

MILITARY AFFAIRS

CS/SB 274 — POW-MIA Flag

by Military Affairs and Domestic Security Committee and Senators Dean, Gaetz, Haridopolos, Baker, and Lynn

The bill directs the Department of Environmental Protection to purchase and display POW-MIA flags year-round at each of the state parks where the United States flag is displayed.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 114-0

CS/HB 843 — Family Readiness Program

by Government Efficiency and Accountability Council and Rep. Patronis and others
(CS/SB 2522 by Transportation and Economic Development Appropriations Committee and Senators Fasano and Lynn)

The bill amends s. 250.5206, F.S., to make the following persons eligible for need-based financial assistance under the Family Readiness Program:

- Florida residents who are members of the Florida National Guard and United States Reserve Forces, including the Coast Guard Reserves, who are on active duty serving in the Global War on Terrorism and who are federally deployed or participating in state operations for homeland defense; and
- Family members of such servicemembers who are Florida residents and are designated benefits beneficiaries or are otherwise dependents of such servicemembers.

The bill also requires the Department of Military Affairs to include servicemembers in addition to families served under this program in its annual report to the Governor and the Legislature.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 114-0

VETERANS' AFFAIRS

CS/HB 687 — Service-Disabled Veteran Business Enterprises

by Government Efficiency and Accountability Council and Rep. Proctor and others
(CS/CS/SB 108 by Governmental Operations Committee; Military Affairs and Domestic Security Committee; and Senators Fasano, Bennett, Baker, and Dockery)

The bill names this act the "Florida Service-Disabled Veteran Business Enterprise Opportunity Act." The bill states the Legislature's intent to rectify the economic disadvantage of service-disabled veterans by providing opportunities for business enterprises owned by them.

The term "service-disabled veteran" is defined as a veteran who is a permanent Florida resident and who has a service-connected disability of 10 percent or greater as determined by the U. S. Department of Veterans Affairs or who has been terminated from military service by reason of disability by the U. S. Department of Defense.

The term "service-disabled veteran business enterprise" is defined as an independently owned and operated business that:

- Employs 200 or fewer permanent full-time employees;
- Has a total net worth of \$5 million or less;
- Is organized to engage in commercial transactions;
- Is domiciled in Florida;
- Is at least 51 percent owned by one or more service-disabled veterans; and
- Is controlled and managed on a daily basis by one or more service-disabled veterans or, in the case of a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

State agencies are required to award a competitive contract for the procurement of commodities or contractual services to a certified service-disabled veteran business enterprise if the bid, proposal, or reply of the business is equal to other competitors with respect to all relevant considerations including price, quality, and service.

The bill further requires that in the case of competing certified service-disabled veteran business enterprises or businesses that are entitled to this or another vendor preference, if the bids or proposals are equal with respect to all relevant considerations including price, quality, or service then the business having the smallest net worth shall receive the award.

Political subdivisions of the state are encouraged to offer similar considerations but are not required to do so.

A certification procedure for service-disabled veteran business enterprises and a requirement for a biennial recertification are provided in the bill. Provisions of the Administrative Procedure Act relating to application, denial, and revocation procedures apply to the certification process. The bill further provides for a one year revocation of certification if a business fails to report any event as required by the act that significantly affects certification eligibility, including, but not limited to, change in ownership or management. During the revocation period, an owner may not reapply for certification as an owner of another business enterprise. However, the owner may still continue to bid on state contracts but is ineligible for any preferences under this act until recertified.

Duties are assigned to the Department of Veterans' Affairs (DVA) including:

- Assisting the Department of Management Services in establishing a certification procedure which shall be reviewed biennially and updated as necessary;
- Identifying eligible service-disabled veteran business enterprises and encouraging them to apply for certification; and
- Providing information to service-disabled veteran business enterprises regarding services that are available from the Office of Veterans' Business Outreach of the Florida Small Business Development Center.

Duties are also assigned to the Department of Management Services (DMS) including:

- With assistance from DVA, establish a certification procedure which shall be reviewed biennially and updated as necessary;
- Grant, deny, or revoke the certification of service-disabled veteran business enterprises; and
- Maintain an electronic directory of certified service-disabled veteran business enterprises for use by the state, political subdivisions, and the public.

The Florida Small Business Development Center is directed to include in its report under s. 288.705, F.S., the percentage of certified service-disabled veteran business enterprises using the statewide contracts register.

Rulemaking authority is granted to DMS and DVA to administer the act.

The bill amends s. 288.705, F.S., to correct a reference to the Agency for Workforce Innovation as well as to include the reporting requirement given to the Small Business Development Center.

If approved by the Governor, these provisions take effect November 11, 2008.

Vote: Senate 38-0; House 114-0

CS/HB 861 — Veterans' Affairs Direct-Support Organization

by Healthcare Council and Rep. Reagan and others (CS/SB 1462 by Military Affairs and Domestic Security Committee and Senators Dean, Baker, and Lynn)

The act is named the "Sergeant First Class Paul R. Smith Memorial Act."

The bill creates s. 292.055, F.S., which authorizes the Department of Veterans' Affairs to establish a direct-support organization in order to provide assistance, funding, and support for the department in carrying out its mission. The bill defines the direct-support organization as an organization that is:

- A Florida corporation not for profit;
- Incorporated under chapter 617, F.S.;
- Exempted from filing fees;
- Approved by the Department of State;
- Organized and operated exclusively to obtain funds; request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and make expenditures to or for the benefit of the Department of Veterans' Affairs, Florida's veterans, and congressionally chartered veterans service organizations that have subdivisions that are incorporated in Florida; and
- Determined by the Department of Veterans' Affairs to be operating in a manner consistent with the goals of the department and in the best interest of the state.

The organization shall be governed by a board of at least five directors appointed by the executive director of the department. The bill allows veteran service organizations to recommend board of directors nominees to the department's executive director.

The bill provides for a board membership term in office of three years except in the initial appointments where some members' terms are shortened in order to develop a staggered term expiration schedule. The bill allows members to be reappointed when their terms expire. The executive director of the department or his or her designee shall serve as an ex officio member of the board.

Board membership qualifications include current state residency and being highly knowledgeable of military and veterans' issues. A majority of the board must be veterans as defined in s. 1.01(14), F.S. The executive director of the department shall have the authority to

remove a board member for cause with the approval of a majority of the board of directors. The executive director shall appoint a replacement for any vacancy that occurs.

The bill requires that the direct-support organization operate under a written contract with the department. The contract, at a minimum, must provide for:

- Annual certification by the department that the organization is complying with the terms of the contract in a manner consistent with the purposes of the department and in the best interests of the state. Such certification shall be reported in the minutes of an official meeting of the organization;
- Reversion of moneys and property held by the organization, if it is no longer approved to operate for the department or if the organization or the department ceases to exist; and
- The disclosure of the material provisions of the contract including the distinction between the department and the direct-support organization to donors and all promotional and fund raising publications.

The direct-support organization is authorized to use department property, facilities, and personnel under contractually prescribed conditions for such use. The bill prohibits such use if the organization does not provide equal employment opportunities.

Department approval is required for any transaction or agreement between the direct-support organization and any other direct-support organization or entity. In addition, a fiscal year is specified for the organization, an IRS tax exempt status is required, and the organization is required to provide for an annual financial audit in accordance with s. 215.981, F.S.

The bill repeals s. 292.04, F.S., thereby abolishing the Florida Commission on Veterans' Affairs. Section 265.002, F.S., is amended relating to the administration of the Florida Medal of Honor Wall to reflect the disestablishment of the commission and to transfer commission functions to the department. Section 337.111, F.S., is amended relating to contracting for veterans monuments and memorials at Department of Transportation rest areas to also reflect disestablishment of the commission. Members of the organization's board of directors will serve on a statutory committee that approves proposed installation of such monuments and memorials.

Section 320.08058, F.S., is amended to revise the distribution formula for the proceeds of sales of the "Florida Salutes Veterans" specialty license plate. The bill authorizes 20 percent of the proceeds to be distributed to the direct-support organization for a period not to exceed 24 months after the organization's incorporation. Any remaining fees must be deposited in the State Homes for Veterans Trust Fund.

If approved by the Governor, these provisions take effect July 1, 2008.

Vote: Senate 39-0; House 113-0

CS/HB 863 — Veterans' Affairs Direct-Support Organization Public Records
by Health Care Council and Rep. Reagan and others (CS/SB 1464 by Governmental Operations
Committee and Senator Dean)

The bill provides for a public records exemption granting requested anonymity to donors or prospective donors to a direct-support organization assisting the Department of Veterans' Affairs. The bill also creates an exemption for that portion of a meeting at which such confidential and exempt information is discussed.

The provisions of this bill are subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and shall stand repealed on October 2, 2013, unless reviewed and reenacted by the Legislature.

The bill provides a legislative finding that protecting the identity of donors and prospective donors to the direct-support organization authorized to assist the Department of Veterans' Affairs is a public necessity. The finding asserts that the exemption honors the request for anonymity by donors and prospective donors thereby assisting the direct-support organization in performing its fundraising mission. The bill also provides a public necessity for the meetings exemption.

If approved by the Governor, these provisions take effect July 1, 2008, if HB 861, or similar legislation establishing a direct-support organization for the Department of Veterans' Affairs, is adopted in the same legislative session or an extension thereof and becomes law.

Vote: Senate 39-0; House 113-0

CS/HB 1027 — Funding for State Veterans' Homes

by Economic Expansion and Infrastructure Council and Rep. Kreegel and others (SB 1606 by
Senators Baker, Storms, Gaetz, Haridopolos, and Lawson)

The bill amends s. 320.089, F.S. Under the provisions of this bill, the first \$100,000 in general revenue from the sales of National Guard, U. S. Reserve, Pearl Harbor Survivor, and Combat Wounded Veteran, special license plates will continue to be distributed to the Grants and Donations Trust Fund within the Department of Veterans' Affairs. Proceeds from the sales of Operation Iraqi Freedom and Operation Enduring Freedom plates are redirected from Department of Transportation general revenue and included with this group of special plates.

Further, up to \$100,000 of additional proceeds from the sales of all such plates shall be distributed to the State Homes for Veterans Trust Fund. Such funds are to be used solely for the construction, operation, and maintenance of state domiciliary and nursing homes for veterans.

The bill amends s. 320.02, F.S., to permit applicants registering or renewing registration of a motor vehicle to make a voluntary contribution of \$1 to the state homes for veterans. Such contributions are to be distributed quarterly to the State Homes for Veterans Trust Fund and

administered by the Department of Veterans' Affairs. In addition, the bill in effect waives a fee that would otherwise be charged the department as an applicant for the voluntary contribution checkoff as required by s. 320.023, F.S.

If approved by the Governor, these provisions take effect October 1, 2008.

Vote: Senate 39-0; House 114-0

