

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: fasttn

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: fasttn

May Contact:

Addl. Drafters:

Subject: Transportation - highways

Extra Copies: ARG, PJH - 1

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN2740,

Topic:

Small business enterprise contract set aside program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fasttn 06/17/2001	csicilia 06/18/2001		_____			
/1			haugeca 06/18/2001	_____	lrb_docadmin 06/18/2001		

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1?	fasttn	1 cjs 6/18	1 hmk 6/18/01	_____	_____		

FE Sent For:

<END>

CM 2740

Subject or Agency	Description	Source / connection	Fiscal effect /positions if known
DOT	Small Bus Enterprise Contract Set aside program	LFB motion 977	

TRANSPORTATION -- STATE HIGHWAY PROGRAM

Small Business Enterprise Contract Set Aside Program

8-3

Motion:

Move to modify a current law provision that requires DOT to allocate \$4,000,000 annually from the appropriations for the major highway development, state highway rehabilitation and state highway maintenance and traffic operations programs for the awarding of contracts under those programs to disadvantaged businesses, as follows: (a) require DOT to allocate funds for contracts for small businesses, instead of disadvantaged businesses; (b) increase the annual amount that DOT must allocate from \$4,000,000 to \$25,000,000; and (c) include the appropriations for local bridge and local transportation facility improvement assistance and aeronautics assistance in the list of appropriations from which the allocation may be made. Define a "small business" as a business whose average gross receipts over the previous three years is not greater than \$4.5 million and whose owner or owners have a net worth not greater than \$750,000. Require DOT to consult with representatives of the transportation contracting industry, including minority- and women-owned businesses, in deciding which contracts are included in the allocation under this program. Specify that the estimated cost of contracts under the small business allocation shall be between \$50,000 and \$750,000 and specify that joint ventures that include a small business are eligible to bid on or negotiate for contracts allocated under the program.

Note:

Under current law, DOT is required to set aside \$4,000,000 annually from the appropriations for the state highway program for contracts exclusively for disadvantaged businesses, which are defined as businesses that are at least 51% owned by minority group members, women or other individuals found to be socially or economically disadvantaged. However, the courts have ruled that set-asides based on race or sex are unconstitutional unless the federal government specifically requires such set-asides. In 1999, the Federal Highway Administration promulgated rules in conformity with new federal law that prohibits the discrimination in contracting on the basis of race, color, sex or national origin. Consequently, the \$4,000,000 set-aside provision is inactive. This motion would modify the set-aside program to apply to small businesses, instead of disadvantaged businesses, and would raise the amount of the annual set-aside to \$25,000,000.

2001

Date (time) needed

soon
(turned in 6/17)

LRB b 0797 1 1

AMDT TO BUDGET SUB AMDT

INF : cjs :

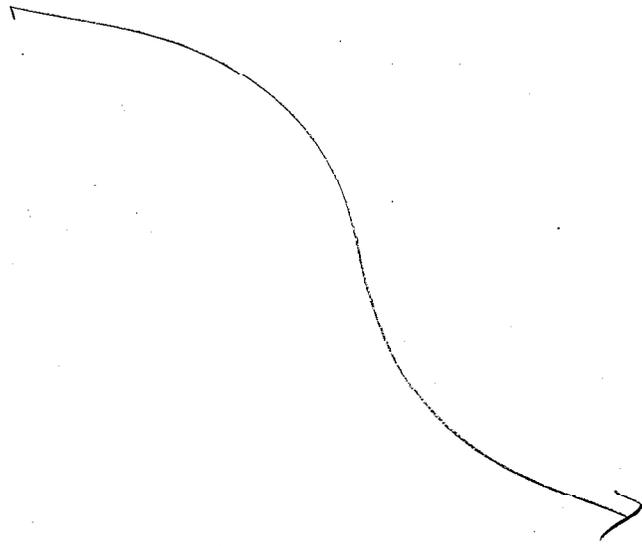
See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
~~TO SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment ~~(amendment)~~ as follows:

#. Page 342, line 17: after that line insert:

#. Page 2, line 2:



645m.
Section # 20.395 (2) (dq) of the statutes is amended to read:

20.395 (2) (dq) *Aeronautics assistance, state funds.* As a continuing appropriation, the amounts in the schedule for the state's share of airport projects under ss. 114.34 and 114.35; for developing air marking and other air navigational facilities; for administration of the powers and duties of the secretary of transportation under s. 114.31; for costs associated with aeronautical activities under s. 114.31, except for the program under s. 114.31 (3) (b); and for the administration of other aeronautical activities, except aircraft registration under s. 114.20, authorized by law.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185.

Insert A

645mg.

Section # 20.395 (2) (dv) of the statutes is amended to read:

20.395 (2) (dv) *Aeronautics assistance, local funds.* All moneys received by the state from any local unit of government or other source for airports or other aeronautical activities under s. 114.33 or 114.37; for administration of the powers and duties of the secretary of the department of transportation under s. 114.31; for costs associated with aeronautical activities under s. 114.31 and for the administration of other aeronautical activities authorized by law, for such purposes.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185.

; Insert A

645mm

Section # 20.395 (2) (dx) of the statutes is amended to read:

20.395 (2) (dx) *Aeronautics assistance, federal funds.* All moneys received from the federal government for airports or other aeronautical activities under s. 114.32 or 114.33; for administration of the powers and duties of the secretary of transportation under s. 114.31; for costs associated with aeronautical activities under s. 114.31 and for the administration of other aeronautical activities authorized by law, for such purposes.))

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185.

;) Insert A

#. Page 343, line 1: after "84.28," insert "for the small business demonstration and training program under s. 84.077,".

→ #. Page 343, line 13: ~~on lines 13 and 20~~ after "84.28₂" insert "for the small business demonstration and training program under s. 84.077,".

→ # Page 343, line 20: after "84.28₅" insert "for the small business demonstration and training program under

→ #. Page 343, line 22: after that line insert: ~~8~~

s. 84.077₂₂

654m.

Section # 20.395 (3) (bq) of the statutes is amended to read:

20.395 (3) (bq) *Major highway development, state funds.* As a continuing appropriation, the amounts in the schedule for major development of state trunk and connecting highways and for the disadvantaged business demonstration and training program under s. 84.076.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185.

, and for the small business demonstration and training program under s. 84.077

654mg.

Section # 20.395 (3) (bv) of the statutes is amended to read:

20.395 (3) (bv) *Major highway development, local funds.* All moneys received from any local unit of government or other source for major development of state trunk and connecting highways, including the railroad and utility alteration and relocation loan program under s. 84.065, ~~and~~ the disadvantaged business demonstration and training program under s. 84.076, for such purposes.

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185.

and the small business demonstration and training program under s. 84.077 ↑

654mm.

Section # 20.395 (3) (bx) of the statutes is amended to read:

20.395 (3) (bx) *Major highway development, federal funds.* All moneys received from the federal government for major development of state trunk and connecting highways ~~and~~ the disadvantaged business demonstration and training program under s. 84.076, for such purposes. "

History: 1971 c. 40 s. 93; 1971 c. 42, 107; 1971 c. 125 ss. 122 to 137, 522 (1); 1971 c. 197, 211, 215, 307; 1973 c. 90, 142, 243, 333, 336; 1975 c. 39; 1975 c. 163 s. 16; 1975 c. 200, 224, 270, 288, 340, 422; 1977 c. 29, 377, 418; 1979 c. 34 ss. 322e to 420, 574, 575; 1979 c. 221; 1981 c. 20 ss. 238 to 300, 2202 (51) (c), (e); 1981 c. 165, 234; 1981 c. 314 s. 146; 1981 c. 347 s. 80; 1981 c. 362; 1983 a. 27 ss. 270g to 315, 2202 (20); 1983 a. 243; 1985 a. 29 ss. 357 to 402, 3202 (51) (a); 1985 a. 65, 76, 341; 1987 a. 27, 137, 349, 369, 399, 403; 1989 a. 31, 56; 1991 a. 39, 104, 239, 269; 1993 a. 16, 285, 354, 437; 1995 a. 27, 113, 201, 338, 445; 1997 a. 27, 35, 135, 237, 255; 1999 a. 9, 109, 146, 167, 185.

and ^{close up} the small business demonstration and training program under s. 84.077

#. Page 344, line 14: after "84.076;" insert "Insert A".

#. Page 345, line 13: delete "and for" and substitute "~~and~~ ; for".

#. Page 345, line 14: delete "84.076," and substitute "84.076; and for the small business demonstration and training program under s. 84.077,".

#. Page 346, line 10: delete "and for" and substitute "and ; for".

↑

#. Page 346, line 11: delete "84.076," and substitute "84.076; and for the small business demonstration and training program under s. 84.077,".

↓

#. Page 347, line 4: ^{on lines 4 and 16 ↗} delete "and for" and substitute "and ; for".

#. Page 347, line 5: after "84.076" insert "; and for the small business demonstration and training program under s. 84.077".

#. Page 347, line 17: after "84.076;" insert "and Insert A".

✓

#. Page 348, line 1: delete "and for" and substitute "and ; for",

#. Page 348, line 2: after "84.076;" insert "and Insert A".

#. Page 865, line 20: after that line insert:

2307g.

" Section # 84.076 (2) (a) of the statutes is amended to read:

84.076 (2) (a) The secretary shall administer a demonstration and training program for the purpose of developing the capability of disadvantaged businesses to participate in construction projects funded under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (eq), (ev) and (ex). ~~From the amounts appropriated under those paragraphs, the secretary shall allocate \$4,000,000 each fiscal year for the awarding of contracts under this section. The secretary shall attempt to ensure that 75% of the amount so allocated each fiscal year is for the awarding of contracts under this section to minority businesses. The secretary may award 100% of the amount so allocated each fiscal year to one disadvantaged business.~~

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 113; 1997 a. 27.

Strike

SECTION 2307gm. CR; 84.077

84.077 Small business demonstration and training program. (1) In this section, "small business" means a business whose average gross receipts over the previous 3 years is \$4,500,000 or less, if the person or persons owning the business have a net worth of \$750,000 or less.

Section #. 84.076(2) of the statutes

(2) (dg), (dv), (dx), (fg), (fv), and (fx) and

84.076(2) ADMINISTRATION. (a) The secretary shall administer a demonstration and training program for the purpose of developing the capability of ~~disadvantaged~~ ^{small} businesses to participate in construction projects funded under s. 20.395(3) (bq), (bv), (bx), (cq), (cv), (cx), (eq), (ev) and (ex).

From the amounts appropriated under those paragraphs, the secretary shall allocate ~~\$1,000,000~~ each fiscal year for the awarding of contracts under this section. ~~The secretary shall attempt to ensure~~

~~that 75% of the amount so allocated each fiscal year is for the awarding of contracts under this section to minority businesses. The secretary may award 100% of the amount so allocated each fiscal year to one disadvantaged business.~~

\$25,000,000

4 (b) The secretary shall establish requirements for programs of preapprenticeship training and management and technical assistance designed to develop the expertise of ~~disadvantaged individuals~~ and ~~disadvantaged~~ ^{small} businesses in transportation construction. "

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 113; 1997 a. 27.

The estimated cost of ^{a contract} contracts funded from the allocation under this section shall be between \$50,000 and \$750,000. The secretary may award from the amount allocated to a joint venture that includes a small business. In deciding which contracts to award from the amount allocated each fiscal year, the department shall consult with representatives of the transportation contracting industry, including businesses owned by minorities and women.

Insert A

for the small business demonstration and training

program under s. 84.077;



SDC:.....Keckhaver – CN2740, Small business enterprise contract set aside program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 342, line 17: after that line insert:

3 “SECTION 645m. 20.395 (2) (dq) of the statutes is amended to read:

4 20.395 (2) (dq) *Aeronautics assistance, state funds.* As a continuing
5 appropriation, the amounts in the schedule for the state’s share of airport projects
6 under ss. 114.34 and 114.35; for developing air marking and other air navigational
7 facilities; for administration of the powers and duties of the secretary of
8 transportation under s. 114.31; for costs associated with aeronautical activities
9 under s. 114.31, except for the program under s. 114.31 (3) (b); for the small business
10 demonstration and training program under s. 84.077; and for the administration of

1 other aeronautical activities, except aircraft registration under s. 114.20, authorized
2 by law.

3 **SECTION 645mg.** 20.395 (2) (dv) of the statutes is amended to read:

4 20.395 (2) (dv) *Aeronautics assistance, local funds.* All moneys received by the
5 state from any local unit of government or other source for airports or other
6 aeronautical activities under s. 114.33 or 114.37; for administration of the powers
7 and duties of the secretary of the department of transportation under s. 114.31; for
8 costs associated with aeronautical activities under s. 114.31; for the small business
9 demonstration and training program under s. 84.077; and for the administration of
10 other aeronautical activities authorized by law, for such purposes.

11 **SECTION 645mm.** 20.395 (2) (dx) of the statutes is amended to read:

12 20.395 (2) (dx) *Aeronautics assistance, federal funds.* All moneys received from
13 the federal government for airports or other aeronautical activities under s. 114.32
14 or 114.33; for administration of the powers and duties of the secretary of
15 transportation under s. 114.31; for costs associated with aeronautical activities
16 under s. 114.31; for the small business demonstration and training program under
17 s. 84.077; and for the administration of other aeronautical activities authorized by
18 law, for such purposes.”.

19 **2.** Page 343, line 1: after “84.28,” insert “for the small business demonstration
20 and training program under s. 84.077,”.

21 **3.** Page 343, line 13: after “84.28,” insert “for the small business
22 demonstration and training program under s. 84.077,”.

23 **4.** Page 343, line 20: after “84.28,” insert “for the small business
24 demonstration and training program under s. 84.077,”.

1 **5.** Page 343, line 22: after that line insert:

2 “**SECTION 654m.** 20.395 (3) (bq) of the statutes is amended to read:

3 20.395 (3) (bq) *Major highway development, state funds.* As a continuing
4 appropriation, the amounts in the schedule for major development of state trunk and
5 connecting highways ~~and~~, for the disadvantaged business demonstration and
6 training program under s. 84.076, and for the small business demonstration and
7 training program under s. 84.077.

8 **SECTION 654mg.** 20.395 (3) (bv) of the statutes is amended to read:

9 20.395 (3) (bv) *Major highway development, local funds.* All moneys received
10 from any local unit of government or other source for major development of state
11 trunk and connecting highways, including the railroad and utility alteration and
12 relocation loan program under s. 84.065, ~~and~~ the disadvantaged business
13 demonstration and training program under s. 84.076, and the small business
14 demonstration and training program under s. 84.077, for such purposes.

15 **SECTION 654mm.** 20.395 (3) (bx) of the statutes is amended to read:

16 20.395 (3) (bx) *Major highway development, federal funds.* All moneys received
17 from the federal government for major development of state trunk and connecting
18 highways ~~and~~, the disadvantaged business demonstration and training program
19 under s. 84.076, and the small business demonstration and training program under
20 s. 84.077, for such purposes.”.

21 **6.** Page 344, line 14: after “84.076;” insert “for the small business
22 demonstration and training program under s. 84.077;” .

23 **7.** Page 345, line 13: delete “and for” and substitute “and; for” .

1 **8.** Page 345, line 14: delete “84.076,” and substitute “84.076; and for the small
2 business demonstration and training program under s. 84.077.”.

3 **9.** Page 346, line 10: delete “and for” and substitute “and; for”.

4 **10.** Page 346, line 11: delete “84.076,” and substitute “84.076; and for the
5 small business demonstration and training program under s. 84.077.”.

6 **11.** Page 347, line 4: on lines 4 and 16, delete “and for” and substitute “and;
7 for”.

8 **12.** Page 347, line 5: after “84.076” insert “; and for the small business
9 demonstration and training program under s. 84.077”.

10 **13.** Page 347, line 17: after “84.076;” insert “and for the small business
11 demonstration and training program under s. 84.077;”.

12 **14.** Page 348, line 1: delete “and for” and substitute “and; for”.

13 **15.** Page 348, line 2: after “84.076;” insert “and for the small business
14 demonstration and training program under s. 84.077;”.

15 **16.** Page 865, line 20: after that line insert:

16 “SECTION 2307g. 84.076 (2) (a) of the statutes is amended to read:

17 84.076 (2) (a) The secretary shall administer a demonstration and training
18 program for the purpose of developing the capability of disadvantaged businesses to
19 participate in construction projects funded under s. 20.395 (3) (bq), (bv), (bx), (cq),
20 (cv), (cx), (eq), (ev), and (ex). ~~From the amounts appropriated under those~~
21 ~~paragraphs, the secretary shall allocate \$4,000,000 each fiscal year for the awarding~~
22 ~~of contracts under this section. The secretary shall attempt to ensure that 75% of the~~
23 ~~amount so allocated each fiscal year is for the awarding of contracts under this~~

1 ~~section to minority businesses. The secretary may award 100% of the amount so~~
2 ~~allocated each fiscal year to one disadvantaged business.~~

3 **SECTION 2307gm.** 84.077 of the statutes is created to read:

4 **84.077 Small business demonstration and training program.** (1) In this
5 section, "small business" means a business whose average gross receipts over the
6 previous 3 years is \$4,500,000 or less, if the person or persons owning the business
7 have a net worth of \$750,000 or less.

8 (2) (a) The secretary shall administer a demonstration and training program
9 for the purpose of developing the capability of small businesses to participate in
10 construction projects funded under s. 20.395 (2) (dq), (dv), (dx), (fq), (fv), and (fx) and
11 (3) (bq), (bv), (bx), (cq), (cv), (cx), (eq), (ev), and (ex). From the amounts appropriated
12 under those paragraphs, the secretary shall allocate \$25,000,000 each fiscal year for
13 the awarding of contracts under this section. The estimated cost of contracts funded
14 from the allocation under this section shall be between \$50,000 and \$750,000. The
15 secretary may award a contract from the amount allocated to a joint venture that
16 includes a small business. In deciding which contracts to award from the amount
17 allocated each fiscal year, the department shall consult with representatives of the
18 transportation contracting industry, including businesses owned by minorities and
19 women.

20 (b) The secretary shall establish requirements for programs of
21 preapprenticeship training and management and technical assistance designed to
22 develop the expertise of small businesses in transportation construction.”.

23 (END)