

Bill No. SB 108



823198

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RS	.	
1/8/2008	.	
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1 The Committee on Military Affairs and Domestic Security (Storms)
 2 recommended the following **amendment**:

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

5 Delete everything after the enacting clause
 6 and insert:

7
 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 support service-disabled veterans who have made extraordinary
 14 sacrifices on behalf of the nation, the state, and the public by
 15 providing preference and opportunity for service-disabled

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16 veteran business enterprises to participate in the awarding of
17 state contracts as provided in this section.

18 (3) STATE INTEREST.--The Federal Government has found that
19 due to disabilities received in service to our country, service-
20 disabled veterans are statistically the least likely to be self-
21 employed when compared to the veteran population as a whole. It
22 is in the state's interest to develop mechanisms that help our
23 disabled residents be self-supporting and contribute to the
24 economic and business health of this state. It is therefore
25 determined to be a compelling state interest to provide business
26 and employment opportunities that help rectify this disparity to
27 our disabled veterans.

28 (4) DEFINITIONS.--For the purpose of this section, the
29 term:

30 (a) "Certified service-disabled veteran business
31 enterprise" means a business that has been certified by the
32 state to be a service-disabled veteran business enterprise as
33 defined paragraph (c).

34 (b) "Service-disabled veteran" means a veteran who has a
35 service-connected disability of 10 percent or greater as
36 determined by the United States Department of Veterans Affairs
37 or who has been terminated from military service by reason of
38 disability by the United States Department of Defense.

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

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

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

45 3. Is organized to engage in commercial transactions;

46 4. Is domiciled in this state;

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

49 6. The management and daily business operations are
50 controlled by one or more service-disabled veterans or, for a
51 service-disabled veteran with a permanent and total disability,
52 by the spouse or permanent caregiver of the veteran.

53 (5) BUSINESS PREFERENCE.--State agencies shall provide a
54 preference, including the use of price preferences, weighted
55 preference formulas, or other vendor-preference criteria
56 established by the Department of Management Services by rule, to
57 a certified service-disabled veteran business enterprise when
58 considering two or more bids, proposals, or replies in order to
59 increase the participation of service-disabled veteran business
60 enterprises in state contracting process. State agencies shall
61 report all bid protests by certified service-disabled veteran
62 businesses annually to the Department of Veterans' Affairs.

63 (a) Notwithstanding s. 287.057(12), Florida Statutes, if a
64 business that is entitled to the vendor preference under this
65 section and one or more businesses entitled to this preference
66 or another vendor preference are equal with respect to all
67 relevant considerations, including, but not limited to,
68 preference formula, price, quality, and service, the business



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69 having the smallest net worth or average annual income shall
70 receive the award.

71 (b) Political subdivisions of the state are encouraged to
72 offer a similar preference to businesses certified under this
73 section.

74 (6) CERTIFICATION PROCEDURE.--At a minimum, the
75 certification procedure must include the following requirements.

76 (a) The application for certification as a service-
77 disabled veteran business enterprise must, at a minimum,
78 include:

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

82 2. The name of all other owners of the business, including
83 both service-related business owners and nonservice-related
84 owners.

85 3. The name of all persons involved in the management and
86 daily operations of the business, including the spouse or
87 permanent caregiver of a veteran with a permanent and total
88 disability.

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

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

94 6. The location of the business headquarters.



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115 | 7. The total net worth, including affiliates, and, in the
116 | case of a sole proprietor, the total net worth of any personal
117 | or business investments in the business.

118 | (b) To maintain certification, a certified business must
119 | reapply and renew its certification biennially.

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

123 | (d) A certified service-disabled business enterprise must
124 | report within 30 days to the Department of Management Services
125 | any event that may significantly affect the certification of the
126 | business, including, but not limited to, a change in ownership
127 | or change in management and daily business operations.

128 | (e) If a certified business is determined by the
129 | Department of Management Services to have violated paragraph
130 | (d), the business shall have its certification revoked and the
131 | business may not reapply for 12 months. No other service-
132 | disabled veteran named on the certification application who may
133 | be eligible to apply for certification for the business whose
134 | certification has been revoked or for any other business may
135 | apply for certification under this section during the 12-month
136 | revocation period.

137 | 2. During the 12-month revocation period, the business may
138 | continue to bid on state contracts but is not eligible for any
139 | preferences available under this section until it is
140 | recertified.

141 | 3. A business whose certification has been revoked may
142 | reapply for certification at the conclusion of the 12-month



123 period in order to regain the preferences it may be due under
124 this section.

125 (f) A business that has its certification denied or
126 revoked may appeal to the Department of Management Services
127 within 30 days after notification of the denial or revocation;
128 the Department of Management Services has up to 90 days to
129 review the circumstances that led to the denial or revocation
130 and notify the appealing business of its determination. A
131 business appealing under this paragraph does not waive its
132 rights under chapter 120, Florida Statutes.

133 (7) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.--The
134 department shall:

135 (a) Assist the Department of Management Services in
136 establishing a certification application procedure, which shall
137 be reviewed and updated biennially.

138 (b) Subject to an appropriation, identify eligible
139 service-disabled veteran business enterprises by any electronic
140 means, including electronic mail or Internet website, or by any
141 other reasonable means.

142 (c) Encourage and assist eligible service-disabled veteran
143 business enterprises businesses to apply for certification under
144 this section.

145 (d) Provide information regarding services available from
146 the Office of Veterans' Business Outreach of the Florida Small
147 Business Development Center to service-disabled veteran business
148 enterprises.



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

152 (8) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.--The
153 department shall:

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

157 (b) Grant or reject certification by a business applying
158 under this section.

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

162 (9) REPORT.--The Florida Small Business Development Center
163 shall include in its report under s. 288.705, Florida Statutes,
164 the percentage of businesses using the statewide contracts
165 register which are certified service-disabled veteran business
166 enterprises.

167 (10) RULES.--The Department of Veterans' Affairs and
168 Department of Management Services may adopt rules as necessary
169 to administer this section.

170 Section 2. Subsection (6) is added to section 288.705,
171 Florida Statutes, to read:

172 288.705 Statewide contracts register.--All state agencies
173 shall in a timely manner provide the Florida Small Business
174 Development Center Procurement System with all formal
175 solicitations for contractual services, supplies, and
176 commodities. The Small Business Development Center shall

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177 coordinate with Minority Business Development Centers to compile
178 and distribute such information to Florida small and minority
179 businesses requesting such service for the period of time
180 necessary to familiarize the business with the market
181 represented by state agencies. On or before February 1 of each
182 year, the Small Business Development Center shall report to the
183 Department of Labor and Employment Security on utilization of
184 the statewide contracts register. Such report shall include, but
185 not be limited to, information relating to:

186 (6) The percentage of service-disabled veteran business
187 enterprises using the service.

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

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

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

203 Section 4. This act shall take effect November 11, 2008.
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205 ===== T I T L E A M E N D M E N T =====

206 And the title is amended as follows:

207 Delete everything before the enacting clause
208 and insert:

209 A bill to be entitled
210 An act relating to service-disabled veteran businesses;
211 creating the Florida Service-Disabled Veteran Business
212 Enterprise Opportunity Act; providing legislative intent;
213 providing a statement of public purpose; providing
214 definitions; providing a selection preference in state
215 contracting for certified service-disabled veteran
216 business; providing a certification procedure; providing
217 for the revocation of certification; providing for the
218 duties of the Department of Veterans' Affairs and the
219 Department of Management Services; providing for data
220 reporting; authorizing the Department of Management
221 Services to adopt rules; amending s. 288.705, F.S.;
222 requiring the Small Business Development Center to report
223 the percentage of service-disabled veteran businesses
224 using the statewide contracts registry; amending s.
225 288.703, F.S.; requiring the state rules ombudsman to
226 review state rules that adversely affect service-disabled
227 veteran business; providing an effective date.