



383284

LEGISLATIVE ACTION

Senate	.	House
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Senator Siplin moved the following:

**Senate Amendment (with title amendment)**

Delete lines 112 - 268

and insert:

Section 3. Florida Healthy Foods for Healthy Living Act.—

(1) This section may be cited as the "Florida Healthy Foods for Healthy Living Act."

(2) The Legislature finds that:

(a) High-quality, healthy foods must be accessible, affordable, and in demand to create a successful relationship between a healthy food retailer and an underserved community.

(b) When high-quality, healthy foods are not easily accessible and affordable, people, particularly low-income



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14 families, children, and the elderly, face serious barriers to  
15 eating a healthy diet. National research indicates that  
16 residents of low-income, minority, and rural communities are  
17 most often affected by inadequate access to healthy food, as  
18 well as by high rates of obesity.

19 (c) Obesity, which results from poor diet and physical  
20 inactivity, is the fastest growing cause of disease and death in  
21 the United States, putting growing numbers of adults and  
22 children at risk for developing heart disease, type 2 diabetes,  
23 hypertension, certain cancers, and other health problems.

24 (d) Increasing access to affordable, high-quality, healthy  
25 foods is an important strategy for fighting the obesity epidemic  
26 and improving health. Studies have shown that people who have  
27 better access to retail sources of affordable fresh fruits and  
28 vegetables tend to have healthier diets and lower levels of  
29 obesity.

30 (e) Providing outreach and education to consumers in  
31 underserved communities is important to creating consumer demand  
32 for affordable, high-quality, healthy foods and providing  
33 market-driven incentives for healthy food retailers to locate in  
34 underserved communities.

35 (f) Developing access to healthy food retailers also  
36 creates jobs, expands markets for farmers, and supports economic  
37 vitality in underserved communities.

38 (g) The program established pursuant to this section is  
39 intended to increase access to affordable, high-quality, healthy  
40 foods in underserved communities in this state, in both urban  
41 and rural areas in order to improve diets and health; to  
42 increase demand for high-quality, healthy foods, particularly



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43 those that are locally grown, by promoting their sale,  
44 consumption, and healthy preparation through outreach,  
45 marketing, and education; and to support expanded economic  
46 opportunities in low-income and rural communities.

47 (3) As used in this section, the term:

48 (a) "Department" means the Department of Agriculture and  
49 Consumer Services.

50 (b) "Funding" means grants provided by the department to  
51 for-profit, not-for-profit, governmental, or other entities  
52 contributing to the fulfillment of the legislative intent of  
53 this section.

54 (c) "Healthy food retailers" means for-profit or not-for-  
55 profit retailers and markets that sell high-quality, healthy  
56 foods at competitive prices.

57 (d) "Program" means a public-private partnership  
58 established under this section and administered by the  
59 department to provide increased access to high-quality, healthy  
60 foods for state residents; provide market-driven incentives for  
61 healthy food retailers to locate in underserved communities by  
62 facilitating demand for affordable, high-quality, healthy foods  
63 through outreach and education to consumers in underserved  
64 communities; and to increase affordability of high-quality,  
65 healthy foods to those living in an underserved community.

66 (e) "Underserved community" means a geographic area in this  
67 state that has limited access to healthy food retailers and is  
68 located in a lower income or high-poverty area, or an area that  
69 is otherwise found to have serious limitations on access to  
70 affordable, high-quality, healthy foods.

71 (4) To the extent funds are available, the department, in



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72 cooperation with public and private sector partners, shall  
73 establish a program that provides funding via competitive grants  
74 for projects that create or improve access to, affordability of,  
75 and demand for high-quality, healthy foods in underserved  
76 communities, consistent with the legislative intent of this  
77 section.

78 (a) The department may enter into contracts or partnerships  
79 with one or more qualified nonprofit organizations to:

80 1. Facilitate the program;

81 2. Raise matching funds through the solicitation of grants  
82 and other funds from governmental and private charitable  
83 sources;

84 3. Leverage private and public grant funding;

85 4. Provide for education, outreach, and marketing that  
86 further the legislative intent of the program;

87 5. Evaluate applicants;

88 6. Make award decisions; and

89 7. Monitor compliance with the program and its impact.

90 (b) The department and its partners shall coordinate with  
91 one or more outreach, education, and nutrition assistance  
92 programs having missions that comply with the legislative intent  
93 of this section.

94 (c) Projects including, but not limited to, the following  
95 are potentially eligible for funding:

96 1. Community farmers' markets and public markets.

97 2. Food cooperatives.

98 3. Mobile markets and delivery vehicles.

99 4. Organized distribution systems that enable food  
100 retailers in underserved communities to meet the definition of a



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101 healthy food retailer if they do not otherwise meet the  
102 definition.

103 5. Site acquisition via lease or purchase for healthy food  
104 retailers in or proposed for underserved communities.

105 6. Site preparation for healthy food retailers in or  
106 proposed for underserved communities.

107 7. Construction, renovation, expansion, or infrastructure  
108 upgrade costs of existing food retailers in or proposed for  
109 underserved communities.

110 8. Equipment and furnishings for healthy food retailers  
111 located in underserved communities.

112 9. Marketing to, outreach to, and the education of people  
113 living in underserved communities with the purpose of increasing  
114 demand for high-quality, healthy foods.

115 10. Workforce training for healthy food retailers located  
116 in underserved communities.

117 11. Security personnel costs for healthy food retailers  
118 located in underserved communities.

119 12. Predevelopment costs such as market studies and  
120 appraisals for healthy food retailers located in underserved  
121 communities.

122 13. Working capital for first-time inventory and start-up  
123 costs for healthy food retailers located in underserved  
124 communities.

125  
126 A restaurant is not eligible for funding under this section.

127 (d) An applicant for funding may be a for-profit or a not-  
128 for-profit entity, including, but not limited to, a sole  
129 proprietorship, partnership, limited liability company,



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130 corporation, cooperative, nonprofit organization, nonprofit  
131 community development entity, university, or governmental  
132 entity.

133 (e) In order to be considered for funding, an applicant  
134 must meet the following criteria:

135 1. The project for which the applicant seeks funding must  
136 directly benefit an underserved community.

137 2. The applicant must demonstrate a meaningful commitment  
138 to increase accessibility of, affordability of, or demand for  
139 high-quality, healthy foods in underserved communities,  
140 according to standards established by the department.

141 3. The applicant must accept vouchers issued by the  
142 Supplemental Nutrition Assistance Program and be able to serve  
143 clients of the Special Supplemental Nutrition Program for Women,  
144 Infants, and Children, or in the alternative demonstrate a  
145 meaningful commitment to making healthy food affordable to low-  
146 income households based on an alternative standard established  
147 by the department.

148 (f) Determination of the amount of funding to award, shall  
149 be based on an evaluation of:

150 1. The applicant's demonstrated capacity to successfully  
151 implement the project, including the applicant's relevant  
152 experience, and, where funding is directly to a healthy food  
153 retailer, the likelihood that the project will be economically  
154 self-sustaining.

155 2. The degree to which the project requires an investment  
156 of public or private funding to move forward, create impact, or  
157 be competitive. Additional factors that will improve or preserve  
158 retail access to healthy food retailers for low-income



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159 residents, such as proximity to public transit lines, may also  
160 be taken into account.

161 3. The level of need in the geographic area to be served.

162 4. The degree to which the project will promote sales of  
163 fresh fruits and vegetables, particularly locally grown fruits  
164 and vegetables.

165 5. The degree to which the project will have a positive  
166 economic impact on the underserved community, including the  
167 creation or retention of jobs for local residents.

168 6. Other criteria that the department determines are  
169 consistent with the legislative intent of this section.

170 (g) The department shall establish program benchmarks and  
171 reporting processes to ensure that program outcomes fulfill the  
172 legislative intent of this section. The department shall also  
173 establish monitoring and accountability mechanisms for projects  
174 receiving funding, such as tracking fruit and vegetable sales  
175 data.

176 (h) The department shall prepare and submit an annual  
177 report to the Legislature which assesses the performance of the  
178 program.

179 (5) The department may adopt rules as necessary to  
180 administer this section.

181  
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete lines 19 - 30

185 and insert:

186 creating the Florida Healthy Foods for Healthy Living  
187 Act; providing legislative findings; providing



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188 definitions; directing the Department of Agriculture  
189 and Consumer Services, in cooperation with public and  
190 private sector partners, to establish a program that  
191 provides funding, via competitive grants, for programs  
192 that create or improve access to, affordability of,  
193 and demand for high-quality, healthy foods in  
194 underserved areas; authorizing the department to enter  
195 into contracts or partnerships with qualified  
196 nonprofit organizations; providing that certain  
197 projects are potentially eligible for funding;  
198 providing criteria for project funding and evaluation;  
199 requiring that the department establish program  
200 benchmarks, reporting processes, and monitoring and  
201 accountability mechanisms; requiring that the  
202 department prepare and submit an annual report to the  
203 Legislature;