

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; providing for future repeal and legislative
7 review; creating s. 595.431, F.S.; providing
8 definitions; creating s. 595.432, F.S.; requiring the
9 department to administer the program; providing
10 department duties and responsibilities; providing for
11 funding; creating s. 595.433, F.S.; providing duties
12 and responsibilities of program administrators;
13 exempting program administrators from provisions
14 relating to state procurement of certain property and
15 services; repealing s. 500.81, F.S., relating to the
16 Healthy Food Financing Initiative; providing an
17 effective date.

18
19 WHEREAS, overweight children and adults are at greater risk
20 for numerous adverse health consequences, including type 2
21 diabetes, heart disease, stroke, high blood pressure, high
22 cholesterol, certain cancers, asthma, low self-esteem,
23 depression, and other debilitating diseases, and

24 WHEREAS, in Florida, nearly 27 percent of adults were
25 considered overweight or obese in 2015, and nearly 13 percent of

26 | children were considered overweight and obese in 2011, and

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

29 | WHEREAS, obesity-related health conditions have serious
30 | economic costs, and

31 | WHEREAS, annual health care costs from obesity are at least
32 | \$190 billion dollars, or 21 percent of the nation's total health
33 | care spending, and are expected to rise substantially, and

34 | WHEREAS, roughly 40 percent of these costs are paid through
35 | Medicare and Medicaid, meaning that taxpayers pay much of the
36 | cost, and

37 | WHEREAS, Medicare and Medicaid spending would be reduced by
38 | 8.5 percent and 11.8 percent, respectively, in the absence of
39 | obesity-related spending, and

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

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

48 | WHEREAS, low-income areas have more than twice as many
49 | convenience stores and four times as many small grocery stores
50 | as high-income areas, and

51 WHEREAS, proximity to convenience stores within a
52 neighborhood is associated with higher rates of obesity and
53 diabetes, and

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

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

58 WHEREAS, small food retailers tend to charge higher prices
59 for their food as compared to grocery stores and supermarkets,
60 and

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

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

68 WHEREAS, the program established pursuant to this act is
69 intended to be a source of funding to provide assistance for
70 Florida's small food retailers operating in certain urban and
71 rural areas so that the retailers sell more fresh fruits and
72 vegetables and other healthy foods at affordable prices to
73 neighboring residents in an effort to improve residents' diets
74 and health, NOW, THEREFORE,

75

76 | Be It Enacted by the Legislature of the State of Florida:

77 |
 78 | Section 1. Section 595.430, Florida Statutes, is created
 79 | to read:

80 | 595.430 Healthy Food Assistance Program.—

81 | (1) There is established within the department the Healthy
 82 | Food Assistance Program.

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

88 | (3) This section and ss. 595.431-595.433 are repealed June
 89 | 30, 2020, unless reviewed and saved from repeal through
 90 | reenactment by the Legislature.

91 | Section 2. Section 595.431, Florida Statutes, is created
 92 | to read:

93 | 595.431 Definitions.—As used in ss. 595.430-595.433, the
 94 | term:

95 | (1) "Low-income community" means a population census
 96 | tract, as reported in the most recent United States Census
 97 | Bureau American Community Survey, which meets one of the
 98 | following criteria:

- 99 | (a) The poverty rate is at least 20 percent;
 100 | (b) In the case of a low-income community located outside

101 a metropolitan area, the median family income does not exceed 80
102 percent of the statewide median family income; or

103 (c) In the case of a low-income community located within a
104 metropolitan area, the median family income does not exceed 80
105 percent of the statewide median family income or 80 percent of
106 the metropolitan area's median family income, whichever is
107 greater.

108 (2) "Moderate-income community" means a population census
109 tract, as reported in the most recent United States Census
110 Bureau American Community Survey, in which the median family
111 income is between 81 percent and 95 percent of the statewide
112 median family income or metropolitan area's median family
113 income.

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

116 (4) "Project administrator" means an entity selected by
117 the department to manage the program to assist small food
118 retailers in low-income and moderate-income communities in the
119 state.

120 (5) "Small food retailer" means a small-scale retail store
121 of less than 3,000 square feet, such as a corner store,
122 convenience store, neighborhood store, small grocery store, or
123 bodega, which sells a limited selection of foods and other
124 products.

125 Section 3. Section 595.432, Florida Statutes, is created

126 | to read:

127 | 595.432 Duties and responsibilities of the department.—

128 | (1) The department shall administer the program and
129 | develop guidelines for the operation of the program. The
130 | guidelines may include procedures for granting appropriated
131 | funds to a qualified project administrator to provide assistance
132 | to small food retailers in urban and rural low-income and
133 | moderate-income communities to increase the sales of fresh
134 | produce and other healthy foods.

135 | (2) In administering the program, the department shall:

136 | (a) Establish program administrator eligibility
137 | guidelines, including, but not limited to, the development of an
138 | application process for project administrators and monitoring
139 | and accountability mechanisms for projects receiving assistance
140 | under the program. At a minimum, a project administrator must be
141 | a not-for-profit entity and have demonstrated experience in
142 | developing and implementing strategies for healthy food retail
143 | in small stores.

144 | (b) Establish criteria for a project administrator to use
145 | in determining which projects to select, including, but not
146 | limited to, consideration of the level of need in the area
147 | proposed to be served by the applicant.

148 | (c) Provide materials to a project administrator that
149 | educate consumers on the benefits of healthy eating and
150 | encourage, when possible, buying Fresh from Florida agricultural

151 products for distribution.

152 (d) Electronically submit an annual report to the
 153 President of the Senate and the Speaker of the House of
 154 Representatives regarding the program, including, but not
 155 limited to, projects funded, project expenditures, the
 156 geographic distribution of funds, program results, and the
 157 program's impact on any health-related initiatives.

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

161 Section 4. Section 595.433, Florida Statutes, is created
 162 to read:

163 595.433 Duties and responsibilities of project
 164 administrators.—

165 (1) A project administrator shall be responsible for
 166 implementing and operating the program. The project
 167 administrator shall:

168 (a) Establish and administer an application process for
 169 small food retailers to participate in the program. At a
 170 minimum, in order to receive assistance under the program, a
 171 small food retailer must:

172 1. Be located in a low-income community or moderate-income
 173 community.

174 2. Accept, or agree to apply to and accept Special
 175 Supplemental Nutrition Program for Women, Infants, and Children

176 (WIC) benefits.

177 (b) Promote program availability throughout the state and
178 undertake efforts to raise funds from other private and public
179 sources.

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

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

186 (e) Establish defined goals, standards, and accountability
187 mechanisms for eligible project applicants to ensure that the
188 expenditure of moneys is consistent with the purpose of the
189 program.

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

194 1. Engage communities to support participating small food
195 retailers.

196 2. Seek guidance from state, county, or municipal
197 agencies, private or public universities, cooperative extension
198 services, community-based organizations, and community members.

199 (g) Establish standards to assess whether project goals
200 are met.

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

203 (i) Expend funds for each approved project only for the
 204 following purposes:

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

208 2. Materials and supplies for nutrition education and
 209 healthy food promotion.

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

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

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

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