

By Senator Siplin

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1                   A bill to be entitled  
2           An act relating to community reinvestment plans; providing  
3           definitions; authorizing a business to develop and  
4           implement a community reinvestment plan for tax-credit  
5           purposes; providing certain requirements for a community  
6           reinvestment plan; providing a tax credit for a business  
7           that meets the requirements of its community reinvestment  
8           plan; providing for the carryover of credit; providing  
9           duties of the Financial Services Commission; requiring the  
10          commission to adopt rules, in consultation with the  
11          Department of Community Affairs and the Florida Housing  
12          Finance Corporation, regarding community reinvestment  
13          plans; authorizing a business to list its community  
14          reinvestment plan on its website; requiring the Financial  
15          Service Commission, the Department of Community Affairs,  
16          the Office of Tourism, Trade, and Economic Development,  
17          and the Florida Housing Finance Corporation to prepare a  
18          strategic plan relating to access to financial capital in  
19          certain areas of the state; providing requirements for the  
20          strategic plan; requiring the commission to create and  
21          maintain a website that includes certain public  
22          information concerning financial matters; providing an  
23          effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27       Section 1. Community reinvestment plans.--

28       (1) DEFINITIONS.--As used in this section, the term:

29       (a) "Business" or "business firm" means any business entity

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30 authorized to do business in this state as defined in paragraph  
31 (d), and any bank or savings and loan association as defined in  
32 s. 220.62, Florida Statutes, which is subject to the tax imposed  
33 by chapter 220, Florida Statutes.

34 (b) "Community reinvestment plan" means an annual strategic  
35 plan developed and implemented by a business under this section.

36 (c) "Commission" means the Financial Services Commission.

37 (d) "Corporation" includes all domestic corporations;  
38 foreign corporations qualified to do business in this state or  
39 actually doing business in this state; joint-stock companies;  
40 limited liability companies under chapter 608, Florida Statutes;  
41 common-law declarations of trust under chapter 609, Florida  
42 Statutes; corporations not for profit under chapter 617, Florida  
43 Statutes; agricultural cooperative marketing associations under  
44 chapter 618, Florida Statutes; professional service corporations  
45 under chapter 621, Florida Statutes; foreign unincorporated  
46 associations under chapter 622, Florida Statutes; private school  
47 corporations under chapter 623, Florida Statutes; foreign  
48 corporations not for profit which are carrying on their  
49 activities in this state; and all other organizations,  
50 associations, legal entities, and artificial persons that are  
51 created by or pursuant to the laws of this state, the United  
52 States, or any other state, territory, possession, or  
53 jurisdiction. The term does not include proprietorships, even if  
54 using a fictitious name; partnerships of any type, as such;  
55 limited liability companies that are taxable as partnerships for  
56 federal income tax purposes; state or public fairs or expositions  
57 under chapter 616, Florida Statutes; estates of decedents or  
58 incompetents; testamentary trusts; or private trusts.

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59        (e) "Targeted population" means individuals or an  
60 identifiable group of individuals who are low-income persons or  
61 otherwise lack adequate access to loans or equity investments.

62        (f) "Underserved area" means an investment area as defined  
63 by the Community Development Banking and Financial Institutions  
64 Act of 1994, 12 U.S.C. s. 4702, as amended.

65        (2) APPLICABILITY.--This section applies only to a business  
66 that is subject to a corporate income tax.

67        (3) COMMUNITY REINVESTMENT PLAN.--A business, in accordance  
68 with rules adopted by the commission under subsection (5), may  
69 develop and implement an annual community reinvestment plan in  
70 order to be eligible to receive a tax credit as provided in  
71 subsection (4). A business's plan must include the business's  
72 specific targets for the expenditure of funds for community  
73 reinvestment purposes, including:

74        (a) Lending money to members of a targeted population or  
75 underserved areas in the state; and

76        (b) Investing in or with nonprofit lending institutions for  
77 lending activities in underserved areas or with members of a  
78 targeted population in the state.

79        (4) (a) TAX CREDIT.--There shall be allowed a credit against  
80 the tax imposed by chapter 220, Florida Statutes, to any business  
81 that meets each target set forth in its community reinvestment  
82 plan as certified by rule of the commission.

83        (b) If the credit granted under this section is not fully  
84 used in any one year, the unused amount may be carried forward  
85 for a period not to exceed 5 years. The carryover credit may be  
86 used in a subsequent year when the tax imposed by chapter 220,  
87 Florida Statutes, for such year exceeds the credit for such year

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88 under this section after applying the other credits and unused  
89 credit carryovers in the order provided in s. 220.02(8), Florida  
90 Statutes. The amount of credit taken under this section in any  
91 one year, however, may not exceed \$25,000, or, if no fewer than  
92 20 percent of the employees of the business are residents of an  
93 enterprise zone, excluding temporary employees, the amount may  
94 not exceed \$50,000.

95 (5) DUTIES OF THE FINANCIAL SERVICES COMMISSION; RULEMAKING  
96 AUTHORITY.--

97 (a) The commission, in consultation with the Department of  
98 Community Affairs and the Office of Tourism, Trade, and Economic  
99 Development, shall assist businesses in identifying and setting  
100 community reinvestment targets for the submission of community  
101 reinvestment plans.

102 (b) The commission shall adopt rules to administer this  
103 section, including rules that:

104 1. Provide businesses with specific guidelines and  
105 procedures for the adoption and submission to the commission of  
106 community reinvestment plans, including a reasonable timeframe  
107 for implementation of the plan; and

108 2. Create a certification process that meets each target  
109 set under the businesses' respective plans.

110 (c) The commission may consult with and request information  
111 relevant to this section from the Department of Community Affairs  
112 and the Florida Housing Finance Corporation. In developing rules  
113 under this section, the commission shall consider any information  
114 obtained under this subsection.

115 (6) (a) INTERNET POSTING.--A business may post its community  
116 reinvestment plan on any Internet website maintained by the

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117 business. The plan must be posted in a format that is readily  
118 accessible to and understandable by the public. The business  
119 shall notify the commission if it posts a plan.

120 (b) The commission shall maintain on its Internet website a  
121 link to each business's community reinvestment plan that is  
122 posted on the Internet.

123 Section 2. Access to financial capital.--

124 (1) DUTY OF CERTAIN AGENCIES TO PREPARE STRATEGIC PLAN  
125 CONCERNING ACCESS TO FINANCIAL CAPITAL.--The Financial Services  
126 Commission that oversees the Office of Financial Regulation  
127 within the Department of Financial Services, the Department of  
128 Community Affairs, the Office of Tourism, Trade, and Economic  
129 Development, and the Florida Housing Finance Corporation shall  
130 prepare a biennial strategic plan relating to access to financial  
131 capital in unserved and underserved areas of the state.

132 (2) SUBMISSION OF PLAN AND RECOMMENDATIONS.--By November 1  
133 of each even-numbered year, the commission shall:

134 (a) Submit the strategic plan required by this section to  
135 the Governor, the President of the Senate, and the Speaker of the  
136 House of Representatives; and

137 (b) Make recommendations concerning actions that the  
138 Legislature may take to improve access to capital in unserved and  
139 underserved areas of the state.

140 (3) CONTENTS OF PLAN.--The strategic plan must:

141 (a) Define and identify unserved and underserved areas in  
142 the state with regard to housing ownership, small business loans,  
143 availability of venture capital, lending options, and other  
144 relevant financial capital issues;

145 (b) Quantify community investment and lending resources

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- 146 available by location in the state;
- 147 (c) Develop specific targets and plans for increasing
- 148 investment in unserved and underserved areas; and
- 149 (d) Enlist private financial institutions to use the
- 150 strategic plan to set institutional targets.
- 151 (4) FINANCIAL CAPITAL INFORMATION AVAILABLE ON
- 152 INTERNET.--The commission shall create and maintain an Internet
- 153 website through the state's on-line government portal or any
- 154 successor to that portal which includes:
- 155 (a) A list of traditional and nontraditional sources for
- 156 loans that can be searched by a borrower based on the borrower's
- 157 financial characteristics;
- 158 (b) Advice to small businesses on how to develop a business
- 159 plan;
- 160 (c) Advice on how to enhance credit scores;
- 161 (d) Advice on how to establish a relationship with a
- 162 financial institution;
- 163 (e) Information regarding interest rates available in the
- 164 state;
- 165 (f) Information pertaining to the cost of loans available
- 166 to borrowers of varied risk levels in the state;
- 167 (g) Information concerning how to compare mortgage loans
- 168 available in the state;
- 169 (h) Information regarding lending practices of specific
- 170 businesses in the state; and
- 171 (i) Links to relevant consumer financial websites.
- 172 Section 3. This act shall take effect upon becoming a law.