

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
 14 to 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
30 term:

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

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

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

- 42 1. Employs 200 or fewer permanent full-time employees;
- 43 2. Together with its affiliates has a net worth of \$5
44 million or less or, if a sole proprietorship, has a net worth of
45 \$5 million or less including both personal and business
46 investments;
- 47 3. Is organized to engage in commercial transactions;
- 48 4. Is domiciled in this state;
- 49 5. Is at least 51 percent owned by one or more wartime
50 veterans or service-disabled veterans; and
- 51 6. The management and daily business operations of which
52 are controlled by one or more wartime veterans or service-
53 disabled veterans or, for a service-disabled veteran having ~~with~~
54 a permanent and total disability, by the spouse or permanent
55 caregiver of the veteran.

56 (d) "Wartime veteran" means:

- 57 | 1. A wartime veteran as defined in s. 1.01(14); or
 58 | 2. A veteran of a period of war, as used in 38 U.S.C. s.
 59 | 1521, who served in the active military, naval, or air service:
 60 | a. For 90 days or more during a period of war;
 61 | b. During a period of war and was discharged or released
 62 | from such service for a service-connected disability;
 63 | c. For a period of 90 consecutive days or more and such
 64 | period began or ended during a period of war; or
 65 | d. For an aggregate of 90 days or more in two or more
 66 | separate periods of service during more than one period of war.

67 | (4) VENDOR PREFERENCE.—

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

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

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

88 (5) CERTIFICATION PROCEDURE.—

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

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

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

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

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

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

112 ~~6.5.~~ The number of permanent full-time employees.

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113 ~~7.6.~~ The location of the business headquarters.

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

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

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

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

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

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

140 2. A ~~service-disabled~~ veteran business enterprise whose

141 certification has been revoked may apply for certification at
 142 the conclusion of the 12-month revocation period by complying
 143 with requirements applicable to initial certifications.

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

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

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

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

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

159 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The
 160 department shall:

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

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

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

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

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

176 Section 2. This act shall take effect July 1, 2012.