

HB 1161

2011

1 A bill to be entitled
 2 An act relating to business enterprise opportunities for
 3 wartime veterans; amending s. 295.187, F.S.; revising
 4 legislative intent; renaming and revising the Florida
 5 Service-Disabled Veteran Business Enterprise Opportunity
 6 Act to expand the vendor preference in state contracting
 7 to include certain businesses owned and operated by
 8 wartime veterans; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 295.187, Florida Statutes, is amended
 13 to read:

14 295.187 Florida ~~Service-Disabled~~ Veteran Business
 15 Enterprise Opportunity Act.—

16 (1) SHORT TITLE.—This section may be cited as the "Florida
 17 ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act."

18 (2) INTENT.—It is the intent of the Legislature to rectify
 19 the economic disadvantage of service-disabled veterans, who are
 20 statistically the least likely to be self-employed when compared
 21 to the veteran population as a whole and who have made
 22 extraordinary sacrifices on behalf of the nation, the state, and
 23 the public, by providing opportunities for service-disabled
 24 veteran business enterprises as set forth in this section. The
 25 Legislature also intends to recognize wartime veterans for their
 26 sacrifices as set forth in this section.

27 (3) DEFINITIONS.—For the purpose of this section, the
 28 term:

29 (a) "Certified ~~service-disabled~~ veteran business
 30 enterprise" means a business that has been certified by the
 31 Department of Management Services to be a ~~service-disabled~~
 32 veteran business enterprise as defined in paragraph (c).

33 (b) "Service-disabled veteran" means a veteran who is a
 34 permanent Florida resident with a service-connected disability
 35 as determined by the United States Department of Veterans
 36 Affairs or who has been terminated from military service by
 37 reason of disability by the United States Department of Defense.

38 (c) "~~Service-disabled~~ Veteran business enterprise" means
 39 an independently owned and operated business that:

- 40 1. Employs 200 or fewer permanent full-time employees;
- 41 2. Together with its affiliates has a net worth of \$5
 42 million or less or, if a sole proprietorship, has a net worth of
 43 \$5 million or less including both personal and business
 44 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 wartime
 48 veterans or service-disabled veterans; and
- 49 6. The management and daily business operations of which
 50 are controlled by one or more wartime veterans or service-
 51 disabled veterans or, for a service-disabled veteran having ~~with~~
 52 a permanent and total disability, by the spouse or permanent
 53 caregiver of the veteran.

54 (d) "Wartime veteran" means a person who served in the
 55 United States military in a combat zone and was honorably
 56 discharged.

HB 1161

2011

57 (4) VENDOR PREFERENCE.—

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

66 (b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~
67 veteran business enterprise entitled to the vendor preference
68 under this section and one or more businesses entitled to this
69 preference or another vendor preference provided by law submit
70 bids, proposals, or replies for procurement of commodities or
71 contractual services which ~~that~~ are equal with respect to all
72 relevant considerations, including price, quality, and service,
73 then the state agency shall award the procurement or contract to
74 the business having the smallest net worth.

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

78 (5) CERTIFICATION PROCEDURE.—

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

82 1. The name of the business enterprise applying for
83 certification and the name of the ~~service-disabled~~ veteran
84 submitting the application on behalf of the business enterprise.

HB 1161

2011

85 2. The names of all owners of the business enterprise,
86 including owners who are wartime veterans, service-disabled
87 veterans, and owners who are not a wartime veteran or a service-
88 disabled veteran ~~veterans~~, and the percentage of ownership
89 interest held by each owner.

90 3. The names of all persons involved in both the
91 management and daily operations of the business, including the
92 spouse or permanent caregiver of a veteran who has ~~with~~ a
93 permanent and total disability.

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

98 5. Documentation of the wartime service of all persons
99 listed under subparagraphs 1., 2., and 3., as applicable, from
100 the United States Department of Veterans Affairs or the United
101 States Department of Defense.

102 ~~6.5.~~ The number of permanent full-time employees.

103 ~~7.6.~~ The location of the business headquarters.

104 ~~8.7.~~ The total net worth of the business enterprise and
105 its affiliates. In the case of a sole proprietorship, the net
106 worth includes personal and business investments.

107 (b) To maintain certification, a ~~service-disabled~~ veteran
108 business enterprise shall renew its certification biennially.

109 (c) ~~The provisions of Chapter 120,~~ relating to
110 application, denial, and revocation procedures, applies ~~shall~~
111 ~~apply~~ to certifications under this section.

112 (d) A certified ~~service-disabled~~ veteran business

HB 1161

2011

113 enterprise must notify the Department of Management Services
114 within 30 business days after any event that may significantly
115 affect the certification of the business, including, but not
116 limited to, a change in ownership or change in management and
117 daily business operations.

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

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

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

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

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

139 (b) Identify eligible ~~service-disabled~~ veteran business
140 enterprises by any electronic means, including electronic mail

HB 1161

2011

141 or Internet website, or by any other reasonable means.

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

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

149 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The
 150 department shall:

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

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

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

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

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

166 Section 2. This act shall take effect July 1, 2011.