

Amendment No. 5 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Transportation & Economic Development
12 Appropriations offered the following:

14 **Amendment (with title amendment)**

15 Remove everything after the enacting clause

17 and insert:

18 Section 1. Section 288.707, Florida Statutes, is
19 amended to read:

20 288.707 Florida Black Business Investment Board,
21 Inc.--

22 (1) The Legislature finds that the public interest of
23 Florida will be served by the creation and growth of black
24 business enterprises by:

25 (a) Establishing a partnership between the public
26 sector and the private sector which seeks to leverage the
27 provision of state funds with funds and other resources from
28 private-sector businesses and other nonstate sources;

29 (b)(a) Increasing opportunities for employment of
30 blacks, as well as the population in general;

31 (c)(b) Providing role models and establishing business

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1 networks for the benefit of future generations of aspiring
2 black entrepreneurs;

3 (d)~~(c)~~ Strengthening the economy of the state by
4 increasing the number of qualified black business enterprises,
5 which in turn will increase competition in the marketplace and
6 improve the welfare of economically depressed neighborhoods;
7 and

8 (e)~~(d)~~ Taking measures to increase access of black
9 businesses to both debt and equity capital.

10 (2) For the purposes of ss. 288.707-288.714 ~~ss. 9-21,~~
11 ~~chapter 85-104, Laws of Florida:~~

12 (a) "Black business enterprise" means any business
13 concern that ~~which~~ is organized to engage in commercial
14 transactions and that ~~which~~ is at least 51 percent owned by
15 one or more African-Americans ~~black Americans~~ as defined in s.
16 288.703 and whose management and daily operations are
17 controlled by such persons.

18 (b) "Black business investment corporation" means a
19 subsidiary of a financial institution or a consortium of
20 financial institutions investing in, or lending to, black
21 business enterprises.

22 (c) "Consortium" means two or more financial
23 institutions that ~~which~~ jointly negotiate and agree to provide
24 assistance to black business enterprises as provided in ss.
25 288.707-288.714 ~~ss. 9-21, chapter 85-104, Laws of Florida.~~

26 (3) There is ~~hereby~~ created a not-for-profit
27 corporation ~~within the Office of Tourism, Trade, and Economic~~
28 ~~Development a body politic and corporate~~ to be known as the
29 Florida Black Business Investment Board, Inc., hereinafter
30 referred to as the "corporation" ~~"board."~~ which shall be
31 registered, incorporated, organized, and operated in

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1 compliance with chapter 617 and which is not a unit or entity
2 of state government.~~The board is hereby constituted a public~~
3 ~~instrumentality, and the exercise by the board of the powers~~
4 ~~conferred by ss. 9-21, chapter 85-104, Laws of Florida, shall~~
5 ~~be deemed to be the performance of an essential governmental~~
6 ~~function.~~

7 (a) The board of the corporation shall consist of the
8 following members:

9 1. Six ~~seven~~ members appointed by the Governor and
10 subject to confirmation by the Senate, who must ~~six of whom~~
11 ~~shall~~ be experienced in investment finance and business
12 ~~development, one of whom must be a member of a black business~~
13 ~~investment corporation.~~

14 2. One member from the private sector appointed by the
15 President of the Senate, who must be experienced in investment
16 finance and business development and who shall serve a term of
17 2 years.

18 3. One member from the private sector appointed by the
19 Speaker of the House of Representatives, who must be
20 experienced in investment finance and business development and
21 who shall serve a term of 2 years.

22 4. Three representatives of black business investment
23 corporations, who must be selected from among and by the
24 chairmen of the black business investment corporations. A
25 representative from a black business investment corporation
26 shall serve for a term of 2 years but is eligible for
27 reappointment on a rotating basis with other representatives
28 from black business investment corporations.

29 5. The vice chairman of Enterprise Florida, Inc., or
30 his or her designee, who shall be an ex officio, nonvoting
31 member, and who shall provide information, advice, and

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1 guidance designed to enhance the coordination of activities of
2 Enterprise Florida, Inc., and the corporation.

3 6. The chair of the Florida Development Finance
4 Corporation, created pursuant to s. 288.9604, who shall be an
5 ex officio, nonvoting member of the board.

6 (b) Members appointed by the Governor shall serve
7 terms of 4 years, except that in making the initial
8 appointments, the Governor shall appoint two members to serve
9 for terms ~~one member to serve for a term of 1 year, two~~
10 ~~members to serve for terms of 2 years, two members to serve~~
11 for terms of 3 years, and two members to serve for terms of 4
12 years.

13 (c) Any person appointed to fill a vacancy on the
14 board shall be appointed in a like manner and shall serve for
15 only the unexpired term. Any member shall be eligible for
16 reappointment.

17 (d) The Governor shall appoint the chairperson who
18 shall be a member of the board. The board shall annually
19 elect one of its members as vice chairperson and shall
20 designate a secretary-treasurer who need not be a member of
21 the board. The secretary-treasurer shall keep a record of the
22 proceedings of the board and shall be the custodian of all
23 books, documents, and papers filed with the board, of the
24 minute books of the board, and of its official seal. ~~A~~
25 ~~majority of the members of the board shall constitute a~~
26 ~~quorum.~~

27 (e) The board shall meet at least four times each
28 year, upon the call of the chairperson or the vice chairperson
29 or at the request of a majority of the membership. A majority
30 of the total number of all members fixed by paragraphs (a) and
31 (h) shall constitute a quorum. The board may take official

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1 action by a majority vote of the members present at any
2 meeting at which a quorum is present.

3 (f)(e) Members of the board shall serve without
4 compensation, but members, the president of the board, and
5 other board employees may be reimbursed for all reasonable,
6 necessary, and actual expenses as determined by the board
7 shall be reimbursed for per diem and travel expenses in
8 accordance with s. 112.061.

9 (g)(f) Each member of the board who is not otherwise
10 required to file financial disclosure pursuant to s. 8, Art.
11 II of the State Constitution or s. 112.3144 shall file full
12 and public disclosure of financial interests pursuant to s.
13 112.3145 at the times and places and in the same manner
14 required of elected constitutional officers under s. 8, Art.
15 II of the State Constitution and any law implementing s. 8,
16 Art. II of the State Constitution.

17 (h) Notwithstanding paragraph (a), the board may by
18 resolution appoint two at-large members to the board from the
19 private sector, each of whom may serve a 1-year term. At-large
20 members shall have the powers and duties of other members of
21 the board, except that they may not serve on an executive
22 committee. An at-large member is eligible for reappointment
23 but may not vote on his or her own reappointment.

24 Section 2. Section 288.7075, Florida Statutes, is
25 created to read:

26 288.7075 Legislative findings and intent; assistance
27 to minority business enterprises.--The Legislature finds that
28 a public purpose is served by creating and providing state
29 financial support for the public-private partnership known as
30 the "Florida Black Business Investment Board, Inc.," as well
31 as by providing financial support for the black business

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1 investment corporations, in order to address the
2 business-development needs of black business enterprises. The
3 Legislature further finds, however, that the
4 business-development needs of black business enterprises are
5 shared by other minority business enterprises defined under s.
6 288.703. It is the intent of the Legislature, therefore, that
7 the board and the black business investment corporations,
8 notwithstanding any provisions in ss. 288.707-288.714 to the
9 contrary, include minority business enterprises within the
10 scope of their duties, responsibilities, and activities and
11 report to the Governor and the Legislature on their progress
12 in assisting black business enterprises and minority business
13 enterprises.

14 Section 3. Section 288.708, Florida Statutes, is
15 amended to read:

16 288.708 President ~~Executive director~~; employees.--

17 (1) The president ~~executive director~~ of the
18 corporation board, who may also be designated as
19 secretary-treasurer, shall be appointed by the board and shall
20 serve at the pleasure of the board. The board shall establish
21 and adjust the compensation of the president. The president
22 ~~executive director~~ shall be the chief administrative and
23 operational officer of the corporation board and shall direct
24 and supervise administrative affairs and the general
25 management of the corporation board. The board may delegate to
26 its president those powers and responsibilities it deems
27 appropriate, except for appointment of the president. The
28 president ~~executive director~~:

29 (a) May contract with or employ legal and technical
30 experts and such other employees, permanent and temporary, as
31 shall be authorized by the board;

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1 (b) Shall attend meetings of the board; and
2 (c) Shall cause copies to be made of all minutes and
3 other records and documents of the board and shall certify
4 that such copies are true copies. All persons dealing with the
5 corporation or board may rely upon such certification.

6 (2) The corporation and its officers and board members
7 are responsible for the prudent use of all public and private
8 funds and shall ensure that the use of such funds is in
9 accordance with all applicable laws, bylaws, or contractual
10 requirements. An employee of the corporation may not receive
11 compensation for employment that exceeds the salary paid to
12 the Governor, unless the corporation and the employee have
13 executed a contract that prescribes specific and measurable
14 performance outcomes for the employee, the satisfaction of
15 which provides the basis for the award of incentive payments
16 that increase the employee's total compensation to a level
17 above the salary paid to the Governor.~~The executive director~~
18 ~~and all employees of the board shall be exempt from the~~
19 ~~provisions of part II of chapter 110, and the executive~~
20 ~~director shall be subject to the provisions of part III of~~
21 ~~chapter 110.~~

22 Section 4. Section 288.709, Florida Statutes, is
23 amended to read:

24 288.709 Powers of the Florida Black Business
25 Investment Board, Inc.--The board shall have all the powers
26 necessary or convenient to carry out and effectuate the
27 purposes and provisions of ss. 288.707-288.714 ~~ss. 9-21,~~
28 ~~chapter 85-104, Laws of Florida,~~ including, but not limited
29 to, the power to:

30 (1) Adopt bylaws for the regulation of its affairs and
31 the conduct of its business and adopt policies ~~rules pursuant~~

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1 ~~to ss. 120.536(1) and 120.54~~ to implement the provisions of
2 law conferring duties upon it. However, any proposed bylaws or
3 policies ~~rules~~ affecting the operation or administration or
4 financial well-being of any of the black business investment
5 corporations must first be approved by a majority of the black
6 business investment corporations. Such bylaws shall provide
7 that the corporation is subject to the requirements of s. 24,
8 Art. I of the State Constitution and ch. 119 and s. 286.011.

9 (2) Adopt an official seal.

10 (3) Sue and be sued in its own name.

11 (4) Make and execute contracts and other instruments
12 necessary or convenient for the exercise of its power and
13 functions.

14 (5) Acquire, hold, and dispose of personal property
15 for its corporate purposes.

16 (6) Enter into agreements or other transactions with
17 any federal, state, or local agency.

18 (7) Encourage financial institutions to participate in
19 consortia for the purpose of investing in black business
20 enterprises.

21 (8) Ensure that funds available to the board for
22 purposes set forth in ss. 288.707-288.714 ~~ss. 9-21, chapter~~
23 ~~85-104, Laws of Florida,~~ are disbursed on a statewide basis
24 and are not concentrated in one geographical area.

25 ~~(9) Acquire real property or any interest therein, by~~
26 ~~purchase or foreclosure, where such acquisition is necessary~~
27 ~~or appropriate to protect or secure any investment or loan in~~
28 ~~which the board has an interest; to sell, transfer, and convey~~
29 ~~any such property to a buyer without regard to the provisions~~
30 ~~of chapters 253 and 270; and, in the event that such sale,~~
31 ~~transfer, or conveyance cannot be effected with reasonable~~

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1 ~~promptness or at a reasonable price, to lease such property~~
2 ~~for occupancy by eligible persons.~~

3 (9)~~(10)~~ Invest any funds held in reserves or sinking
4 funds, or any funds not required for immediate disbursement,
5 in such investments as may be authorized for trust funds under
6 s. 215.47; however provided, such investments will be made on
7 behalf of the board by the Office of State Treasurer or by
8 another trustee appointed for that purpose.

9 (10)~~(11)~~ Appear in its own behalf before boards,
10 commissions, departments, or other agencies of municipal,
11 county, state, or Federal Government.

12 (11)~~(12)~~ Procure insurance or require bond against any
13 loss in connection with its property in such amounts and from
14 such insurers as may be necessary or desirable.

15 (12)~~(13)~~ Receive and accept from any federal, state,
16 or local agency grants, loans, or advances for, or in aid of,
17 the purposes of ss. 288.707-288.714 ~~ss. 9-21, chapter 85-104,~~
18 ~~Laws of Florida~~, and to receive and accept contributions from
19 any source of either money, property, labor, or other things
20 of value, to be held, used, and applied for said purposes.

21 (13)~~(14)~~ Create, issue, and buy and sell stock,
22 evidences of indebtedness, and other capital participation
23 instruments; to hold such stock, evidences of indebtedness,
24 and capital participation instruments; and to underwrite the
25 creation of a capital market for these securities in a manner
26 designed to enhance development of capital ownership in the
27 target group.

28 (14)~~(15)~~ Provide and pay for such advisory services
29 and technical assistance as may be necessary or desirable to
30 carry out the purposes of this act.

31 (15)~~(16)~~ Engage in special programs to enhance the

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1 development of black business enterprises as authorized by
2 this act.

3 (16)~~(17)~~ Promote black ownership of financial
4 institutions in Florida.

5 (17)~~(18)~~ Take, hold, and improve property, including
6 real property.

7 (18)~~(19)~~ Do any and all things necessary or convenient
8 to carry out the purposes of, and exercise the powers given
9 and granted in, ss. 288.707-288.714 ~~ss. 9-21, chapter 85-104,~~
10 ~~Laws of Florida~~, and exercise any other powers, rights, or
11 responsibilities of a corporation.

12 (19) In addition to any indemnification available
13 under chapter 617, the corporation may indemnify, and purchase
14 and maintain insurance on behalf of directors, officers, and
15 employees of the corporation and its boards against any
16 personal liability or accountability by reason of actions
17 taken while acting within the scope of their authority.

18 (20) Provide in its bylaws that upon the dissolution
19 of the corporation that all of its assets, after payment of
20 all legal debts and liabilities, revert to the State of
21 Florida.

22 Section 5. Section 288.7091, Florida Statutes, is
23 amended to read:

24 288.7091 Duties of the Florida Black Business
25 Investment Board, Inc.--The Florida Black Business Investment
26 Board, Inc., shall:

27 (1) Establish certification criteria for black
28 business investment corporations. Certification criteria shall
29 include administrative capacity, fiduciary controls, and, in
30 the case of existing black business investment corporations,
31 solvency and soundness of prior loan decisions;

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1 (2) Ensure that any appropriations by the Legislature
2 to the corporation on behalf of the black business investment
3 corporations are provided to the corporations in the manner
4 and amount prescribed by the Legislature;

5 (3) Work with Enterprise Florida, Inc., and local
6 economic development organizations to promote the retention
7 and expansion of existing black business enterprises and to
8 promote the formation and recruitment of new black business
9 enterprises;

10 (4)(2) Develop a memorandum of understanding with
11 Enterprise Florida, Inc., that outlines a strategy for
12 collaboration with the programs, activities, and committees or
13 similar units and boards of Enterprise Florida, Inc., which
14 memorandum of understanding shall provide for Enterprise
15 Florida, Inc., to contract with the corporation, where
16 practicable, for the delivery of economic development services
17 relating to black business enterprises;

18 (5)(3) Include in the criteria for loan decisions,
19 occupational forecasting results set forth in s. 216.136(9)
20 which target high growth jobs;

21 (6)(4) Facilitate the formation of black business
22 investment corporations in communities that are not currently
23 served by such corporations and establish, in communities that
24 are not currently served by an existing black business
25 investment corporation, memoranda of understanding with local
26 financial institutions that will provide loan guarantees for
27 loans to black business enterprises;

28 (7)(5) Develop memoranda of understanding with the
29 Departments of ~~Labor and Employment Security~~, Education,
30 Transportation, Community Affairs and Management Services, as
31 well as with Workforce Florida, Inc., and the Florida Board of

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1 Education State Board of Regents, detailing efforts of common
2 interest and collaborations to expand black business
3 development;
4 (8)(6) Intensify efforts to increase the number of
5 franchises owned by black businesses and the number of the
6 black business enterprises in construction and
7 construction-related projects, with emphasis on construction
8 projects financed by focusing on federal, state, or and local
9 governments government financed construction projects; and
10 (9)(7) Annually, prepare a report detailing the
11 performance of each black business investment corporation,
12 addressing the number of jobs created and/or retained, success
13 and failure rates among loan recipients, and the amount of
14 funds leveraged from other sources.
15 (10) Annually, provide for an annual compliance and
16 financial audit of accounts and records by an independent
17 certified public accountant at the end of its most recent
18 fiscal year performed in accordance with rules adopted by the
19 Auditor General. Such audit shall be filed with the Governor,
20 Senate President, and Speaker of the House of Representatives.
21 Section 6. Section 288.7092, Florida Statutes, is
22 created to read:
23 288.7092 Return on investment from activities of the
24 corporation.--
25 (1) The public funds appropriated each year for the
26 operation of the corporation are invested in this
27 public-private partnership to enhance black business ownership
28 and investments in Florida. This policy shall be the
29 Legislature's priority consideration when reviewing the return
30 on investment for the corporation.
31 (2) It is also the intent of the Legislature that the

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1 corporation coordinate its operations with Enterprise Florida,
2 Inc., and with local economic development organizations to
3 maximize the state and local return on investment to create
4 jobs for Floridians.

5 (3) It is further the intent of the Legislature to
6 maximize private-sector support in operating the corporation
7 as an endorsement of its value and as an enhancement of its
8 efforts.

9 (4)(a) The state's operating investment in the
10 corporation is the budget contracted by the Office of Tourism,
11 Trade, and Economic Development to the corporation, less
12 funding that is directed by the Legislature to be
13 subcontracted to a specific recipient.

14 (b) The board shall adopt for each upcoming fiscal
15 year an operating budget for the organization which specifies
16 the intended uses of the state's operating investment, other
17 sources of income, and a plan for securing private-sector
18 support to the corporation. Each fiscal year, private-sector
19 support to the corporation shall be as follows: no less than
20 50 percent of the state's investment by July 1, 2003; no less
21 than 60 percent of the state's investment by July 1, 2004; no
22 less than 70 percent of the state's investment by July 1,
23 2005; no less than 80 percent of the state's investment by
24 July 1, 2006; and no less than 100 percent of the state's
25 investment by July 1, 2007.

26 (5) Private-sector support in operating the
27 corporation includes:

28 (a) Cash given directly to the corporation for its
29 operating budget.

30 (b) Cash jointly raised by the corporation and a local
31 economic development organization, a group of such

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1 organizations, or a statewide business organization that
2 supports collaborative projects.

3 (c) Cash generated by products or services of the
4 corporation.

5 (d) In-kind contributions directly to the corporation,
6 including private-sector equipment contributed as part of
7 technical assistance; goods and services, including time
8 donated by loan officers, advertising or marketing support,
9 and items used to promote the corporation; business
10 expenditures; business services provided; business support;
11 and other business contributions that augment the operations,
12 program, activities, or assets of the corporation, including,
13 but not limited to, an individual's time and expertise,
14 sponsored publications, private-sector staff services, payment
15 for advertising placements, sponsorship of events, sponsored
16 or joint research, discounts on leases or purchases, mission
17 or program sponsorship, copayments, stock, warrants,
18 royalties, or other private resources dedicated to the
19 corporation, low-interest loans, participations, investment
20 income, and equity investments.

21 (6) The corporation shall fully comply with the
22 performance measures, standards, and sanctions in its
23 contracts with the Office of Tourism, Trade, and Economic
24 Development. The office shall ensure, to the maximum extent
25 possible, that the contract performance measures are
26 consistent with performance measures that the office is
27 required to develop and track under performance-based program
28 budgeting.

29 (7) As part of the annual report required under s.
30 288.714, the board of the corporation shall provide the
31 Legislature with information quantifying the public's return

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1 on investment.

2 (8) The corporation, in consultation with the Office
3 of Program Policy Analysis and Government Accountability,
4 shall hire a private accounting firm or economic analysis firm
5 to develop the methodology for establishing and reporting
6 return on investment and in-kind contributions as described in
7 this section. The Office of Program Policy Analysis and
8 Government Accountability shall review and offer feedback on
9 the methodology before it is implemented. The private
10 accounting firm or economic analysis firm shall certify
11 whether the applicable statements in the annual report comply
12 with this section.

13 Section 7. Subsections (1) and (4) of section 288.711,
14 Florida Statutes, are amended to read:

15 288.711 Florida Investment Incentive Trust Fund.--

16 (1) There is hereby created the Florida Investment
17 Incentive Trust Fund from which money may be drawn for
18 investments or loans, as authorized by this section, to
19 encourage the development of appropriate financial mechanisms
20 in the private sector to capitalize and assist in the
21 development of black business enterprises. All income earned
22 by investments of the fund shall be deposited in the fund for
23 carrying out the purposes of ss. 288.707-288.714 ~~ss. 9-21,~~
24 ~~chapter 85-104, Laws of Florida.~~ Administrative costs of the
25 program shall be appropriated in a lump-sum appropriation from
26 the fund created herein and shall be provided in the General
27 Appropriations Act.

28 (4) All loans and investments, and any income related
29 thereto, shall be used to carry out the public purpose of ss.
30 288.707-288.714 ~~ss. 9-21, chapter 85-104, Laws of Florida,~~
31 which is to develop black business enterprises. This is not

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1 meant to preclude a reasonable profit for the participating
2 black business investment corporation or for return of equity
3 developed to the state and participating financial
4 institutions upon any distribution of the assets or excess
5 income of the investment corporation.

6 Section 8. Paragraph (b) of subsection (3) and
7 paragraph (b) of subsection (4) of section 288.712, Florida
8 Statutes, are amended to read:

9 288.712 Florida guarantor funds.--

10 (3)

11 (b) For purposes of this section, the corporation
12 ~~board~~ may utilize the Black Contractors Bond Trust Fund in the
13 State Treasury, consisting of moneys deposited or credited to
14 the Black Contractors Bond Trust Fund pursuant to
15 appropriation made by law; any grants, gifts, and
16 contributions received pursuant to ss. 288.707-288.714 ~~ss.~~
17 ~~9-21, chapter 85-104, Laws of Florida~~; all moneys recovered
18 following defaults; and any other moneys obtained by the board
19 for this purpose. The fund shall be administered by the
20 corporation ~~board~~ in trust for the purposes of this section
21 and shall at no time be part of general public funds under the
22 following procedures:

23 1. The corporation ~~board~~ is authorized to post or
24 pledge the assets of the Black Contractors Bond Trust Fund as
25 collateral in amounts necessary to secure the issuance of bid
26 bonds and construction contract bonds to black business
27 enterprises. The board of the corporation shall establish a
28 premium to be charged to the black business enterprise for
29 which the assets have been so posted or pledged, pursuant to
30 generally accepted actuarial principles, and shall establish
31 such rules as may otherwise be necessary to carry out the

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1 purposes of this section.

2 2. Any claims against the state arising from defaults
3 shall be payable from the Black Contractors Bond Trust Fund.

4 3. Nothing in this subsection shall be construed to
5 prohibit or restrict the corporation board from entering into
6 a joint venture or other contractual agreement with a private
7 insurer or to invest in a private entity to handle all or part
8 of a black contractors bonding program, credit program, or
9 both for black business enterprises. Such investments or
10 joint venture shall be made under conditions required by law
11 and as the board may, from time to time, require and may take
12 any of the forms described in s. 288.711(2) and (3). The
13 board is authorized and encouraged to contract with a
14 regulated surety company to conduct a surety bond program for
15 black business enterprises. Moneys from the Black Contractors
16 Bond Trust Fund may be used for these purposes.

17 (4)

18 (b) If the board of the corporation chooses to
19 establish a loan guaranty program, it shall use ~~utilize~~ the
20 Black Business Loan Guaranty Trust Fund in the State Treasury,
21 consisting of moneys deposited or credited to the Black
22 Business Loan Guaranty Trust Fund pursuant to appropriation
23 made by law; any grants, gifts, and contributions received
24 pursuant to ss. 288.707-288.714 ~~ss. 9-21, chapter 85-104, Laws~~
25 ~~of Florida~~; all moneys recovered following defaults; and any
26 other moneys obtained by the corporation board for this
27 purpose. The Black Business Loan Guaranty Trust Fund shall be
28 administered by the corporation board in trust for the
29 purposes of this section and shall at no time be part of
30 general public funds under the following procedures:

31 1. The corporation board shall utilize the Black

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1 Business Loan Guaranty Program Administrative and Loss Reserve
2 Fund in the State Treasury, consisting of all premiums charged
3 and collected in accordance with this section and any income
4 earned from the moneys in the account. All expenses of the
5 corporation board in carrying out the purposes of this
6 subsection shall be paid from the Black Business Loan Guaranty
7 Program Administrative and Loss Reserve Fund. Any moneys to
8 the credit of the Black Business Loan Guaranty Program
9 Administrative and Loss Reserve Fund in excess of the amount
10 necessary to fund the corporation's board's activity shall be
11 held as a loss reserve to pay claims arising from defaults on
12 loans underwritten in accordance with this section.

13 2. Any claims against the state arising from defaults
14 shall be payable initially from the Black Business Loan
15 Guaranty Program Administrative and Loss Reserve Fund and,
16 secondarily, from the Black Business Loan Guaranty Trust Fund.

17 3. The corporation board as loan guarantor may
18 exercise all rights and powers of a company authorized by the
19 Department of Insurance to guarantee loans but shall not be
20 subject to any requirements of an insurance company under the
21 Florida Insurance Code, nor to any rules of the Department of
22 Insurance; however, the corporation board shall refer to the
23 insurance code and rules thereunder when designing and
24 administering such program. The corporation board shall
25 follow sound actuarial principles when administering this
26 program. The corporation board shall establish a premium for
27 the loan guaranty and such rules as may be necessary to carry
28 out the purposes of this section.

29 4. The corporation board may guarantee no more than 20
30 percent of the principal of a loan to a black business
31 enterprise.

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- 1 Section 9. Section 288.714, Florida Statutes, is
2 amended to read:
- 3 288.714 Annual report.--By February 1 ~~March 31~~ of each
4 year the board of the corporation shall submit to the
5 Governor, the President of the Senate, the Speaker of the
6 House of Representatives, and the director of the Office of
7 Tourism, Trade, and Economic Development ~~and the secretary of~~
8 ~~the Department of Labor and Employment Security~~ a complete and
9 detailed report setting forth:
- 10 (1) Operations and accomplishments of the corporation
11 ~~board~~;
- 12 (2) The number of black business enterprises which
13 participated during the past year in programs established or
14 administered by the corporation board;
- 15 (3) The number of black business enterprises receiving
16 assistance from the corporation board and the manner in which
17 the assistance was received;
- 18 (4) The status of black business enterprises which
19 participated in programs established or administered by the
20 corporation board;
- 21 (5) The total number of jobs represented by black
22 business enterprises participating in programs established or
23 administered by the corporation board;
- 24 (6) Receipts and expenditures of the corporation board
25 during its most recent fiscal year in accordance with the
26 categories or classifications established by the corporation
27 ~~board~~ for its operating and capital accounts;
- 28 (7) Assets and liabilities of the corporation board at
29 the end of its most recent fiscal year and the status of its
30 trust funds; and
- 31 (8) A schedule of local bonds outstanding authorized

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1 by the corporation board and capital participation instruments
2 issued by the corporation board for the year and the total to
3 date.

4 Section 10. Black Business Investment Board, Inc.,
5 state employee leasing program.--

6 (1) The Department of Management Services shall
7 establish a lease-agreement program under which an employee as
8 of June 30, 2002, of the Black Business Investment Board,
9 Inc., created under chapter 85-104, Laws of Florida, retains
10 his or her status as a state employee until a set date.

11 (2) The Department of Management Services shall
12 establish the terms and conditions of the program and such
13 lease agreements.

14 (a) Status as a state employee shall include the right
15 to participate in the Florida Retirement System.

16 (b) Any employee who participates in a lease agreement
17 shall work under the direct supervision of the corporation.

18 (c) Status as a state employee under a lease agreement
19 as provided in this section expires on June 30, 2004, unless
20 the employee voluntarily relinquishes his or her status as a
21 state employee before that date.

22 Section 11. Subsection (5) of section 288.9015,
23 Florida Statutes, is amended to read:

24 288.9015 Enterprise Florida, Inc.; purpose; duties.--

25 (5) Enterprise Florida, Inc., shall incorporate the
26 needs of small and minority businesses into the
27 economic-development, international-trade and
28 reverse-investment, and workforce-development responsibilities
29 assigned to the organization by this section. Where
30 practicable and consistent with the expertise of the Black
31 Business Investment Board, Inc., Enterprise Florida, Inc.,

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1 shall contract with the corporation for the delivery of
2 services in fulfillment of the responsibilities of Enterprise
3 Florida, Inc., relating to small and minority businesses.

4 Section 12. The Black Business Investment Board, Inc.,
5 shall report to the Legislature by January 1, 2004, on what
6 efforts were made to include all minorities within the scope
7 of activities by the corporation and the black business
8 investment corporations.

9 Section 13. If any other act passed during the 2002
10 Regular Session of the Legislature or any extension thereof
11 contains a provision that repeals sections 288.011 and
12 288.012, Florida Statutes, the Legislature intends that the
13 provision in the other act shall take precedence over sections
14 7 and 8 of this act.

15 Section 14. This act shall take effect July 1, 2002.
16
17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 remove: Everything before the enacting clause

21
22 and insert:

23 A bill to be entitled
24 An act relating to the Florida Black Business
25 Investment Board; amending s. 288.707, F.S.;
26 revising legislative findings regarding the
27 creation and growth of black business
28 enterprises; redefining the term "black
29 business enterprise"; providing that the board
30 shall be a not-for-profit corporation and not
31 an entity of state government; revising

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1 provisions relating to appointment and number
2 of board members, compensation of board
3 members, the president and employees, and
4 financial disclosure by board members;
5 providing for board meetings; authorizing the
6 board to appoint at-large members; creating s.
7 288.7075, F.S.; providing legislative findings
8 that the needs of black business enterprises
9 are shared by other minority business
10 enterprises; expressing the intent of the
11 Legislature that the Black Business Investment
12 Board, Inc., and the black business investment
13 corporations include minority business
14 enterprises within the scope of their duties,
15 responsibilities, and activities and report on
16 their progress in assisting such business
17 enterprises; amending s. 288.708, F.S.;
18 revising provisions relating to appointment of
19 the executive director; renaming the position
20 of "executive director" as "president";
21 providing for the appointment and compensation
22 of the president; providing for delegation of
23 powers and responsibilities to the president;
24 prescribing the corporation's responsibilities
25 regarding use of funds; providing requirements
26 regarding employees' compensation; amending s.
27 288.709, F.S.; replacing references to board
28 rulemaking with references to the adoption of
29 policies; eliminating provisions related to the
30 authority of the corporation to acquire and
31 sell property; amending s. 288.7091, F.S.;

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1 revising provisions relating to duties of the
2 corporation regarding developing memoranda of
3 understanding with certain entities and
4 increasing the number of black business
5 enterprises in construction projects; requiring
6 the corporation to ensure that certain
7 appropriations are distributed properly, to
8 conduct certain economic development
9 activities, and to facilitate creation of black
10 business investment corporations; creating s.
11 288.7092, F.S.; providing intent regarding
12 operation of the corporation and return on
13 investment; defining the state's operating
14 investment in the corporation; directing the
15 board to adopt an annual operating budget;
16 providing requirements regarding private-sector
17 support; providing requirements regarding
18 corporation compliance with performance
19 measures; providing for a report; requiring
20 that the corporation hire a private accounting
21 firm or economic analysis firm and providing
22 its duties; amending ss. 288.711 and 288.712,
23 F.S.; conforming provisions; amending s.
24 288.714, F.S.; revising the list of persons to
25 whom the corporation's annual report is
26 submitted; revising the due date for such
27 report; clarifying references to ss.
28 288.707-288.714, F.S.; establishing a program
29 to lease state employees to the Black Business
30 Investment Board, Inc.; prescribing duties of
31 the Department of Management Services related

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1 to such leasing program; providing terms and
2 conditions of such leasing program; amending s.
3 288.9015, F.S.; revising duties of Enterprise
4 Florida, Inc., relating to small and minority
5 businesses; directing Enterprise Florida, Inc.,
6 to contract with the Black Business Investment
7 Board, Inc., under certain conditions;
8 requiring the Black Business Investment Board,
9 Inc., to complete a report on the inclusion of
10 all minorities in he activities of the
11 corporation and the black business investment
12 corporations; providing applicability to other
13 legislation; providing an effective date.

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