



Food and  
Nutrition  
Service

July 2, 2020

Braddock  
Metro  
Center

Renee Kane  
Bureau Chief  
Bureau of Child Care Food Programs  
Florida Department of Health  
4052 Bald Cypress Way, Bin A-17  
Tallahassee, FL 32399

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Braddock  
Place  
Alexandria  
VA 22314

Dear Ms. Kane:

This letter is in response to the Florida Department of Health's (FDH) waiver request of March 19, 2020 seeking to allow sponsors to claim allowable CACFP meals beyond the 60-day deadline. Specifically, FDH requests to waive the requirements at 7 CFR 226.10(e) to allow flexibility with submitting late claims without requiring sponsors to request an exception from the Food and Nutrition Service (FNS) via their State agency. While FNS is sympathetic to the administrative challenges facing Child Nutrition program operators during the COVID-19 pandemic, it denies this request.

In its request, FDH asserts that the State Agency anticipates that if the waiver is granted, contractors will be able to focus on serving meals, rather than paperwork and claiming deadlines. FDH also asserts that this will provide contractors additional time to get their claims submitted, should they experience site closures due to COVID-19.

We understand that some local program operators have reported experiencing administrative and logistical challenges related to the timely submission of meal claims. However, as States and localities begin to re-open on a basis consistent with their applicable health guidelines, FNS anticipates that barriers to site and/or records access will become less prevalent in the majority of jurisdictions nationwide. Furthermore, timely receipt of claims data is critical for FNS' ability to monitor program performance and its financial implications during the response to this public health emergency. Further delays could hinder the Agency's ability to ensure the adequacy of funds or make informed fiscal decisions regarding other potential flexibilities offered to State and local program operators. Lastly, States are reminded that late claims exceptions may still be considered on a case-by-case basis in lieu of waiver relief.

To help reduce burden and increase available resources to operators of the Child Nutrition Programs, FNS has approved multiple nationwide waivers to allow flexibility in CACFP, while supporting sponsoring organizations and facilities during this public health emergency. Florida has been granted the following waivers or opted into nationwide waivers, found online here:

<https://www.fns.usda.gov/disaster/pandemic/covid-19/florida>.

- Summer Meals Non-congregate Feeding Waiver
- CN COVID-19 Meal Times Nationwide Waiver

- Nationwide Waiver to Allow Non-congregate Feeding in the Child Nutrition Programs – Extended through August 31
- Nationwide Waiver of the Activity Requirement in Afterschool Care in the Child Nutrition Programs
- Nationwide Waiver to Allow Meal Pattern Flexibility in the Child Nutrition Programs
- Nationwide Waiver to Allow Parents and Guardians to Pick Up Meals for Children – Extended through August 31
- Nationwide Community Eligibility Provision (CEP) Data Waiver
- CACFP Sponsor Monitoring Requirements Waiver
- Area Eligibility SFSP/SSO Waiver
- Waiver of 60-Day Reporting Requirements
- Nationwide Waiver of Meal Service Time Restrictions in the Summer Food Service Program
- Nationwide Waiver to Allow Offer Versus Serve Flexibilities in the Summer Food Service Program
- Nationwide Waiver to Waive First Week Site Visits in the SFSP
- Nationwide Waiver of Local School Wellness Policy Triennial Assessments in the NSLP and SFSP
- Nationwide Waiver of Annual Review Requirements for State Agencies in the CACFP
- Nationwide Waiver of Food Service Management Contract Duration in the NSLP and SFSP
- Nationwide Waiver to Extend Unanticipated School Closure Operations through June 30, 2020

FNS appreciates FDH's commitment to meet the needs of sponsoring organizations during this challenging time. If you have questions, please contact the FNS Southeast Regional Office.

Sincerely,



For  
Sarah E. Smith-Holmes  
Director  
Program Monitoring and Operational Support Division