

1 A bill to be entitled
 2 An act relating to the Black Business Loan Program;
 3 amending s. 288.7102, F.S.; deleting language that
 4 limits black business enterprises to which certain
 5 funds may be disbursed; requiring that the application
 6 process and the annual certification process for the
 7 Black Business Loan Program be separate and distinct
 8 processes; requiring the Department of Economic
 9 Opportunity to consider certain factors when assessing
 10 applications; requiring that applications contain
 11 certain information; revising eligibility requirements
 12 for recipients under the program; reenacting s.
 13 288.7094(2), F.S., relating to black business
 14 investment corporations; providing an effective date.

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

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 18 Section 1. Subsections (1) and (2) and paragraphs (b),
 19 (c), and (d) of subsection (4) of section 288.7102, Florida
 20 Statutes, are amended to read:

21 288.7102 Black Business Loan Program.—

22 (1) The Black Business Loan Program is established in the
 23 department, which shall annually certify eligible recipients and
 24 subsequently disburse funds appropriated by the Legislature,
 25 through such eligible recipients, to black business enterprises

26 ~~that cannot obtain capital through conventional lending~~
27 ~~institutions but that could otherwise compete successfully in~~
28 ~~the private sector.~~

29 (2) (a) The department shall establish an application
30 process and an annual certification process for entities seeking
31 funds to participate in providing loans, loan guarantees, or
32 investments in black business enterprises pursuant to the Black
33 Business Loan Program. The application process and the annual
34 certification process must be two separate and distinct
35 processes. When assessing applications, the department shall
36 consider an applicant's need, ability, and track record ~~Florida~~
37 ~~Black Business Investment Act~~. The department shall process all
38 applications and recertifications submitted by June 1 on or
39 before July 31.

40 (b) The loan application must:

41 1. Indicate the maximum possible score an applicant may
42 achieve for each required section of the application; and

43 2. Require an applicant to:

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

46 b. Indicate whether he or she can provide loans to black
47 business enterprises or has previously provided loans, loan
48 guarantees, or investments to black business enterprises as an
49 employee of a public agency, as defined in s. 288.9603, and, if
50 so, identify the programs for which such services were

51 performed.

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

55 (b) ~~For an existing recipient, annually~~ Submit to the
 56 department a financial audit performed by an independent
 57 certified public accountant for the most recently completed
 58 fiscal year, which audit does not reveal any material weaknesses
 59 or instances of material noncompliance. An existing recipient
 60 must annually submit such audit.

61 (c) Demonstrate that ~~For a new recipient:~~

62 1. The recipient's ~~Demonstrate that its~~ board of directors
 63 includes citizens of the state experienced in the development of
 64 black business enterprises.

65 2. ~~Demonstrate that~~ The recipient has a business plan that
 66 allows the recipient to operate in a manner consistent with this
 67 section and the rules of the department.

68 3. ~~Demonstrate that~~ The recipient has the technical skills
 69 to analyze and evaluate applications by black business
 70 enterprises for loans, loan guarantees, or investments.

71 4. ~~Demonstrate that~~ The recipient has established viable
 72 partnerships with public and private funding sources, economic
 73 development agencies, and workforce development and job referral
 74 networks.

75 5. ~~Demonstrate that~~ The recipient has ~~can~~ provide a

76 | private or public match in hand that is equal to 20 percent of
77 | the amount of funds that will be provided by the department.

78 | 6. The recipient has the continued capacity to meet the
79 | requirements of this paragraph.

80 | (d) ~~For an existing or new recipient,~~ Agree to maintain
81 | the recipient's books and records relating to funds received by
82 | the department according to generally accepted accounting
83 | principles and in accordance with the requirements of s.
84 | 215.97(7) and to make those books and records available to the
85 | department for inspection upon reasonable notice.

86 | Section 2. For the purpose of incorporating the amendment
87 | made by this act to section 288.7102, Florida Statutes, in a
88 | reference thereto, subsection (2) of section 288.7094, Florida
89 | Statutes, is reenacted to read:

90 | 288.7094 Black business investment corporations.—

91 | (2) A black business investment corporation that meets the
92 | requirements of s. 288.7102(4) is eligible to participate in the
93 | Black Business Loan Program and shall receive priority
94 | consideration by the department for participation in the
95 | program.

96 | Section 3. This act shall take effect July 1, 2021.