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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
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The Committee on Budget Subcommittee on Health and Human Services Appropriations (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 98 and 99
insert:

Section 3. Healthy Foods Retail Act.—

(1) This section may be cited as the "Healthy Foods Retail Act."

(2) The Legislature finds that:

(a) When fresh fruits and vegetables and other healthy foods are not easily available or affordable, people, particularly low-income families, children, and the elderly, face serious barriers to eating a healthful diet. National



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13 research indicates that residents of low-income, minority, and
14 rural communities are most often affected by inadequate access
15 to supermarkets and other retailers selling healthy food, as
16 well as by high rates of obesity.

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

22 (c) Increasing access to retail food outlets that sell
23 fresh fruits, vegetables, and other healthy food is an important
24 strategy for fighting the obesity epidemic and improving health.
25 Studies have shown that people who have better access to
26 supermarkets and fresh produce tend to have healthier diets and
27 lower levels of obesity.

28 (d) Developing quality retail food outlets also creates
29 jobs, expands markets for farmers, and supports economic
30 vitality in underserved communities.

31 (e) The program established pursuant to this section is
32 intended to provide a dedicated source of financing for food
33 retailers operating in underserved communities in this state, in
34 both urban and rural areas; to increase access to affordable
35 healthy food in order to improve diets and health; to promote
36 the sale and consumption of fresh fruits and vegetables,
37 particularly those that are locally grown; and to support
38 expanded economic opportunities in low-income and rural
39 communities.

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

41 (a) "Department" means the Department of Agriculture and



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42 Consumer Services.

43 (b) "Funding" means grants, loans, or a combination of
44 grants and loans.

45 (c) "Healthy food retailers" means for-profit or not-for-
46 profit retailers that sell high-quality fresh fruits and
47 vegetables at competitive prices, including, but not limited to,
48 supermarkets, grocery stores, and farmers' markets.

49 (d) "Program" means a public-private partnership
50 established under this section and administered by the
51 department to provide a dedicated source of financing for food
52 retailers that provide increased access to fresh fruits and
53 vegetables and other affordable healthy food for state
54 residents.

55 (e) "Underserved community" means a geographic area that
56 has limited access to healthy food retailers and is located in a
57 lower income or high-poverty area, or an area that is otherwise
58 found to have serious limitations on access to healthy food.

59 (4) To the extent funds are available, the department, in
60 cooperation with public and private sector partners, shall
61 establish a financing program that provides funding to healthy
62 food retailers that provide increased access to fresh fruits and
63 vegetables and other affordable healthy food in underserved
64 communities.

65 (a) The department may contract with one or more qualified
66 nonprofit organizations or community development financial
67 institutions to administer the program, raise matching funds,
68 provide for marketing the program statewide, evaluate
69 applicants, make award decisions, underwrite loans, and monitor
70 compliance and impact. The department and its partners shall



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71 coordinate with complementary nutrition assistance and education
72 programs.

73 (b) The program shall provide funding on a competitive,
74 one-time basis as appropriate for eligible projects.

75 (c) The program may provide funding for projects such as:

76 1. New construction of supermarkets and grocery stores.

77 2. Store renovations, store expansion, and infrastructure
78 upgrades that improve the availability and quality of fresh
79 produce.

80 3. Farmers' markets and public markets, food cooperatives,
81 mobile markets and delivery projects, and distribution projects
82 that enable food retailers in underserved communities to
83 regularly obtain fresh produce.

84 4. Other projects that create or improve access to healthy
85 food retailers and meet the intent of this section as determined
86 by the department.

87 (d) Funding made available for projects may be used for the
88 following purposes:

89 1. Site acquisition and preparation.

90 2. Construction costs.

91 3. Equipment and furnishings.

92 4. Workforce training.

93 5. Security.

94 6. Predevelopment costs such as market studies and
95 appraisals.

96 7. Working capital for first-time inventory and startup
97 costs.

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99 A restaurant is not eligible for funding under this section.



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100 (e) An applicant for funding may be a for-profit or not-
101 for-profit entity, including, but not limited to, a sole
102 proprietorship, partnership, limited liability company,
103 corporation, cooperative, nonprofit organization, nonprofit
104 community development entity, university, or governmental
105 entity.

106 (f) In order to be considered for funding, an applicant
107 must meet the following criteria:

108 1. The project for which the applicant seeks funding must
109 benefit an underserved community.

110 2. The applicant must demonstrate a meaningful commitment
111 to sell fresh fruits and vegetables, according to a measurable
112 standard established by the department.

113 3. Generally, the applicant must accept vouchers issued by
114 the federal Supplemental Nutrition Assistance Program and be
115 able to serve clients of the Special Supplemental Nutrition
116 Program for Women, Infants, and Children (WIC). For categories
117 of program applicants that are not eligible to accept vouchers
118 issued under the federal Supplemental Nutrition Assistance
119 Program or to serve WIC clients, the department shall establish
120 an alternative standard for demonstrating a meaningful
121 commitment to making healthy food affordable to low-income
122 households.

123 (g) In order to determine the amount of funding to award,
124 the department shall evaluate project applicants on the
125 following criteria:

126 1. Demonstrated capacity to successfully implement the
127 project, including the applicant's relevant experience, and the
128 likelihood that the project will be economically self-



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129 sustaining.

130 2. The ability of the applicant to repay debt.

131 3. The degree to which the project requires an investment
132 of public funding to move forward, create impact, or be
133 competitive, and the level of need in the area to be served. The
134 department may also take into account additional factors, such
135 as proximity to public transit lines, which will improve or
136 preserve retail access for low-income residents.

137 4. The degree to which the project will promote sales of
138 fresh produce, particularly locally grown fruits and vegetables.

139 5. The degree to which the project will have a positive
140 economic impact on the underserved community, including creating
141 or retaining jobs for local residents.

142 6. Other criteria that the department determines to be
143 consistent with the purposes of this section.

144 (h) The department shall establish program benchmarks and
145 reporting processes to make certain that the program benefits
146 both rural and urban communities. The department shall also
147 establish monitoring and accountability mechanisms for projects
148 receiving funding, such as tracking fruit and vegetable sales
149 data.

150 (i) The department shall prepare and submit an annual
151 report to the Legislature, including outcome data, on any
152 projects funded.

153 (5) To the extent practicable, funds described in this
154 section may be used to leverage other funding, including, but
155 not limited to, the new markets tax credit program, federal and
156 foundation grants, incentives available to federally designated
157 empowerment zones or renewal communities, operator equity, and



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158 funding from private sector financial institutions under the
159 federal Community Reinvestment Act of 1977.

160 (6) The department may adopt rules as necessary to
161 administer this section.

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163 ===== T I T L E A M E N D M E N T =====

164 And the title is amended as follows:

165 Delete lines 2 - 18

166 and insert:

167 An act relating to underserved communities; amending
168 s. 402.82, F.S.; restricting the use of an electronic
169 benefit transfer card to prohibit accessing cash from
170 outside the state and purchasing certain products;
171 expanding the list of items that may not be purchased
172 with the federal Supplemental Nutrition Assistance
173 Program funds; prohibiting the use of benefits in
174 restaurants; directing the Department of Children and
175 Family Services to promote the benefits of healthy and
176 nutritious eating habits; requiring the department to
177 seek federal authorization or waiver when necessary;
178 amending s. 414.095, F.S.; revising the method of
179 payment of temporary cash assistance to include an
180 electronic benefit transfer card; prohibiting a cash
181 assistance recipient from accessing cash benefits
182 through an electronic benefit transfer card from an
183 automatic teller machine located in certain locations;
184 creating the Healthy Foods Retail Act; providing
185 legislative findings; providing definitions; directing
186 the Department of Agriculture and Consumer Services to



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187 establish a financing program to help fund projects
188 that increase access to fresh fruits and vegetables in
189 underserved communities; authorizing the department to
190 contract with other organizations to administer the
191 program; specifying how the funding is to be used;
192 providing who is eligible for funding; providing
193 criteria for project funding and evaluation; requiring
194 an annual report to the Legislature; authorizing
195 available funds to be used to leverage other funding;
196 authorizing the department to adopt rules;