

By Senator Siplin

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1 A bill to be entitled
2 An act relating to the Healthy Foods Retail Act;
3 providing legislative findings; providing definitions;
4 directing the Department of Agriculture and Consumer
5 Services to establish a financing program to help fund
6 projects that increase access to fresh fruits and
7 vegetables in underserved areas; authorizing the
8 department to contract with other organizations to
9 administer the program; specifying how the funding is
10 to be used; providing who is eligible for funding;
11 providing criteria for project funding and evaluation;
12 requiring an annual report to the Legislature;
13 authorizing available funds to be leveraged to access
14 federal funding; authorizing the department to adopt
15 rules; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Healthy Foods Retail Act.—

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

22 (2) The Legislature finds that:

23 (a) When fresh fruits and vegetables and other healthy
24 foods are not easily available or affordable, people,
25 particularly low-income families, children, and the elderly,
26 face serious barriers to eating a healthy diet. National
27 research indicates that residents of low-income, minority, and
28 rural communities are most often affected by inadequate access
29 to supermarkets and other retailers selling healthy food, as

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30 well as by high rates of obesity.

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

36 (c) Increasing access to retail food outlets that sell
37 fresh fruits, vegetables, and other healthy food is an important
38 strategy for fighting the obesity epidemic and improving health.
39 Studies have shown that people who have better access to
40 supermarkets and fresh produce tend to have healthier diets and
41 lower levels of obesity.

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

45 (e) The program established pursuant to this section is
46 intended to provide a dedicated source of financing for food
47 retailers operating in underserved communities in this state, in
48 both urban and rural areas; to increase access to affordable
49 healthy food in order to improve diets and health; to promote
50 the sale and consumption of fresh fruits and vegetables,
51 particularly those that are locally grown; and to support
52 expanded economic opportunities in low-income and rural
53 communities.

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

55 (a) "Department" means the Department of Agriculture and
56 Consumer Services.

57 (b) "Funding" means grants, loans, or a combination of
58 grants and loans.

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

63 (d) "Program" means a public-private partnership
64 established under this section and administered by the
65 department to provide a dedicated source of financing for food
66 retailers that provide increased access to fresh fruits and
67 vegetables and other affordable healthy food for state
68 residents.

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

73 (4) To the extent funds are available, the department, in
74 cooperation with public and private sector partners, shall
75 establish a financing program that provides funding to healthy
76 food retailers that provide increased access to fresh fruits and
77 vegetables and other affordable healthy food in underserved
78 communities.

79 (a) The department may contract with one or more qualified
80 nonprofit organizations or community development financial
81 institutions to administer the program, raise matching funds,
82 provide for marketing the program statewide, evaluate
83 applicants, make award decisions, underwrite loans, and monitor
84 compliance and impact. The department and its partners shall
85 coordinate with complementary nutrition assistance and education
86 programs.

87 (b) The program shall provide funding on a competitive,

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88 one-time basis as appropriate for eligible projects.

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

90 1. New construction of supermarkets and grocery stores.

91 2. Store renovations, store expansion, and infrastructure
92 upgrades that improve the availability and quality of fresh
93 produce.

94 3. Farmers' markets and public markets, food cooperatives,
95 mobile markets and delivery projects, and distribution projects
96 that enable food retailers in underserved communities to
97 regularly obtain fresh produce.

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

101 (d) Funding made available for projects may be used for the
102 following purposes:

103 1. Site acquisition and preparation.

104 2. Construction costs.

105 3. Equipment and furnishings.

106 4. Workforce training.

107 5. Security.

108 6. Predevelopment costs such as market studies and
109 appraisals.

110 7. Working capital for first-time inventory and start-up
111 costs.

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

114 (e) An applicant for funding may be a for-profit or a not-
115 for-profit entity, including, but not limited to, a sole
116 proprietorship, partnership, limited liability company,

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117 corporation, cooperative, nonprofit organization, nonprofit
118 community development entity, university, or governmental
119 entity.

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

122 1. The project for which the applicant seeks funding must
123 benefit an underserved community.

124 2. The applicant must demonstrate a meaningful commitment
125 to sell fresh fruits and vegetables, according to a measurable
126 standard established by the department.

127 3. Generally, the applicant must accept vouchers issued by
128 the Supplemental Nutrition Assistance Program and be able to
129 serve clients of the Special Supplemental Nutrition Program for
130 Women, Infants, and Children (WIC). The department shall
131 establish an alternative standard for demonstrating a meaningful
132 commitment to making healthy food affordable to low-income
133 households for categories of program applicants that are not
134 eligible to accept vouchers issued under the Supplemental
135 Nutrition Assistance Program or serve WIC clients.

136 (g) In order to determine the amount of funding to award,
137 project applicants shall be evaluated on the following criteria:

138 1. Demonstrated capacity to successfully implement the
139 project, including the applicant's relevant experience, and the
140 likelihood that the project will be economically self-
141 sustaining.

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

143 3. The degree to which the project requires an investment
144 of public funding to move forward, create impact, or be
145 competitive, and the level of need in the area to be served.

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146 Additional factors that will improve or preserve retail access
147 for low-income residents, such as proximity to public transit
148 lines, may also be taken into account.

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

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

154 6. Other criteria the department determines to be
155 consistent with the purposes of this section.

156 (h) The department shall establish program benchmarks and
157 reporting processes to make certain that the program benefits
158 both rural and urban communities. The department shall also
159 establish monitoring and accountability mechanisms for projects
160 receiving funding, such as tracking fruit and vegetable sales
161 data.

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

165 (5) To the extent practicable, funds described in this
166 section may be used to leverage other funding, including, but
167 not limited to, the New Markets Tax Credits Program, federal and
168 foundation grants, incentives available to federally designated
169 Empowerment Zones or Renewal Communities, operator equity, and
170 funding from private sector financial institutions under the
171 federal Community Reinvestment Act of 1977.

172 (6) The department may adopt rules as necessary to
173 administer this section.

174 Section 2. This act shall take effect July 1, 2012.