

By the Committee on Budget Subcommittee on Health and Human Services Appropriations; and Senators Storms and Latvala

603-03168-12

20121658c1

1 A bill to be entitled
2 An act relating to underserved communities; amending
3 s. 402.82, F.S.; restricting the use of an electronic
4 benefit transfer card to prohibit accessing cash from
5 outside the state and purchasing certain products;
6 expanding the list of items that may not be purchased
7 with the federal Supplemental Nutrition Assistance
8 Program funds; prohibiting the use of benefits in
9 restaurants; directing the Department of Children and
10 Family Services to promote the benefits of healthy and
11 nutritious eating habits; requiring the department to
12 seek federal authorization or waiver when necessary;
13 amending s. 414.095, F.S.; revising the method of
14 payment of temporary cash assistance to include an
15 electronic benefit transfer card; prohibiting a cash
16 assistance recipient from accessing cash benefits
17 through an electronic benefit transfer card from an
18 automatic teller machine located in certain locations;
19 creating the Healthy Foods Retail Act; providing
20 legislative findings; providing definitions; directing
21 the Department of Agriculture and Consumer Services to
22 establish a financing program to help fund projects
23 that increase access to fresh fruits and vegetables in
24 underserved communities; authorizing the department to
25 contract with other organizations to administer the
26 program; specifying how the funding is to be used;
27 providing who is eligible for funding; providing
28 criteria for project funding and evaluation; requiring
29 an annual report to the Legislature; authorizing

603-03168-12

20121658c1

30 available funds to be used to leverage other funding;
31 authorizing the department to adopt rules; providing
32 an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Section 402.82, Florida Statutes, is amended to
37 read:

38 402.82 Electronic benefit transfer program; federal
39 Supplemental Nutrition Assistance Program.-

40 (1) The Department of Children and Family Services shall
41 establish an electronic benefit transfer program for the
42 dissemination of food assistance benefits and temporary cash
43 assistance payments, including refugee cash assistance payments,
44 asylum applicant payments, and child support disregard payments.
45 Except to the extent prohibited by federal law, the electronic
46 benefit transfer system designed and implemented pursuant to
47 this chapter shall prevent a recipient from using the electronic
48 benefit transfer card to access cash benefits outside this
49 state, to purchase alcohol or tobacco products, or to access
50 automatic teller machines located in gambling establishments and
51 adult entertainment establishments. This section does not
52 prohibit the use of an electronic benefit transfer card to
53 access federal Supplemental Nutrition Assistance Program (SNAP)
54 benefits in any manner authorized by federal law.

55 (2) If the Federal Government does not enact legislation or
56 regulations providing for dissemination of supplemental security
57 income by electronic benefit transfer, the state may include
58 supplemental security income in the electronic benefit transfer

603-03168-12

20121658c1

59 program.

60 (3)~~(2)~~ The department shall, in accordance with applicable
61 federal laws and regulations, develop minimum program
62 requirements and other policy initiatives for the electronic
63 benefit transfer program.

64 (4)~~(3)~~ The department shall enter into public-private
65 contracts for all provisions of electronic transfer of public
66 assistance benefits.

67 (5) The department shall, in accordance with applicable
68 federal laws and regulations:

69 (a) Add to the list of items that may not be purchased with
70 federal Supplemental Nutrition Assistance Program funds
71 nonstaple, unhealthy foods. Such prohibited items include, but
72 are not limited to, foods containing trans fats; sweetened
73 beverages, including sodas; sweets, such as jello, candy, ice
74 cream, pudding, popsicles, muffins, sweet rolls, cakes,
75 cupcakes, pies, cobblers, pastries, and doughnuts; and salty
76 snack foods, such as corn-based salty snacks, pretzels, party
77 mix, popcorn, and potato chips.

78 (b) Prohibit the use of benefits at restaurants, including
79 fast-food restaurants.

80 (c) Use culturally sensitive campaigns to promote the
81 modifications made pursuant to this section as well as the
82 benefits of healthy and nutritious eating habits.

83 (6) For purposes of implementing this section, the
84 department may collaborate with any public or nongovernmental
85 organization that promotes the health and well-being of all
86 residents of this state. The department shall seek all necessary
87 federal approvals to implement this section, which may include a

603-03168-12

20121658c1

88 waiver of federal law from the United States Department of
89 Agriculture.

90 Section 2. Paragraph (a) of subsection (13) of section
91 414.095, Florida Statutes, is amended to read:

92 414.095 Determining eligibility for temporary cash
93 assistance.—

94 (13) METHODS OF PAYMENT OF TEMPORARY CASH ASSISTANCE.—
95 Temporary cash assistance may be paid as follows:

96 (a) Direct payment through state warrant, electronic
97 transfer of temporary cash assistance, electronic benefit
98 transfer card, or voucher. A cash assistance recipient may not
99 access cash benefits through an electronic benefit transfer card
100 from automated teller machines in this state located in:

101 1. An adult entertainment establishment as defined in s.
102 847.001.

103 2. A pari-mutuel facility as defined in s. 550.002.

104 3. A gaming facility authorized under a tribal-state gaming
105 compact under part II of chapter 285.

106 4. A commercial bingo facility that operates outside the
107 provisions of s. 849.0931.

108 5. A store or establishment in which the principal business
109 is the sale of firearms.

110 6. A retail establishment licensed to sell malt, vinous, or
111 spirituous liquors under the Beverage Law.

112 Section 3. Healthy Foods Retail Act.—

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

115 (2) The Legislature finds that:

116 (a) When fresh fruits and vegetables and other healthy

603-03168-12

20121658c1

117 foods are not easily available or affordable, people,
118 particularly low-income families, children, and the elderly,
119 face serious barriers to eating a healthful diet. National
120 research indicates that residents of low-income, minority, and
121 rural communities are most often affected by inadequate access
122 to supermarkets and other retailers selling healthy food, as
123 well as by high rates of obesity.

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

129 (c) Increasing access to retail food outlets that sell
130 fresh fruits, vegetables, and other healthy food is an important
131 strategy for fighting the obesity epidemic and improving health.
132 Studies have shown that people who have better access to
133 supermarkets and fresh produce tend to have healthier diets and
134 lower levels of obesity.

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

138 (e) The program established pursuant to this section is
139 intended to provide a dedicated source of financing for food
140 retailers operating in underserved communities in this state, in
141 both urban and rural areas; to increase access to affordable
142 healthy food in order to improve diets and health; to promote
143 the sale and consumption of fresh fruits and vegetables,
144 particularly those that are locally grown; and to support
145 expanded economic opportunities in low-income and rural

603-03168-12

20121658c1

146 communities.

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

148 (a) "Department" means the Department of Agriculture and
149 Consumer Services.

150 (b) "Funding" means grants, loans, or a combination of
151 grants and loans.

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

156 (d) "Program" means a public-private partnership
157 established under this section and administered by the
158 department to provide a dedicated source of financing for food
159 retailers that provide increased access to fresh fruits and
160 vegetables and other affordable healthy food for state
161 residents.

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

166 (4) To the extent funds are available, the department, in
167 cooperation with public and private sector partners, shall
168 establish a financing program that provides funding to healthy
169 food retailers that provide increased access to fresh fruits and
170 vegetables and other affordable healthy food in underserved
171 communities.

172 (a) The department may contract with one or more qualified
173 nonprofit organizations or community development financial
174 institutions to administer the program, raise matching funds,

603-03168-12

20121658c1

175 provide for marketing the program statewide, evaluate
176 applicants, make award decisions, underwrite loans, and monitor
177 compliance and impact. The department and its partners shall
178 coordinate with complementary nutrition assistance and education
179 programs.

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

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

183 1. New construction of supermarkets and grocery stores.

184 2. Store renovations, store expansion, and infrastructure
185 upgrades that improve the availability and quality of fresh
186 produce.

187 3. Farmers' markets and public markets, food cooperatives,
188 mobile markets and delivery projects, and distribution projects
189 that enable food retailers in underserved communities to
190 regularly obtain fresh produce.

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

194 (d) Funding made available for projects may be used for the
195 following purposes:

196 1. Site acquisition and preparation.

197 2. Construction costs.

198 3. Equipment and furnishings.

199 4. Workforce training.

200 5. Security.

201 6. Predevelopment costs such as market studies and
202 appraisals.

203 7. Working capital for first-time inventory and startup

603-03168-12

20121658c1

204 costs.

205
206 A restaurant is not eligible for funding under this section.

207 (e) An applicant for funding may be a for-profit or not-
208 for-profit entity, including, but not limited to, a sole
209 proprietorship, partnership, limited liability company,
210 corporation, cooperative, nonprofit organization, nonprofit
211 community development entity, university, or governmental
212 entity.

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

215 1. The project for which the applicant seeks funding must
216 benefit an underserved community.

217 2. The applicant must demonstrate a meaningful commitment
218 to sell fresh fruits and vegetables, according to a measurable
219 standard established by the department.

220 3. Generally, the applicant must accept vouchers issued by
221 the federal Supplemental Nutrition Assistance Program and be
222 able to serve clients of the Special Supplemental Nutrition
223 Program for Women, Infants, and Children (WIC). For categories
224 of program applicants that are not eligible to accept vouchers
225 issued under the federal Supplemental Nutrition Assistance
226 Program or to serve WIC clients, the department shall establish
227 an alternative standard for demonstrating a meaningful
228 commitment to making healthy food affordable to low-income
229 households.

230 (g) In order to determine the amount of funding to award,
231 the department shall evaluate project applicants on the
232 following criteria:

603-03168-12

20121658c1

233 1. Demonstrated capacity to successfully implement the
234 project, including the applicant's relevant experience, and the
235 likelihood that the project will be economically self-
236 sustaining.

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

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

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

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

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

251 (h) The department shall establish program benchmarks and
252 reporting processes to make certain that the program benefits
253 both rural and urban communities. The department shall also
254 establish monitoring and accountability mechanisms for projects
255 receiving funding, such as tracking fruit and vegetable sales
256 data.

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

260 (5) To the extent practicable, funds described in this
261 section may be used to leverage other funding, including, but

603-03168-12

20121658c1

262 not limited to, the new markets tax credit program, federal and
263 foundation grants, incentives available to federally designated
264 empowerment zones or renewal communities, operator equity, and
265 funding from private sector financial institutions under the
266 federal Community Reinvestment Act of 1977.

267 (6) The department may adopt rules as necessary to
268 administer this section.

269 Section 4. This act shall take effect July 1, 2012.