

By Senator Latvala

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

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

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

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

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

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

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

29           (a) "Certified ~~service-disabled~~ veteran business

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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 an  
39 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.

57 (4) VENDOR PREFERENCE.—

58 (a) A state agency, when considering two or more bids,

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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-disabled~~  
80 veteran business enterprise must, at a minimum, include:

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

84 2. The names of all owners of the business enterprise,  
85 including owners who are wartime veterans, service-disabled  
86 veterans, and owners who are not a wartime veteran or a service-  
87 disabled veteran ~~veterans~~, and the percentage of ownership

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88 interest held by each owner.

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

93 4. The service-connected disability rating of all persons  
94 listed 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. Documentation of the wartime service of all persons  
98 listed under subparagraphs 1., 2., and 3., as applicable, from  
99 the United States Department of Veterans Affairs or the United  
100 States Department of Defense.

101 ~~6.5.~~ The number of permanent full-time employees.

102 ~~7.6.~~ The location of the business headquarters.

103 ~~8.7.~~ The total net worth of the business enterprise and its  
104 affiliates. In the case of a sole proprietorship, the net worth  
105 includes personal and business investments.

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

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

111 (d) A certified ~~service-disabled~~ veteran business  
112 enterprise must notify the Department of Management Services  
113 within 30 business days after any event that may significantly  
114 affect the certification of the business, including, but not  
115 limited to, a change in ownership or change in management and  
116 daily business operations.

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

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

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

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

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

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

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

144 (d) Provide information regarding services that are  
145 available from the Office of Veterans' Business Outreach of the

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146 Florida Small Business Development Center to ~~service-disabled~~  
147 veteran business enterprises.

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

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

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

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

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

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

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