

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
2 Resources Appropriations Subcommittee  
3 Representative Santiago offered the following:  
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Healthy Food Financing Initiative Pilot

8 Program.—

9 (1) As used in this section, the term:

10 (a) "Department" means the Department of Agriculture and  
11 Consumer Services.

12 (b) "Community facility" means a property owned by a  
13 nonprofit or for-profit entity or a unit of government in which  
14 health and human services are provided and space is offered in a  
15 manner that provides increased access to, or delivery or  
16 distribution of, food or other agricultural products to  
17 encourage public consumption and household purchases of fresh

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18 produce or other healthy food to improve the public health and  
19 well-being of low-income children, families, and older adults.

20 (c) "Independent grocery store or supermarket" means an  
21 independently-owned grocery store or supermarket whose parent  
22 company does not own more than 40 grocery stores throughout the  
23 country based upon ownership conditions as identified in the  
24 latest Nielsen TDLinx Supermarket/Supercenter database.

25 (d) "Low-income community" means a population census  
26 tract, as reported in the most recent United States Census  
27 Bureau American Community Survey, that meets one of the  
28 following criteria:

29 1. A poverty rate of at least 25 percent;

30 2. In the case of a low-income community located outside  
31 of a metropolitan area, the median family income does not exceed  
32 80 percent of the statewide median family income; or

33 3. In the case of a low-income community located inside of  
34 a metropolitan area, the median family income does not exceed 80  
35 percent of the statewide median family income or 80 percent of  
36 the metropolitan median family income, whichever is greater.

37 (e) "Moderate-income community" means a population census  
38 tract, as reported in the most recent United States Census  
39 Bureau American Community Survey, in which the median family  
40 income is between 81 and 95 percent of the median family income  
41 for the state or metropolitan area.

42 (f) "Pilot program" means the Healthy Food Financing  
43 Initiative Pilot Program established by the department.

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44 (g) "Underserved community" means a distressed urban,  
45 suburban, or rural geographic area where a substantial number of  
46 residents have low access to a full-service grocery store or  
47 supermarket. An area with limited supermarket access must be:

48 1. A census tract, as determined to be an area with low  
49 access by the United States Department of Agriculture, as  
50 identified in the Food Access Research Atlas;

51 2. Identified as a limited supermarket access area as  
52 recognized by the Community Development Financial Institutions  
53 Fund of the United States Department of Treasury; or

54 3. Identified as an area with low access to a supermarket  
55 or grocery store through a methodology that has been adopted for  
56 use by another governmental or philanthropic healthy food  
57 initiative.

58 (2) The department shall establish a pilot program that  
59 comprises and coordinates the use of federal, state, and private  
60 loans or grants, federal tax credits, and other types of  
61 financial assistance for the construction, rehabilitation, or  
62 expansion of independent grocery stores, supermarkets, and  
63 community facilities to increase access to fresh produce and  
64 other nutritious food in underserved communities.

65 (3) (a) The department may contract with one or more  
66 qualified nonprofit organizations or Florida-based federally  
67 certified community development financial institutions to  
68 administer the program through a public-private partnership.  
69 Eligible community development financial institutions and

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70 nonprofit organizations must be able to demonstrate:

71 1. Prior experience in healthy food financing.

72 2. Support from the Community Development Financial  
73 Institutions Fund of the United States Department of Treasury.

74 3. The ability to successfully manage and operate lending  
75 and tax credit programs.

76 4. The ability to assume full financial risk for loans  
77 made under this initiative.

78 (b) The department shall:

79 1. Establish program guidelines, raise matching funds,  
80 promote the program statewide, evaluate applicants, underwrite  
81 and disburse grants and loans, and monitor compliance and  
82 impact. The department may contract with a third-party  
83 administrator to carry out such duties. The third-party  
84 administrator shall report to the department annually.

85 2. Create eligibility guidelines and provide financing  
86 through an application process. Eligible projects must be:

87 a. Located in an underserved community;

88 b. Primarily serve low-income or moderate-income  
89 communities; and

90 c. Provide for the construction of new independent grocery  
91 stores or supermarkets; the renovation or expansion of,  
92 including infrastructure upgrades to, existing independent  
93 grocery stores or supermarkets; or the construction, renovation  
94 or expansion of, including infrastructure upgrades to, community  
95 facilities to improve the availability and quality of fresh

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96 produce and other healthy foods.

97 3. Report by March 1, 2021 to the President of the Senate  
98 and the Speaker of the House of Representatives on the projects  
99 funded, the geographic distribution of the projects, the costs  
100 of the program, and the outcomes, including the number and type  
101 of jobs created and health initiatives associated with the  
102 program.

103 (4) A for-profit entity or a not-for-profit entity,  
104 including, but not limited to, a sole proprietorship,  
105 partnership, limited liability company, corporation,  
106 cooperative, nonprofit organization, nonprofit community  
107 development entity, university, or governmental entity, may  
108 apply for financing. An applicant for financing must:

109 (a) Demonstrate the capacity to successfully implement the  
110 project and the likelihood that the project will be economically  
111 self-sustaining;

112 (b) Demonstrate the ability to repay the loan; and

113 (c) Agree, as an independent grocery store or supermarket,  
114 for at least 5 years, to:

115 1. Accept Supplemental Nutrition Assistance Program  
116 benefits;

117 2. Apply to accept Special Supplemental Nutrition Program  
118 for Women, Infants, and Children benefits and accept such  
119 benefits if approved;

120 3. Allocate at least 30 percent of food retail space for  
121 the sale of perishable foods, which may include fresh or frozen

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122 dairy products, fresh produce, and fresh meats, poultry, and  
123 fish;

124 4. Comply with all data collection and reporting  
125 requirements established by the department; and

126 5. Promote the hiring of local residents.

127  
128 Projects, including, but not limited to, corner stores, bodegas,  
129 or other types of nontraditional grocery stores that do not meet  
130 the 30-percent minimum in subparagraph 3. can still qualify for  
131 funding if such funding will be used for refrigeration,  
132 displays, or other one-time capital expenditures to promote the  
133 sale of fresh produce and other healthy food.

134 (5) In determining which qualified projects to finance,  
135 the department or third-party administrator shall:

136 (a) Give preference to local Florida-based grocers or  
137 local business owners with experience in grocery stores and to  
138 grocers and business owners with a business plan model that  
139 includes written documentation of opportunities to purchase from  
140 Florida farmers and growers before seeking out-of-state  
141 purchases.

142 (b) Consider the level of need in the area to be served;

143 (c) Consider the degree to which the project will have a  
144 positive economic impact on the underserved community, including  
145 the creation or retention of jobs for local residents; and

146 (d) Consider other criteria as may be determined by the  
147 department.

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148 (6) Financing for projects may be used for the following  
149 purposes:

150 (a) Site acquisition and preparation.

151 (b) Construction and build-out costs.

152 (c) Equipment and furnishings.

153 (d) Workforce training or security.

154 (e) Predevelopment costs, such as market studies and  
155 appraisals.

156 (f) Energy-efficiency measures.

157 (g) Working capital for first-time inventory and startup  
158 costs.

159 (h) Other purposes as may be determined by the department  
160 or third-party administrator.

161 (7) The department shall transfer funds received from loan  
162 repayments to the General Revenue Fund within 15 days of such  
163 repayment.

164 (8) The department shall adopt rules to administer this  
165 section.

166 (9) This section expires July 1, 2021.

167 Section 2. For the 2016-2017 fiscal year, the sum of  
168 \$500,000 in nonrecurring funds from the General Revenue Fund is  
169 appropriated to the Department of Agriculture and Consumer  
170 Services for the purpose of implementing the provisions of this  
171 act.

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Healthy Food Financing Initiative Pilot Program; creating the Healthy Food Financing Initiative Pilot Program; providing definitions; directing the Department of Agriculture and Consumer Services to establish a program to provide grants to construct, rehabilitate, or expand grocery stores and supermarkets in underserved communities in low-income and moderate-income areas; providing program, project, and applicant requirements; authorizing funds to be used for specified purposes; directing the department to submit by March 1, 2021 a report to the Legislature; requiring transfer of loan repayments to the General Revenue Fund; providing a program expiration date; providing an appropriation; providing an effective date.