

By the Committees on Governmental Operations; Military Affairs and Domestic Security; and Senators Fasano, Bennett and Baker

585-06019-08

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1 A bill to be entitled

2 An act relating to service-disabled veteran business
3 enterprises; creating the Florida Service-Disabled Veteran
4 Business Enterprise Opportunity Act; providing legislative
5 intent; providing definitions; providing a selection
6 preference regarding state contracts in favor of certified
7 service-disabled veteran business enterprises; requiring
8 that a certification procedure be established by the
9 Department of Management Services and the Department of
10 Veterans' Affairs and reviewed biennially and updated as
11 necessary; providing requirements for application for,
12 renewal of, and revocation of certification; providing
13 administrative review requirements and procedures;
14 specifying duties of the Department of Management Services
15 and the Department of Veterans' Affairs; requiring that
16 the Small Business Development Center include certain data
17 in its required report; authorizing the Department of
18 Management Services and the Department of Veterans'
19 Affairs to adopt rules; amending s. 288.705, F.S.;
20 requiring the center to report certain information to the
21 Agency for Workforce Innovation; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Florida Service-Disabled Veteran Business
27 Enterprise Opportunity Act.--

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

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30 (2) INTENT.--It is the intent of the Legislature to rectify
31 the economic disadvantage of service-disabled veterans, who are
32 statistically the least likely to be self-employed when compared
33 to the veteran population as a whole and who have made
34 extraordinary sacrifices on behalf of the nation, the state, and
35 the public, by providing opportunities for service-disabled
36 veteran business enterprises as set forth in this section.

37 (3) DEFINITIONS.--For the purpose of this section, the
38 term:

39 (a) "Certified service-disabled veteran business
40 enterprise" means a business that has been certified by the
41 Department of Management Services to be a service-disabled
42 veteran business enterprise as defined in paragraph (c).

43 (b) "Service-disabled veteran" means a veteran who is a
44 permanent Florida resident having a service-connected disability
45 of 10 percent or greater as determined by the United States
46 Department of Veterans Affairs or who has been terminated from
47 military service by reason of disability by the United States
48 Department of Defense.

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

- 51 1. Employs 200 or fewer permanent full-time employees;
52 2. Together with its affiliates has a net worth of \$5
53 million or less or, if a sole proprietorship, has a net worth of
54 \$5 million or less including both personal and business
55 investments;
56 3. Is organized to engage in commercial transactions;
57 4. Is domiciled in this state;
58 5. Is at least 51 percent owned by one or more service-

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59 disabled veterans; and

60 6. The management and daily business operations of which
61 are controlled by one or more service-disabled veterans or, for a
62 service-disabled veteran having a permanent and total disability,
63 by the spouse or permanent caregiver of the veteran.

64 (4) VENDOR PREFERENCE.--

65 (a) A state agency, when considering two or more bids,
66 proposals, or replies for the procurement of commodities or
67 contractual services, at least one of which is from a certified
68 service-disabled veteran business enterprise, which are equal
69 with respect to all relevant considerations, including price,
70 quality, and service, shall award such procurement or contract to
71 the certified service-disabled veteran business enterprise.

72 (b) Notwithstanding s. 287.057(12), Florida Statutes, if a
73 service-disabled veteran business enterprise that is entitled to
74 the vendor preference under this section and one or more
75 businesses entitled to this preference or another vendor
76 preference provided by state law submit bids, proposals, or
77 replies for procurement of commodities or contractual services
78 which are equal with respect to all relevant considerations,
79 including price, quality, and service, the state agency shall
80 award the procurement or contract to the business having the
81 smallest net worth.

82 (c) Political subdivisions of the state are encouraged to
83 offer a similar consideration to businesses certified under this
84 section.

85 (5) CERTIFICATION PROCEDURE.--

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

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88 1. The name of the business enterprise applying for
89 certification and the name of the service-disabled veteran
90 submitting the application on behalf of the business enterprise.

91 2. The names of all owners of the business enterprise,
92 including owners who are service-disabled veterans and owners who
93 are not service-disabled veterans, and the percentage of
94 ownership interest held by each owner.

95 3. The name of all persons involved in the management and
96 daily operations of the business, including the spouse or
97 permanent caregiver of the veteran having a permanent and total
98 disability.

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

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

104 6. The location of the business headquarters.

105 7. The total net worth of the business enterprise and its
106 affiliates. In the case of a sole proprietorship, the net worth
107 includes personal and business investments.

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

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

113 (d) A certified service-disabled veteran business
114 enterprise must notify the Department of Management Services
115 within 30 business days after any event that may significantly
116 affect the certification of the business, including, but not

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117 limited to, a change in ownership or change in management and
118 daily business operations.

119 (e) The certification of a service-disabled veteran
120 business enterprise shall be revoked for 12 months if the
121 Department of Management Services determines that the business
122 enterprise violated paragraph (d). An owner of a certified
123 service-disabled veteran business enterprise whose certification
124 is revoked may not reapply for certification under this section
125 as an owner of any business enterprise during the 12-month
126 revocation period.

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

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

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

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

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

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

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

150 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.--The
151 department shall:

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

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

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

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

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

167 Section 2. Section 288.705, Florida Statutes, is amended to
168 read:

169 288.705 Statewide contracts register.--All state agencies
170 shall in a timely manner provide the Florida Small Business
171 Development Center Procurement System with all formal
172 solicitations for contractual services, supplies, and
173 commodities. The Small Business Development Center shall
174 coordinate with Minority Business Development Centers to compile

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

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

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

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

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

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

193 (6) The percentage of service-disabled veteran business
194 enterprises using the service.

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