States  
27 Department of Veterans Affairs or who has been terminated from  
28 military service by reason of disability by the United States  
29 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 or, if a sole proprietorship, has a net worth of  
35 \$5 million or less including both personal and business  
36 investments;

37 3. Is organized to engage in commercial transactions;

38 4. Is domiciled in this state;

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

41 6. The management and daily business operations of which  
42 are controlled by one or more service-disabled veterans or, for



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43 a service-disabled veteran having a permanent and total  
44 disability, by the spouse or permanent caregiver of the veteran.

45 (4) VENDOR PREFERENCE.--

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

53 (b) Notwithstanding s. 287.057(12), Florida Statutes, if a  
54 service-disabled veteran business enterprise that is entitled to  
55 the vendor preference under this section and one or more  
56 businesses entitled to this preference or another vendor  
57 preference provided by state law submit bids, proposals, or  
58 replies for procurement of commodities or contractual services  
59 which are equal with respect to all relevant considerations,  
60 including price, quality, and service, the state agency shall  
61 award the procurement or contract to the business having the  
62 smallest net worth.

63 (c) Political subdivisions of the state are encouraged to  
64 offer a similar consideration to businesses certified under this  
65 section.

66 (5) CERTIFICATION PROCEDURE.--

67 (a) The application for certification as a service-  
68 disabled veteran business enterprise must, at a minimum,  
69 include:



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70       1. The name of the business enterprise applying for  
71 certification and the name of the service-disabled veteran  
72 submitting the application on behalf of the business enterprise.

73       2. The names of all owners of the business enterprise,  
74 including owners who are service-disabled veterans and owners  
75 who are not service-disabled veterans, and the percentage of  
76 ownership interest held by each owner.

77       3. The name of all persons involved in the management and  
78 daily operations of the business, including the spouse or  
79 permanent caregiver of the veteran having a permanent and total  
80 disability.

81       4. The service-connected disability rating of all persons  
82 listed under subparagraphs 1., 2., and 3., as applicable, with  
83 supporting documentation from the United States Department of  
84 Veterans Affairs or the United States Department of Defense.

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

86       6. The location of the business headquarters.

87       7. The total net worth of the business enterprise and its  
88 affiliates. In the case of a sole proprietorship, the net worth  
89 includes personal and business investments.

90       (b) To maintain certification, a service-disabled veteran  
91 business enterprise must renew its certification biennially.

92       (c) The provisions of chapter 120, Florida Statutes,  
93 relating to application, denial, and revocation procedures,  
94 apply to certifications under this section.

95       (d) A certified service-disabled veteran business  
96 enterprise must notify the Department of Management Services  
97 within 30 business days after any event that may significantly



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98 affect the certification of the business, including, but not  
99 limited to, a change in ownership or change in management and  
100 daily business operations.

101 (e) The certification of a service-disabled veteran  
102 business enterprise shall be revoked for 12 months if the  
103 Department of Management Services determines that the business  
104 enterprise violated paragraph (d). An owner of a certified  
105 service-disabled veteran business enterprise whose certification  
106 is revoked may not reapply for certification under this section  
107 as an owner of any business enterprise during the 12-month  
108 revocation period.

109 1. During the 12-month revocation period, a service-  
110 disabled veteran business enterprise whose certification has  
111 been revoked may bid on state contracts but is not eligible for  
112 any preference available under this section.

113 2. A service-disabled veteran business enterprise whose  
114 certification has been revoked may apply for certification at  
115 the conclusion of the 12-month revocation period by complying  
116 with requirements applicable to initial certifications.

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

119 (a) Assist the Department of Management Services in  
120 establishing a certification procedure, which shall be reviewed  
121 biennially and updated as necessary.

122 (b) Identify eligible service-disabled veteran business  
123 enterprises by any electronic means, including electronic mail,  
124 Internet website, or by any other reasonable means.



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125 (c) Encourage and assist eligible service-disabled veteran  
126 business enterprises to apply for certification under this  
127 section.

128 (d) Provide information regarding services that are  
129 available from the Office of Veterans' Business Outreach of the  
130 Florida Small Business Development Center to service-disabled  
131 veteran business enterprises.

132 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.--The  
133 department shall:

134 (a) With assistance from the Department of Veterans'  
135 Affairs, establish a certification procedure, which shall be  
136 reviewed biennially and updated as necessary.

137 (b) Grant, deny, or revoke the certification of a service-  
138 disabled veteran business enterprise under this section.

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

142 (8) REPORT.--The Florida Small Business Development Center  
143 shall include in its report required by s. 288.705, Florida  
144 Statutes, the percentage of certified service-disabled veteran  
145 business enterprises using the statewide contracts register.

146 (9) RULES.--The Department of Veterans' Affairs and the  
147 Department of Management Services, as appropriate, may adopt  
148 rules as necessary to administer this section.

149 Section 2. Section 288.705, Florida Statutes, is amended  
150 to read:

151 288.705 Statewide contracts register.--All state agencies  
152 shall in a timely manner provide the Florida Small Business



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153 Development Center Procurement System with all formal  
154 solicitations for contractual services, supplies, and  
155 commodities. The Small Business Development Center shall  
156 coordinate with Minority Business Development Centers to compile  
157 and distribute this ~~such~~ information to ~~Florida~~ small and  
158 minority businesses requesting such service for the period of  
159 time necessary to familiarize the business with the market  
160 represented by state agencies. On or before February 1 of each  
161 year, the Small Business Development Center shall report to the  
162 Agency for Workforce Innovation ~~Department of Labor and~~  
163 ~~Employment Security~~ on the use ~~utilization~~ of the statewide  
164 contracts register. The ~~Such~~ report shall include, but not be  
165 limited to, information relating to:

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

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

170 (3) The method of distributing solicitation information to  
171 ~~those~~ businesses requesting such service.

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

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

175 (6) The percentage of service-disabled veteran business  
176 enterprises using the service.

177 Section 3. This act shall take effect November 11, 2008.

178  
179 ===== T I T L E A M E N D M E N T =====

180 And the title is amended as follows:



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181 Delete everything before the enacting clause  
182 and insert:

183 A bill to be entitled  
184 An act relating to service-disabled veteran business  
185 enterprises; creating the Florida Service-Disabled Veteran  
186 Business Enterprise Opportunity Act; providing legislative  
187 intent; providing definitions; providing a selection  
188 preference regarding state contracts in favor of certified  
189 service-disabled veteran business enterprises; requiring  
190 that a certification procedure be established by the  
191 Department of Management Services and the Department of  
192 Veterans' Affairs and reviewed biennially and updated as  
193 necessary; providing requirements for application for,  
194 renewal of, and revocation of certification; providing  
195 administrative review requirements and procedures;  
196 specifying duties of the Department of Management Services  
197 and the Department of Veterans' Affairs; requiring that  
198 the Small Business Development Center include certain data  
199 in its required report; authorizing the Department of  
200 Management Services and the Department of Veterans'  
201 Affairs to adopt rules; amending s. 288.705, F.S.;  
202 requiring the center to report certain information to the  
203 Agency for Workforce Innovation; providing an effective  
204 date.