

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 in state contracting for certified service-
 7 disabled veteran business enterprises; providing a
 8 certification procedure to be established by the
 9 Department of Management Services and the Department of
 10 Veterans' Affairs and reviewed and updated biennially;
 11 providing requirements for application for, renewal of,
 12 and revocation of certification; providing for appeal of
 13 denial or revocation; providing duties of the departments;
 14 providing for data reporting by the Small Business
 15 Development Center; authorizing the departments to adopt
 16 rules; amending s. 288.705, F.S.; requiring the center to
 17 report the percentage of businesses using the statewide
 18 contracts registry that are certified service-disabled
 19 veteran business enterprises; amending s. 288.703, F.S.;
 20 requiring the state rules ombudsman to review state rules
 21 that adversely affect service-disabled veteran business
 22 enterprises; providing an effective 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."

30 (2) INTENT.--It is the intent of the Legislature to
 31 rectify the economic disadvantage of service-disabled veterans,
 32 who are statistically the least likely to be self-employed when
 33 compared 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 state to be a service-disabled veteran business enterprise as
 42 defined in paragraph (c).

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

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

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

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

54 3. Is organized to engage in commercial transactions;

55 4. Is domiciled in this state;

56 5. Is at least 51 percent owned by one or more service-

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57 disabled veterans; and

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

62 (4) VENDOR PREFERENCE.--

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

70 (b) Notwithstanding s. 287.057(12), Florida Statutes, if a
71 business that is entitled to the vendor preference under
72 paragraph (a) and one or more businesses entitled to this
73 preference or another vendor preference are equal with respect
74 to all relevant considerations including price, quality, and
75 service, the business having the smallest net worth or average
76 annual income shall receive the award.

77 (c) Political subdivisions of the state are encouraged to
78 offer a similar consideration to businesses certified under this
79 section.

80 (5) CERTIFICATION PROCEDURE.--

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

84 1. The name of the applicant, who must be the service-

85 disabled veteran business owner, or one of the owners for a
86 business that has more than one service-disabled veteran owner.

87 2. The name of all other owners of the business, including
88 service-related business owners and nonservice-related owners.

89 3. The name of all persons involved in the management and
90 daily operations of the business, including the spouse or
91 permanent caregiver of a veteran with a permanent and total
92 disability.

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

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

98 6. The location of the business headquarters.

99 7. The total net worth, including affiliates, and, in the
100 case of a sole proprietor, the total net worth of any personal
101 or business investments in the business.

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

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

107 (d) A certified service-disabled veteran business
108 enterprise must report within 30 days to the Department of
109 Management Services any event that may significantly affect the
110 certification of the business, including, but not limited to, a
111 change in ownership or change in management and daily business
112 operations.

113 (e) If a certified service-disabled veteran business
 114 enterprise is determined by the Department of Management
 115 Services to have violated paragraph (d), the business shall have
 116 its certification revoked and the business may not reapply for
 117 12 months. No other service-disabled veteran named on the
 118 certification application who may be eligible to apply for
 119 certification for the business whose certification has been
 120 revoked or for any other business may apply for certification
 121 under this section during the 12-month revocation period.

122 1.. During the 12-month revocation period, the business
 123 may continue to bid on state contracts but is not eligible for
 124 any preferences available under this section until it is
 125 recertified.

126 2. A business that has its certification revoked may
 127 reapply for certification at the conclusion of the 12-month
 128 period in order to regain the preferences it may be due under
 129 this section.

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

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

140 (a) Assist the Department of Management Services in

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141 establishing a certification application procedure, which shall
142 be reviewed and updated biennially.

143 (b) Identify eligible service-disabled veteran business
144 enterprises by any electronic means, including electronic mail,
145 Internet website, or, subject to an appropriation, by any other
146 reasonable means.

147 (c) Encourage and assist eligible service-disabled veteran
148 business enterprises to apply for certification under this
149 section.

150 (d) Provide information regarding services that are
151 available from the Office of Veterans' Business Outreach of the
152 Florida Small Business Development Center to service-disabled
153 veteran business enterprises.

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

157 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.--The
158 department shall:

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

162 (b) Grant or deny certification of a service-disabled
163 veteran business enterprise applying under this section.

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

167 (8) REPORT.--The Florida Small Business Development Center
168 shall include in its report under s. 288.705, Florida Statutes,

169 the percentage of businesses using the statewide contracts
 170 register which are certified service-disabled veteran business
 171 enterprises.

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

175 Section 2. Section 288.705, Florida Statutes, is amended
 176 to read:

177 288.705 Statewide contracts register.--All state agencies
 178 shall in a timely manner provide the Florida Small Business
 179 Development Center Procurement System with all formal
 180 solicitations for contractual services, supplies, and
 181 commodities. The Small Business Development Center shall
 182 coordinate with Minority Business Development Centers to compile
 183 and distribute this ~~such~~ information to ~~Florida~~ small and
 184 minority businesses requesting such service for the period of
 185 time necessary to familiarize the business with the market
 186 represented by state agencies. On or before February 1 of each
 187 year, the Small Business Development Center shall report to the
 188 Agency for Workforce Innovation ~~Department of Labor and~~
 189 ~~Employment Security~~ on the use ~~utilization~~ of the statewide
 190 contracts register. The ~~Such~~ report shall include, but not be
 191 limited to, information relating to:

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

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

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

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

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

201 (6) The percentage of service-disabled veteran business
 202 enterprises using the service.

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

205 288.7015 Appointment of rules ombudsman; duties.--The
 206 Governor shall appoint a rules ombudsman, as defined in s.
 207 288.703, in the Executive Office of the Governor, for
 208 considering the impact of agency rules on the state's citizens
 209 and businesses. In carrying out duties as provided by law, the
 210 ombudsman shall consult with Enterprise Florida, Inc., at which
 211 point the office may recommend to improve the regulatory
 212 environment of this state. The duties of the rules ombudsman are
 213 to:

214 (2) Review state agency rules that adversely or
 215 disproportionately affect ~~impact~~ businesses, particularly those
 216 relating to small and minority businesses and to service-
 217 disabled veteran business enterprises.

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