

By Senator Latvala

16-00051-12

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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.

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

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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:

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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:

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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.—

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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.

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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

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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, 2012.