

By Senator Miller

18-1486-03

1 A bill to be entitled
2 An act relating to the Florida Black Business
3 Investment Board; amending s. 288.703, F.S.;
4 redefining the term "financial institution" for
5 purposes of the board; amending s. 288.709,
6 F.S.; deleting a requirement relating to
7 approval of board by-laws; amending s.
8 288.7091, F.S.; requiring the board to certify
9 black business investment corporations;
10 amending s. 288.71, F.S.; providing for the
11 adoption of policies rather than rules;
12 amending s. 288.714, F.S.; revising a reporting
13 date; providing an effective date.

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

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17 Section 1. Subsection (7) of section 288.703, Florida
18 Statutes, is amended to read:

19 288.703 Definitions.--As used in this act, the
20 following words and terms shall have the following meanings
21 unless the content shall indicate another meaning or intent:

22 (7) "Financial institution" means any bank, trust
23 company, insurance company, savings and loan association,
24 credit union, federal lending agency, ~~or~~ foundation, or
25 corporation engaged primarily in lending or investing funds.

26 Section 2. Subsection (1) of section 288.709, Florida
27 Statutes, is amended to read:

28 288.709 Powers of the Florida Black Business
29 Investment Board, Inc.--The board shall have all the powers
30 necessary or convenient to carry out and effectuate the

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1 purposes and provisions of ss. 288.707-288.714, including, but
2 not limited to, the power to:

3 (1) Adopt bylaws for the regulation of its affairs and
4 the conduct of its business and adopt policies to implement
5 the provisions of law conferring duties upon it. ~~However, any~~
6 ~~proposed bylaws or policies affecting the operation or~~
7 ~~administration or financial well-being of any of the black~~
8 ~~business investment corporations must first be approved by a~~
9 ~~majority of the black business investment corporations.~~ Such
10 bylaws shall provide that the corporation is subject to the
11 requirements of s. 24, Art. I of the State Constitution and
12 chapter 119 and s. 286.011.

13 Section 3. Subsection (1) of section 288.7091, Florida
14 Statutes, is amended to read:

15 288.7091 Duties of the Florida Black Business
16 Investment Board, Inc.--The Florida Black Business Investment
17 Board, Inc., shall:

18 (1) Establish certification criteria for black
19 business investment corporations and certify at least once
20 every 5 years, each of the black business investment
21 corporations. Certification criteria shall include
22 administrative capacity, fiduciary controls, and, in the case
23 of existing black business investment corporations, solvency
24 and soundness of prior loan decisions;

25 Section 4. Section 288.71, Florida Statutes, is
26 amended to read:

27 288.71 Conditions for board action.--The board shall
28 require of all programs in which the board participates that
29 any black business enterprise demonstrate to the appropriate
30 entity that:

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1 (1) The proposed investment is economically sound and
2 will benefit the people of the state by increasing
3 opportunities for employment, strengthening the economy of the
4 state, or expanding black business enterprises.

5 (2) The black business enterprise proposed to be
6 assisted will be able to compete successfully in the private
7 sector if it obtains the requested financial assistance and
8 has, or will obtain, necessary technical or managerial support
9 through a private mentor, a state or federally sponsored small
10 business assistance center, or other credible source. In
11 determining whether a black business enterprise will be able
12 to compete successfully, the entity shall consider such
13 factors as:

14 (a) The successful completion of, or participation in,
15 courses of study recognized by an appropriate accrediting
16 agency or appropriate state agency as providing financial,
17 technical, or managerial skills related to the operation of
18 the business by the owner or partner;

19 (b) The prior success of the owner or partner in
20 personal, career, or business activities;

21 (c) Amount of local and other financial assistance
22 available to the black business enterprise;

23 (d) The availability of ongoing technical or
24 managerial assistance by private sources; and

25 (e) Other factors identified by the board.

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27 The board shall adopt policies ~~rules~~ that prescribe criteria
28 used by the board to evaluate applications for financial
29 assistance to black business enterprises.

30 Section 5. Section 288.714, Florida Statutes, is
31 amended to read:

1 288.714 Annual report.--By May 1 ~~February 1~~ of each
2 year the board of the corporation shall submit to the
3 Governor, the President of the Senate, the Speaker of the
4 House of Representatives, and the director of the Office of
5 Tourism, Trade, and Economic Development a complete and
6 detailed report setting forth:

7 (1) Operations and accomplishments of the corporation;

8 (2) The number of black business enterprises which
9 participated during the past year in programs established or
10 administered by the corporation;

11 (3) The number of black business enterprises receiving
12 assistance from the corporation and the manner in which the
13 assistance was received;

14 (4) The status of black business enterprises which
15 participated in programs established or administered by the
16 corporation;

17 (5) The total number of jobs represented by black
18 business enterprises participating in programs established or
19 administered by the corporation;

20 (6) Receipts and expenditures of the corporation
21 during its most recent fiscal year in accordance with the
22 categories or classifications established by the corporation
23 for its operating and capital accounts;

24 (7) Assets and liabilities of the corporation at the
25 end of its most recent fiscal year and the status of its trust
26 funds; and

27 (8) A schedule of local bonds outstanding authorized
28 by the corporation and capital participation instruments
29 issued by the corporation for the year and the total to date.

30 Section 6. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Revises provisions relating to powers and duties of the Florida Black Business Investment Board. (See bill for details.)