

By the Committee on Commerce and Tourism; and Senator Powell

577-03459-20

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1 A bill to be entitled
2 An act relating to the Black Business Loan Program;
3 amending s. 288.7102, F.S.; requiring that the
4 application process and the annual certification
5 process for the Black Business Loan Program be
6 separate and distinct processes; requiring the
7 department to consider certain factors when assessing
8 applications; requiring that applications contain
9 certain information; revising eligibility requirements
10 for recipients under the program; reenacting s.
11 288.7094(2), F.S., relating to black business
12 investment corporations; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:
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16 Section 1. Subsection (2) and paragraphs (b) and (c) of
17 subsection (4) of section 288.7102, Florida Statutes, are
18 amended to read:

19 288.7102 Black Business Loan Program.—

20 (2) (a) The department shall establish an application
21 process and an annual certification process for entities seeking
22 funds to participate in providing loans, loan guarantees, or
23 investments in black business enterprises pursuant to the Black
24 Business Loan Program. The application process and the annual
25 certification process must be two separate and distinct
26 processes. When assessing applications, the department shall
27 consider an applicant's need, ability, and past performance
28 providing similar business development services ~~Florida Black~~
29 ~~Business Investment Act.~~ The department shall process all

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30 applications and recertifications submitted by June 1 on or
 31 before July 31.

32 (b) The loan application must:

33 1. Indicate the maximum possible score an applicant may
 34 achieve for each required section of the application;

35 2. Require an applicant to:

36 a. Document his or her past performance under any similar
 37 business development program; and

38 b. Indicate whether he or she previously provided loans,
 39 loan guarantees, or investments to black business enterprises as
 40 an employee of a public agency, as defined in s. 288.9603, and,
 41 if so, identify the programs for which such services were
 42 performed; and

43 3. Indicate that the required cash match funds may be funds
 44 that were provided by a public agency.

45 (4) To be eligible to receive funds and provide loans, loan
 46 guarantees, or investments under this section, a recipient must:

47 (b) ~~For an existing recipient, annually~~ Submit to the
 48 department a financial audit performed by an independent
 49 certified public accountant for the most recently completed
 50 fiscal year, which audit does not reveal any material weaknesses
 51 or instances of material noncompliance. An existing recipient
 52 must annually submit such audit.

53 (c) New and existing recipients must ~~For a new recipient:~~

54 1. Demonstrate that its board of directors includes
 55 citizens of the state experienced in the development of black
 56 business enterprises.

57 2. Demonstrate that the recipient has a business plan that
 58 allows the recipient to operate in a manner consistent with this

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59 section and the rules of the department.

60 3. Demonstrate that the recipient has the technical skills
61 to analyze and evaluate applications by black business
62 enterprises for loans, loan guarantees, or investments.

63 4. Demonstrate that the recipient has established viable
64 partnerships with public and private funding sources, economic
65 development agencies, and workforce development and job referral
66 networks.

67 5. Demonstrate that the recipient can provide a private
68 match equal to 20 percent of the amount of funds provided by the
69 department.

70 Section 2. For the purpose of incorporating the amendment
71 made by this act to section 288.7102, Florida Statutes, in a
72 reference thereto, subsection (2) of section 288.7094, Florida
73 Statutes, is reenacted to read:

74 288.7094 Black business investment corporations.—

75 (2) A black business investment corporation that meets the
76 requirements of s. 288.7102(4) is eligible to participate in the
77 Black Business Loan Program and shall receive priority
78 consideration by the department for participation in the
79 program.

80 Section 3. This act shall take effect July 1, 2020.