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LEGISLATIVE ACTION

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| Senate | . | House |
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Senator Storms moved the following:

Senate Amendment (with title amendment)

Between lines 84 and 85

insert:

Section 3. Florida Healthy Foods for Healthy Living Act.-

(1) This section may be cited as the "Florida Healthy Foods for Healthy Living Act."

(2) The Legislature finds that:

(a) High-quality, healthy foods must be accessible, affordable, and in demand to create a successful relationship between a healthy food retailer and an underserved community.

(b) When high-quality, healthy foods are not easily accessible and affordable, people, particularly low-income



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14 families, children, and the elderly, face serious barriers to
15 eating a healthy diet. National research indicates that
16 residents of low-income, minority, and rural communities are
17 most often affected by inadequate access to healthy food, as
18 well as by high rates of obesity.

19 (c) Obesity, which results from poor diet and physical
20 inactivity, is the fastest growing cause of disease and death in
21 the United States, putting growing numbers of adults and
22 children at risk for developing heart disease, type 2 diabetes,
23 hypertension, certain cancers, and other health problems.

24 (d) Increasing access to affordable, high-quality, healthy
25 foods is an important strategy for fighting the obesity epidemic
26 and improving health. Studies have shown that people who have
27 better access to retail sources of affordable fresh fruits and
28 vegetables tend to have healthier diets and lower levels of
29 obesity.

30 (e) Providing outreach and education to consumers in
31 underserved communities is important to creating consumer demand
32 for affordable, high-quality, healthy foods and providing
33 market-driven incentives for healthy food retailers to locate in
34 underserved communities.

35 (f) Developing access to healthy food retailers also
36 creates jobs, expands markets for farmers, and supports economic
37 vitality in underserved communities.

38 (g) The program established pursuant to this section is
39 intended to increase access to affordable, high-quality, healthy
40 foods in underserved communities in this state, in both urban
41 and rural areas in order to improve diets and health; to
42 increase demand for high-quality, healthy foods, particularly



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43 those that are locally grown, by promoting their sale,
44 consumption, and healthy preparation through outreach,
45 marketing, and education; and to support expanded economic
46 opportunities in low-income and rural communities.

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

48 (a) "Department" means the Department of Agriculture and
49 Consumer Services.

50 (b) "Funding" means grants provided by the department to
51 for-profit, not-for-profit, governmental, or other entities
52 contributing to the fulfillment of the legislative intent of
53 this section.

54 (c) "Healthy food retailers" means for-profit or not-for-
55 profit retailers and markets that sell high-quality, healthy
56 foods at competitive prices.

57 (d) "Program" means a public-private partnership
58 established under this section and administered by the
59 department to provide increased access to high-quality, healthy
60 foods for state residents; provide market-driven incentives for
61 healthy food retailers to locate in underserved communities by
62 facilitating demand for affordable, high-quality, healthy foods
63 through outreach and education to consumers in underserved
64 communities; and to increase affordability of high-quality,
65 healthy foods to those living in an underserved community.

66 (e) "Underserved community" means a geographic area in this
67 state that has limited access to healthy food retailers and is
68 located in a lower income or high-poverty area, or an area that
69 is otherwise found to have serious limitations on access to
70 affordable, high-quality, healthy foods.

71 (4) To the extent funds are available, the department, in



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72 cooperation with public and private sector partners, shall
73 establish a program that provides funding via competitive grants
74 for projects that create or improve access to, affordability of,
75 and demand for high-quality, healthy foods in underserved
76 communities, consistent with the legislative intent of this
77 section.

78 (a) The department may enter into contracts or partnerships
79 with one or more qualified nonprofit organizations to:

- 80 1. Facilitate the program;
- 81 2. Raise matching funds through the solicitation of grants
82 and other funds from governmental and private charitable
83 sources;
- 84 3. Leverage private and public grant funding;
- 85 4. Provide for education, outreach, and marketing that
86 further the legislative intent of the program;
- 87 5. Evaluate applicants;
- 88 6. Make award decisions; and
- 89 7. Monitor compliance with the program and its impact.

90 (b) The department and its partners shall coordinate with
91 one or more outreach, education, and nutrition assistance
92 programs having missions that comply with the legislative intent
93 of this section.

94 (c) Projects including, but not limited to, the following
95 are potentially eligible for funding:

- 96 1. Community farmers' markets and public markets.
- 97 2. Food cooperatives.
- 98 3. Mobile markets and delivery vehicles.
- 99 4. Organized distribution systems that enable food
100 retailers in underserved communities to meet the definition of a



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101 healthy food retailer if they do not otherwise meet the
102 definition.

103 5. Site acquisition via lease or purchase for healthy food
104 retailers in or proposed for underserved communities.

105 6. Site preparation for healthy food retailers in or
106 proposed for underserved communities.

107 7. Construction, renovation, expansion, or infrastructure
108 upgrade costs of existing food retailers in or proposed for
109 underserved communities.

110 8. Equipment and furnishings for healthy food retailers
111 located in underserved communities.

112 9. Marketing to, outreach to, and the education of people
113 living in underserved communities with the purpose of increasing
114 demand for high-quality, healthy foods.

115 10. Workforce training for healthy food retailers located
116 in underserved communities.

117 11. Security personnel costs for healthy food retailers
118 located in underserved communities.

119 12. Predevelopment costs such as market studies and
120 appraisals for healthy food retailers located in underserved
121 communities.

122 13. Working capital for first-time inventory and start-up
123 costs for healthy food retailers located in underserved
124 communities.

125
126 A restaurant is not eligible for funding under this section.

127 (d) An applicant for funding may be a for-profit or a not-
128 for-profit entity, including, but not limited to, a sole
129 proprietorship, partnership, limited liability company,



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130 corporation, cooperative, nonprofit organization, nonprofit
131 community development entity, university, or governmental
132 entity.

133 (e) In order to be considered for funding, an applicant
134 must meet the following criteria:

135 1. The project for which the applicant seeks funding must
136 directly benefit an underserved community.

137 2. The applicant must demonstrate a meaningful commitment
138 to increase accessibility of, affordability of, or demand for
139 high-quality, healthy foods in underserved communities,
140 according to standards established by the department.

141 3. The applicant must accept vouchers issued by the
142 Supplemental Nutrition Assistance Program and be able to serve
143 clients of the Special Supplemental Nutrition Program for Women,
144 Infants, and Children, or in the alternative demonstrate a
145 meaningful commitment to making healthy food affordable to low-
146 income households based on an alternative standard established
147 by the department.

148 (f) Determination of the amount of funding to award, shall
149 be based on an evaluation of:

150 1. The applicant's demonstrated capacity to successfully
151 implement the project, including the applicant's relevant
152 experience, and, where funding is directly to a healthy food
153 retailer, the likelihood that the project will be economically
154 self-sustaining.

155 2. The degree to which the project requires an investment
156 of public or private funding to move forward, create impact, or
157 be competitive. Additional factors that will improve or preserve
158 retail access to healthy food retailers for low-income



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159 residents, such as proximity to public transit lines, may also
160 be taken into account.

161 3. The level of need in the geographic area to be served.

162 4. The degree to which the project will promote sales of
163 fresh fruits and vegetables, particularly locally grown fruits
164 and vegetables.

165 5. The degree to which the project will have a positive
166 economic impact on the underserved community, including the
167 creation or retention of jobs for local residents.

168 6. Other criteria that the department determines are
169 consistent with the legislative intent of this section.

170 (g) The department shall establish program benchmarks and
171 reporting processes to ensure that program outcomes fulfill the
172 legislative intent of this section. The department shall also
173 establish monitoring and accountability mechanisms for projects
174 receiving funding, such as tracking fruit and vegetable sales
175 data.

176 (h) The department shall prepare and submit an annual
177 report to the Legislature which assesses the performance of the
178 program.

179 (5) The department may adopt rules as necessary to
180 administer this section.

181
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete line 13

185 and insert:

186 locations; providing the short title the "Florida
187 Healthy Foods for Healthy Living Act"; providing



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188 legislative findings; providing definitions; directing
189 the Department of Agriculture and Consumer Services,
190 in cooperation with public and private sector
191 partners, to establish a program that provides
192 funding, via competitive grants, for programs that
193 create or improve access to, affordability of, and
194 demand for high-quality, healthy foods in underserved
195 areas; authorizing the department to enter into
196 contracts or partnerships with qualified nonprofit
197 organizations; providing that certain projects are
198 potentially eligible for funding; providing criteria
199 for project funding and evaluation; requiring that the
200 department establish program benchmarks, reporting
201 processes, and monitoring and accountability
202 mechanisms; requiring that the department prepare and
203 submit an annual report to the Legislature; providing
204 an effective date.