



**CRA Business  
Assistance  
Expenditures during  
COVID-19**



**Carol Westmoreland**

*Executive Director*

Florida Redevelopment Association

**Clifford B. Shepard**

*General Counsel*

Florida Redevelopment Association

Attorney At Law

Shepard, Smith, Kohlmyer & Hand, P.A.

# What is Happening Around the State

- [www.redevelopment.net](http://www.redevelopment.net)
- MyFRA <https:// redevelopment.net/membership/fra-member-access/>



# Objectives

**Provide legal and practical advice to FRA members and others who are charged with managing local Community Redevelopment Agency trust funds, under Chapter 163, Part III, Florida Statutes.**



# CRA Laws in Florida, 2020

Chapter 163, Part III has not been amended or changed or reinterpreted since 2019 CS/HB 9 (Ch. 2019-163)

**Three rules** generally for expenditures in Chapter 163, Part III, Florida Statutes. All expenditures using CRA monies should be: **in the PLAN, in the DISTRICT and in the BUDGET** of each local CRA



# Program and Policy Goals

ENSURE	ENSURE (local government or CRA Board, or both) that the CRA has the maximum authority available when it comes to business assistance spending;
ENSURE	ENSURE (local government or CRA Board, or both) that any business assistance spending complies with general laws regarding expenditures from the trust fund; and
TAILOR	TAILOR the business assistance spending as closely as possible to the objectives of Chapter 163, Part III, Florida Statutes.

# Cash Payments

Providing straight cash payments to private, for-profit businesses from a CRA trust fund is dependent on whether such is in the plan, in the district and in the budget, and the plan and budget may be amended to provide for it. Or an interlocal agreement may be reached to provide for such payments.

However, this kind of assistance is much more likely to raise the ire of a court or the legislature, than other forms of assistance which generate assets and returns for the CRA.

For this reason, CRAs electing to provide cash grants should be sure to:

- 1) Generate a “substantial” record showing the redevelopment benefits of the cash grants
- 2) Tailor the program to redevelopment objectives as closely as possible.



# Considerations in Charter and Non-Charter Counties

## Delegate Additional Powers to the CRA, if Necessary

Ensure your CRA has been delegated the general powers\* under Chapter 163, Part III, which should serve as the authorization to provide business assistance.

*\* In a charter county under Chapter 163, Part III, all powers of the CRA must first be delegated to a city by the County.*

*However, some city CRAs in non-charter counties have not been given (delegated) all of the Chapter 163, Part III statutory powers by their creating government bodies (city or county).*

*In both cases, these points should be verified rather than assumed.*





# Recommended

## **Coordinate with Taxing Authorities**

Ideally, enter an interlocal agreement with all relevant taxing authorities regarding the form and substance of the business assistance. *See Fla. Stat. § 163.387(3)(b).*

## **Check for Other Funding Restrictions**

If your CRA has obtained grants or private contributions, ensure that you are complying with the conditions of that funding.



# Policy Options /Recommendations

Amend  
the CRA  
Budget

Make sure the business assistance spending is reflected in the CRA's annual budget.



# Policy Options/Recommendations for compliance with Chapter 163, Part III

## Amend the CRA Plan

Add language to the plan which includes business assistance as types of CRA activities, with as much detail as you think appropriate. Think less is more....(i.e. the language could start with “in the event of a declared emergency having significant adverse economic impacts, etc.”)



# Options/Recommendations

## Create

Place conditions on the assistance

Require recipients for any expenditures reimbursable

Criteria should essentially serve the redevelopment goals of the business assistance program.



THE FLORIDA  
**REDEVELOPMENT**  
ASSOCIATION

[cwestmoreland@flcities.com](mailto:cwestmoreland@flcities.com)  
[www.redevelopment.net](http://www.redevelopment.net)