

By Senator Bean

4-00177C-17

20171592\_\_

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 develop guidelines and administer the  
13      program; providing department duties and  
14      responsibilities; providing for funding; creating s.  
15      595.433, F.S.; providing duties and responsibilities  
16      of program administrators; exempting program  
17      administrators from provisions relating to state  
18      procurement of certain property and services;  
19      repealing s. 500.81, F.S., relating to the Healthy  
20      Food Financing Initiative; providing an effective  
21      date.

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

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

4-00177C-17

20171592\_\_

30 children were considered overweight and obese in 2011, and

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

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

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

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

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

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

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

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

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

58 WHEREAS, small food retailers tend to sell few fresh

4-00177C-17

20171592\_\_

59 produce, whole grains, or low-fat dairy products, and

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

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

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

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

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

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

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

84 595.430 Healthy Food Assistance Program.—

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

87 (2) The purpose of the program is to provide a process for

4-00177C-17

20171592\_\_

88 small food retailers to receive assistance for projects that  
89 increase the availability and sales of fresh and nutritious  
90 food, including fresh vegetables, fruits, meats, and seafood in  
91 low-income and moderate-income communities.

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

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

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

101 595.431 Definitions.—As used in ss. 595.430-595.433, the  
102 term:

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

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

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

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

116 (2) "Moderate-income community" means a population census

4-00177C-17

20171592\_\_

117 tract, as reported in the most recent United States Census  
118 Bureau American Community Survey, in which the median family  
119 income is between 81 percent and 95 percent of the statewide  
120 median family income or metropolitan area's median family  
121 income.

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

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

134 595.432 Duties and responsibilities of the department.—

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

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

143 (a) Establish program administrator eligibility guidelines,  
144 including, but not limited to, the development of an application  
145 process for project administrators and monitoring and

4-00177C-17

20171592\_\_

146 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 President  
160 of the Senate and the Speaker of the House of Representatives  
161 regarding the program, including, but not limited to, projects  
162 funded, project expenditures, the geographic distribution of  
163 funds, program results, and the program's impact on any health-  
164 related initiatives.

165 (3) The department's performance and obligation to pay  
166 under this section is contingent upon an annual appropriation by  
167 the Legislature.

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

4-00177C-17

20171592\_\_

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 agencies,

4-00177C-17

20171592\_\_

204 private or public universities, cooperative extension services,  
205 community-based organizations, and community members.

206 (g) Establish standards to assess whether project goals are  
207 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 that  
213 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.