

By the Committee on Military Affairs, Space, and Domestic Security; and Senator Latvala

583-03891-11

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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 or veterans of a  
9           period of war; providing an 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 and  
27 veterans of a period of war for their sacrifices as set forth in  
28 this section.

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

583-03891-11

20111574c1

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

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

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

41 1. Employs 200 or fewer permanent full-time employees;  
42 2. Together with its affiliates has a net worth of \$5  
43 million or less or, if a sole proprietorship, has a net worth of  
44 \$5 million or less including both personal and business  
45 investments;

46 3. Is organized to engage in commercial transactions;

47 4. Is domiciled in this state;

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

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

55 (d) "Wartime veteran" means:

56 1. A wartime veteran as defined in s. 1.01(14); or

57 2. A veteran of a period of war, as used in 38 U.S.C. s.  
58 1521, who served in the active military, naval, or air service:

583-03891-11

20111574c1

59        a. For 90 days or more during a period of war;

60        b. During a period of war and was discharged or released  
61 from such service for a service-connected disability;

62        c. For a period of 90 consecutive days or more and such  
63 period began or ended during a period of war; or

64        d. For an aggregate of 90 days or more in two or more  
65 separate periods of service during more than one period of war.

66        (4) VENDOR PREFERENCE.—

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

75        (b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~  
76 veteran business enterprise entitled to the vendor preference  
77 under this section and one or more businesses entitled to this  
78 preference or another vendor preference provided by law submit  
79 bids, proposals, or replies for procurement of commodities or  
80 contractual services which ~~that~~ are equal with respect to all  
81 relevant considerations, including price, quality, and service,  
82 then the state agency shall award the procurement or contract to  
83 the business having the smallest net worth.

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

87        (5) CERTIFICATION PROCEDURE.—

583-03891-11

20111574c1

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

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

93 2. The names of all owners of the business enterprise,  
94 including owners who are wartime veterans, service-disabled  
95 veterans, and owners who are not a wartime veteran or a service-  
96 disabled veteran ~~veterans~~, and the percentage of ownership  
97 interest held by each owner.

98 3. The names of all persons involved in both the management  
99 and daily operations of the business, including the spouse or  
100 permanent caregiver of a veteran who has ~~with~~ a permanent and  
101 total disability.

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

106 5. Documentation of the wartime service of all persons  
107 listed under subparagraphs 1., 2., and 3., as applicable, from  
108 the United States Department of Veterans Affairs or the United  
109 States Department of Defense.

110 ~~6.5.~~ The number of permanent full-time employees.

111 ~~7.6.~~ The location of the business headquarters.

112 ~~8.7.~~ The total net worth of the business enterprise and its  
113 affiliates. In the case of a sole proprietorship, the net worth  
114 includes personal and business investments.

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

583-03891-11

20111574c1

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

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

126 (e) The certification of a ~~service-disabled~~ veteran  
127 business enterprise shall be revoked for 12 months if the  
128 Department of Management Services determines that the business  
129 enterprise violated paragraph (d). An owner of a certified  
130 ~~service-disabled~~ veteran business enterprise whose certification  
131 is revoked may ~~is~~ not ~~permitted to~~ reapply for certification  
132 under this section as an owner of any business enterprise during  
133 the 12-month revocation period.

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

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

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

144 (a) Assist the Department of Management Services in  
145 establishing a certification procedure, which shall be reviewed

583-03891-11

20111574c1

146 biennially and updated as necessary.

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

150 (c) Encourage and assist eligible ~~service-disabled~~ veteran  
151 business enterprises to apply for certification under this  
152 section.

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

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 procedure, which shall be  
161 reviewed biennially and updated as necessary.

162 (b) Grant, deny, or revoke the certification of a ~~service-~~  
163 ~~disabled~~ veteran business enterprise 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 Small Business Development Center shall  
168 include in its report required by s. 288.705 the percentage of  
169 certified ~~service-disabled~~ veteran business enterprises using  
170 the statewide contracts register.

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

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