

# **BUSINESS ASSISTANCE PROGRAM**

## **Policies, Procedures and Conditions**

### **A. Purpose**

Business attraction, retention and expansion are a primary goal of the City of Orlando. Small, independent businesses, in particular, drive and sustain our local economy. Recognizing the importance of small businesses in our City, the Business Assistance Program (BAP) is designed to encourage the location and/or expansion of small businesses in the City by assisting with small-scale infrastructure projects and offsetting development fees. ("Grant"). Grants made to properties will allow businesses to reinvest fee savings into their businesses, thereby encouraging job creation and growth, and supporting the long-term economic vitality of the City.

### **Grant Structure and Criteria for Selection**

The Economic Development Department will oversee the Business Assistance Program. Funding is based on budget availability and will be considered on a "first come, first served basis". Application submission **does not** guarantee approval.

Applications will be reviewed for completeness and compliance with program criteria. Applications that do not comply with the program criteria and conditions will not be eligible for funding. All authorized corporate officers or partners of the applying business must sign the application, in addition to the property owner. **New** business applicants must supply proof of a lease that identifies at least a three (3) year term. **Existing** business applicants must supply proof of a lease that identifies at least three years remaining in the lease term.

Prior to consideration for a BAP Grant, the subject property must be free from any liens (except mortgage liens), judgments, or encumbrances (except easements) of any kind, and all City obligations must be current. The City reserves the right to contract for a title search and/or ownership and encumbrance report at the City's discretion, the cost for which will be deducted from the Grant funds at the time of disbursement, if Grant funding is approved.

All applicants for a BAP Grant must submit to a criminal background check. If the applicant is a corporate entity, then the president, director, manager, or, in the case of a partnership, all partners, shall submit to a criminal background check. In order to be eligible for funding, applicants must **not** have any of the following: a felony conviction or nolo contendere within the past five (5) years; a felony conviction or nolo contendere for financial/economic crimes within the past ten (10) years; or a felony conviction or nolo contendere for violent or heinous crimes (i.e. murder, sexual battery, sexual assault, armed robbery or burglary, carjacking, home-invasion, kidnapping, arson, crimes against children, etc.) in their complete history. If the background check reveals any of the above, the applicant will be rendered ineligible for the Grant.

### **Program Funding**

The Business Assistance Program (BAP) is a matching grant program designed to encourage small businesses to locate, expand, or redevelop in the City of Orlando.

BAP provides matching funds to new and expanding businesses in the City to assist in off-setting development fees, including sewer and transportation impact fees, building permit fees, and all elements of public right-of-way infrastructure within the City's jurisdiction that may require new installation, repair, replacement, or relocation. Eligible improvements include, but are not limited to, street lighting and fire hydrant installation/relocation, sidewalk repairs; traffic signalization; water and sewer line construction, removal or relocation; curb, gutter, street improvements and landscaping; or installation of publicly accessible electric vehicle (EV) charging infrastructure

The program requires eligible business owner applicants to pay 50% of the fees assessed against the project, while the program fund pays the remaining 50% up to \$20,000.

The Economic Development Director, by virtue of these guidelines, has the authority to sign agreements on behalf of the City for all eligible applications totaling up to \$5,000. The Director, at his or her discretion, may present any and all agreements to City Council for approval. Those agreements that exceed \$5,000 shall be approved by City Council.

The BAP Agreement term is three (3) years. The business must remain in operation for three (3) years from the execution date of the agreement. If the business fails to comply with any of the terms or conditions of the Agreement, the City shall be entitled to immediately seek the repayment of funds from the business that have already been disbursed by the City.

All applicants who are awarded Grant funding will become Grantees. All Grantees must sign the Funding Agreement.

Applicants for the Program shall meet the criteria outlined below:

1. Business must be located within or locating to the City of Orlando limits.
2. Applicants must be a new, for-profit business or an expanding, existing for-profit business in the City of Orlando.
3. The applying business must be a small business as defined by the U. S. Small Business Administration. <http://www.sba.gov/content/small-business-size-standards>
4. All applicants must obtain or possess City of Orlando Business Tax Receipt. (Existing business owners must possess a current City of Orlando Business Tax Receipt. New business owners must obtain a City of Orlando Business Tax Receipt within 90 days of agreement execution.) A copy must be provided to the City.
5. All applicants must be current with federal, state, and local taxes.
6. Recipients of BAP assistance may apply for the Small Business Façade, Site Improvement and Adaptive Reuse Program (FSARP). Total assistance from both programs may not exceed the amount the recipient would qualify for in the FSARP, unless the recipient of the FSARP assistance is required by the City to make improvements to the City's right-of-way (which includes, but is not limited to, street lighting and fire hydrant installation/relocation, sidewalk repairs; traffic signalization; water and sewer line construction, removal or relocation; curb, gutter, street improvements and landscaping). In that instance, the recipient of the FSARP assistance may receive up to \$20,000.00 in BAP assistance regardless of the amount of assistance

awarded under the FSARP. MEBA recipients may also apply for BAP assistance **only** after the expiration date of their MEBA agreement.

7. Applicants and property owners may reapply for BAP assistance one (1) year **after** the termination date of the existing program agreement. The applicant must be the original business entity and be in the process of expansion. Applicants may only reapply **once** for BAP.
8. Applicants must obtain a building permit for all corresponding proposed work for which fees have been assessed. All work must meet the requirements of the Orlando City Code.
9. All approvals must be in place prior to final approval. No grants will be awarded retroactively.
10. All applicants must be in compliance with applicable City Departments.

**Only complete applications will be accepted. Incomplete applications will be returned to the applicant.**

#### **B. Eligible Business Uses \***

1. Manufacturing industries
2. Construction industries
3. Technology and communication industries
4. Business service industries
5. Transportation and storage industries
6. Retail and restaurant industries
7. Business with cultural uses
8. Personal service industries (i.e. barber shops, beauty shops, laundromats, appliance repair, jewelry and clock repair, duplicating services, health spas, dance studios, photography studios, tailoring, and other similar services)
9. Medical services and support (medical office supply, equipment supply, compound pharmacy, independent pharmacy, independent medical office, independent doctor group medical office, independent veterinary office)
10. Local chain businesses (Business must have its main corporate headquarter office in Central Florida (Orange, Lake, Seminole, Osceola counties), have no more than 3 locations in the City of Orlando, qualify as at least one of the industries listed in subsections 1-9 and must be a small business as defined by the U.S. Small Business Administration.)

### **C. Ineligible Business Uses \***

1. Franchises of national chain businesses
2. Health, medical and social service businesses such as but not limited to walk-in clinics, pain management clinics, hospitals and all affiliated services, chain pharmacies, detoxification centers/clinics, residential care facilities and labs
3. Agricultural service industries
4. Not for Profit Organizations (Eligible organizations may apply for the Not for Profit Impact Fee Assistance Program)
5. Tattoo parlors
6. Body piercing or body art shops
7. Adult entertainment facilities
8. Adult oriented or adult themed businesses
9. Nightclubs, bars, or taverns
10. Liquor stores
11. Gun shops
12. Pawn shops
13. Home based businesses
14. Businesses that sell drug paraphernalia
15. Any business with outstanding code enforcement violations (including red light infractions) or liens
16. Any business that is not current with federal, state, and local taxes
17. Any business with outstanding debt to the City
18. Medical marijuana businesses (wholesale, retail, production, processing and testing)

**\*A copy of the applicants' Florida Business and Professional Regulation license may be required to better determine eligibility.**

### **D. Procedures**

The procedure for application review and approval is as follows:

#### **1. Pre-Application Meeting**

The applicant is required to meet with the BAP Coordinator who will review the applicant's project per the program requirements to determine eligibility. The Coordinator will provide the applicant with general guidance as to whether the proposed project is likely to qualify for program funds and whether the applicant is sufficiently prepared to move forward to submit the application.

#### **2. Grant Application Submission**

Following submission of building plans to the Permitting Services Division, the Grant application and all attachments may be submitted to the BAP Coordinator for formal consideration of funding. A \$50 non-refundable application fee is due with application submission. The application fee offsets the cost of background checks and other necessary due diligence performed by the Façade Program Coordinator. Incomplete applications will not be accepted.

### **3. Review Grant Application**

Once an eligible application and the supporting documents are received, the BAP Coordinator will then conduct the mandatory criminal background check and assess the application with regard to all program requirements. All applicable fees, per the program guidelines, must have been assessed against the project in order to complete review of the application.

### **4. Final Agreement**

All eligible agreements that total \$5,000 or less will be forwarded to the Economic Development Director for execution. All eligible agreements that total more than \$5,000 will be forwarded to the Orlando City Council for approval. If approved for a Grant, the grantee shall sign the required funding agreement. After the funding agreement has been executed by the City, the Economic Development Department will pay a portion of applicable fees as outlined in the program agreement. The applicant will be responsible for paying all remaining fees.

**It is strongly recommended that applicants retain the services of a registered architect, or similarly qualified design professional, to prepare plans, drawings, and construction specifications for their project. Fees for services provided by a registered architect or similar qualified design professional may not be counted towards the applicant's program match.**

**In all cases, the selected contractor must be licensed and insured. The City will not be responsible in any manner for the selection of a contractor. The applicant should pursue all activities necessary to determine contractor qualifications, quality of workmanship, and reputation. The business owner will bear full responsibility for reviewing the competence and abilities of prospective contractors and secure proof of their licensing and insurance coverage.**

### **C. Available Funds**

The City may from time to time at its discretion establish annual funding for the program.

### **D. Disclosures**

The City expressly reserves the right to reject any and all applications or to request additional information from any and all applicants and grantees. The City retains the right to amend the program guidelines, agreements, and application procedures. The City also retains the right to display and advertise businesses that receive matching funds under this grant.