

1 A bill to be entitled
2 An act relating to small food retailers; creating s.
3 595.430, F.S.; establishing the Healthy Food
4 Assistance Program within the Department of
5 Agriculture and Consumer Services; providing a
6 purpose; requiring the Office of Program Policy
7 Analysis and Government Accountability to conduct an
8 independent study evaluating the program's policy
9 impact; providing for future repeal and legislative
10 review; creating s. 595.431, F.S.; providing
11 definitions; creating s. 595.432, F.S.; requiring the
12 department to administer the program; providing
13 department duties and responsibilities; providing for
14 funding; creating s. 595.433, F.S.; providing duties
15 and responsibilities of program administrators;
16 exempting program administrators from provisions
17 relating to state procurement of certain property and
18 services; repealing s. 500.81, F.S., relating to the
19 Healthy Food Financing Initiative; providing an
20 effective date.

21
22 WHEREAS, overweight children and adults are at greater risk
23 for numerous adverse health consequences, including type 2
24 diabetes, heart disease, stroke, high blood pressure, high
25 cholesterol, certain cancers, asthma, low self-esteem,

26 | depression, and other debilitating diseases, and

27 | WHEREAS, in Florida, nearly 27 percent of adults were
28 | considered overweight or obese in 2015, and nearly 13 percent of
29 | children were considered overweight and obese in 2011, and

30 | WHEREAS, obese children are at least twice as likely as
31 | non-obese children to become obese adults, and

32 | WHEREAS, obesity-related health conditions have serious
33 | economic costs, and

34 | WHEREAS, annual health care costs from obesity are at least
35 | \$190 billion dollars, or 21 percent of the nation's total health
36 | care spending, and are expected to rise substantially, and

37 | WHEREAS, roughly 40 percent of these costs are paid through
38 | Medicare and Medicaid, meaning that taxpayers pay much of the
39 | cost, and

40 | WHEREAS, Medicare and Medicaid spending would be reduced by
41 | 8.5 percent and 11.8 percent, respectively, in the absence of
42 | obesity-related spending, and

43 | WHEREAS, annual medical expenditures in Florida related to
44 | obesity are estimated at \$6,675,670,940 with approximately \$2.6
45 | billion of this amount paid by Medicare and Medicaid in the
46 | state, and

47 | WHEREAS, many Americans, particularly those in low-income
48 | neighborhoods, rural areas, and communities of color, reside
49 | where adequate access to full-service grocery stores is not
50 | guaranteed, and

51 WHEREAS, low-income areas have more than twice as many
52 convenience stores and four times as many small grocery stores
53 as high-income areas, and

54 WHEREAS, proximity to convenience stores within a
55 neighborhood is associated with higher rates of obesity and
56 diabetes, and

57 WHEREAS, small food retailers tend to sell few fresh
58 produce, whole grains, or low-fat dairy products, and

59 WHEREAS, small food retailers commonly sell highly
60 processed foods that are high in fat and low in nutrients, and

61 WHEREAS, small food retailers tend to charge higher prices
62 for their food as compared to grocery stores and supermarkets,
63 and

64 WHEREAS, providing assistance to existing small food
65 retailers to stock fresh produce and other healthy foods and
66 promote good nutrition can provide residents with access to
67 healthier foods, and

68 WHEREAS, community programs that work with small food
69 retailers have shown promise in increasing healthy food sales,
70 improving store offerings, and promoting good nutrition, and

71 WHEREAS, the program established pursuant to this act is
72 intended to be a source of funding to provide assistance for
73 Florida's small food retailers operating in certain urban and
74 rural areas so that the retailers sell more fresh fruits and
75 vegetables and other healthy foods at affordable prices to

76 neighboring residents in an effort to improve residents' diets
 77 and health, NOW, THEREFORE,

78

79 Be It Enacted by the Legislature of the State of Florida:

80

81 Section 1. Section 595.430, Florida Statutes, is created
 82 to read:

83 595.430 Healthy Food Assistance Program.-

84 (1) There is established within the department the Healthy
 85 Food Assistance Program.

86 (2) The purpose of the program is to provide a process for
 87 small food retailers to receive assistance for projects that
 88 increase the availability and sales of fresh and nutritious
 89 food, including fresh vegetables, fruits, meats, and seafood in
 90 low-income and moderate-income communities.

91 (3) The Office of Program Policy Analysis and Government
 92 Accountability shall conduct an independent study to evaluate
 93 the policy impact of placing healthy food in previously
 94 underserved communities.

95 (4) This section and ss. 595.431-595.433 are repealed June
 96 30, 2020, unless reviewed and saved from repeal through
 97 reenactment by the Legislature.

98 Section 2. Section 595.431, Florida Statutes, is created
 99 to read:

100 595.431 Definitions.-As used in ss. 595.430-595.433, the

101 term:

102 (1) "Low-income community" means a population census
 103 tract, as reported in the most recent United States Census
 104 Bureau American Community Survey, which meets one of the
 105 following criteria:

106 (a) The poverty rate is at least 20 percent;

107 (b) In the case of a low-income community located outside
 108 a metropolitan area, the median family income does not exceed 80
 109 percent of the statewide median family income; or

110 (c) In the case of a low-income community located within a
 111 metropolitan area, the median family income does not exceed 80
 112 percent of the statewide median family income or 80 percent of
 113 the metropolitan area's median family income, whichever is
 114 greater.

115 (2) "Moderate-income community" means a population census
 116 tract, as reported in the most recent United States Census
 117 Bureau American Community Survey, in which the median family
 118 income is between 81 percent and 95 percent of the statewide
 119 median family income or metropolitan area's median family
 120 income.

121 (3) "Program" means the Healthy Food Assistance Program
 122 established within the department pursuant to s. 595.430.

123 (4) "Project administrator" means an entity selected by
 124 the department to manage the program to assist small food
 125 retailers in low-income and moderate-income communities in the

126 state.

127 (5) "Small food retailer" means a small-scale retail store
128 of less than 3,000 square feet, such as a corner store,
129 convenience store, neighborhood store, small grocery store, or
130 bodega, which sells a limited selection of foods and other
131 products.

132 Section 3. Section 595.432, Florida Statutes, is created
133 to read:

134 595.432 Duties and responsibilities of the department.—

135 (1) The department shall administer the program and
136 develop guidelines for the operation of the program. The
137 guidelines may include procedures for granting appropriated
138 funds to a qualified project administrator to provide assistance
139 to small food retailers in urban and rural low-income and
140 moderate-income communities to increase the sales of fresh
141 produce and other healthy foods.

142 (2) In administering the program, the department shall:

143 (a) Establish program administrator eligibility
144 guidelines, including, but not limited to, the development of an
145 application process for project administrators and monitoring
146 and accountability mechanisms for projects receiving assistance
147 under the program. At a minimum, a project administrator must be
148 a not-for-profit entity and have demonstrated experience in
149 developing and implementing strategies for healthy food retail
150 in small stores.

151 (b) Establish criteria for a project administrator to use
152 in determining which projects to select, including, but not
153 limited to, consideration of the level of need in the area
154 proposed to be served by the applicant.

155 (c) Provide materials to a project administrator that
156 educate consumers on the benefits of healthy eating and
157 encourage, when possible, buying Fresh from Florida agricultural
158 products for distribution.

159 (d) Electronically submit an annual report to the
160 President of the Senate and the Speaker of the House of
161 Representatives regarding the program, including, but not
162 limited to, projects funded, project expenditures, the
163 geographic distribution of funds, program results, and the
164 program's impact on any health-related initiatives.

165 (3) Funding for the department to perform its duties and
166 responsibilities pursuant to this section shall be as provided
167 by the Legislature in the General Appropriations Act.

168 Section 4. Section 595.433, Florida Statutes, is created
169 to read:

170 595.433 Duties and responsibilities of project
171 administrators.—

172 (1) A project administrator shall be responsible for
173 implementing and operating the program. The project
174 administrator shall:

175 (a) Establish and administer an application process for

176 small food retailers to participate in the program. At a
177 minimum, in order to receive assistance under the program, a
178 small food retailer must:

179 1. Be located in a low-income community or moderate-income
180 community.

181 2. Accept, or agree to apply to and accept Special
182 Supplemental Nutrition Program for Women, Infants, and Children
183 (WIC) benefits.

184 (b) Promote program availability throughout the state and
185 undertake efforts to raise funds from other private and public
186 sources.

187 (c) Use up to 10 percent of the funds distributed by the
188 department for administrative and operational costs associated
189 with operating the program, if such costs are not covered by
190 other budgets or in-kind resources.

191 (d) Collect and provide data and other information
192 quarterly as required by the department.

193 (e) Establish defined goals, standards, and accountability
194 mechanisms for eligible project applicants to ensure that the
195 expenditure of moneys is consistent with the purpose of the
196 program.

197 (f) Develop a plan for eligible project applicants by
198 describing specific goals for increasing the sales of produce
199 and other healthy foods and educating consumers on the benefits
200 of healthy eating, including, but not limited to, mechanisms to:

201 1. Engage communities to support participating small food
202 retailers.

203 2. Seek guidance from state, county, or municipal
204 agencies, private or public universities, cooperative extension
205 services, community-based organizations, and community members.

206 (g) Establish standards to assess whether project goals
207 are met.

208 (h) Ensure expenditures are appropriate by monitoring the
209 activities of small food retailers.

210 (i) Expend funds for each approved project only for the
211 following purposes:

212 1. Refrigeration, display shelving, or other equipment
213 that small food retailers need, up to a maximum of \$7,500 per
214 retailer.

215 2. Materials and supplies for nutrition education and
216 healthy food promotion.

217 3. Initial purchases of healthy foods, including dairy
218 products, and fresh produce, up to a maximum of \$2,000 per
219 retailer.

220 (2) For purposes of this section, a project administrator
221 is not subject to chapter 287.

222 Section 5. Section 500.81, Florida Statutes, is repealed.

223 Section 6. This act shall take effect July 1, 2017.