



Food and
Nutrition
Service

January 26, 2021

Braddock
Metro Center

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Braddock
Place
Alexandria
VA 22314

Dori Landsberg, FCCM
Nutrition Program Manager
Florida Department of Elder Affairs
Bureau of Statewide Community Based Services
Adult Care Food Program
4040 Esplanade Way
Tallahassee, FL 32399

Dear Ms. Landsberg:

This letter is in response to the January 11, 2021, waiver request from the Florida Department of Elder Affairs (DOEA), in which DOEA requests to waive the following statutory and regulatory requirements for the Child and Adult Care Food Program (CACFP):

- 7 CFR 226.6(m)(4), Review of sponsored facilities;
- 7 CFR 226.6(m)(6)(i), Review independent centers and sponsoring organizations of 1 to 100 facilities at least once every three years and include reviews of 10% of their facilities;
- 42 USC 1766(d)(2)(B)(i)(I) & 7 CFR 226.16(d)(4)(iii), Frequency and type of required facility reviews. Review each facility three times each year, unless averaging;
- 42 USC 1766(d)(2)(B)(ii) & 7 CFR 226.16(d)(4)(iii)(A), at least two reviews must be unannounced;
- 7 CFR 226.16(d)(4)(iii)(B), at least one unannounced review must include observation of meal service; and
- 7 CFR 226.16(d)(4)(iii)(D), Not more than six months may elapse between reviews.

The Food and Nutrition Service (FNS) recognizes that due to Program operation changes as the result of *COVID 19: Child Nutrition Response #59*, allowing the Summer Food Service Program and the National School Lunch Program Seamless Summer Option to continue to operate through June 30, 2021, many Child Nutrition Program monitoring requirements will be difficult for State agencies and local operators to meet. In light of this, FNS will waive program monitoring requirements when a State agency provides a waiver request with an alternative plan that ensures program integrity is continued this year.

In its waiver request, DOEA proposed an alternative oversight plan that includes waiving the scheduled fiscal year (FY) 2021 programmatic reviews if an institution has had numerous closures due to COVID-19 related issues and instead conducting them in FY 22. DOEA will still make every effort to perform desk reviews on centers whose

reviews are due; however, will not perform a desk review if the center has had multiple or extended closures in FY 20 and or FY 21 due to COVID-19. Further, all reviews in FY 21 will be announced by the state agency and sponsoring organizations. In lieu of a programmatic desk review, DOEA will provide technical assistance to institutions to ensure that proper programmatic procedures are being followed. Such technical assistance will entail: review and feedback on enrollment and income eligibility forms; Master Enrollment Forms; attendance records; daily meal counts; menus, food productions records, and itemized receipts; daily labor records; and, monthly reimbursement claims. To ensure program integrity, DOEA will verify claims regularly by requesting supporting documents, including when the institution is working under the non-congregate waiver and/or if there is suspected fraud or overclaiming due to a large variance in the claim amount.

Given the numerous flexibilities and waivers that FNS has provided during the novel coronavirus public health emergency, many of the current monitoring requirements and regulations do not efficiently address the oversight of the Child Nutrition Programs. Since these flexibilities alter the normal operations of the Programs, monitoring strategies must adapt. This waiver request, and activities within, does not increase the overall costs of the Program(s) to the Federal Government, rather it allows the State agency to alter its oversight activities in order to strengthen program integrity and conduct efficient monitoring. Through implementation of this waiver, DOEA will continue to fulfill its oversight responsibilities and provide technical assistance, which is critical to ensure that current program requirements are met.

Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), (42 USC 1760(l)), FNS approves DOEA's waiver request effective through September 30, 2021. FNS has determined that, in light of the exceptional circumstances of the current novel coronavirus public health emergency and other program flexibilities provided by FNS, waiving the above statutory and regulatory requirements will facilitate DOEA's ability to successfully carry out the purpose of the Programs.

DOEA's oversight plan, as discussed above, provides assurance that it will continue to conduct oversight and provide technical assistance upon approval of this waiver. These actions will help Program operators effectively operate Child Nutrition Programs that meet the nutritional needs of eligible Program participants. In addition, as part of this waiver, DOEA must take program integrity measures to identify any misuse of Federal funds and identify fraudulent activities.

The waiver authority at section 12(l)(5) of the NSLA requires that FNS review the performance of any State that is granted a waiver and terminate the waiver if the performance of the State has been inadequate to justify a continuation of the waiver. Beginning on April 1, 2021, FNS is requiring that, for the duration of this waiver, DOEA provide the FNS Southeast Regional Office (SERO) a quarterly written report. The report must provide information on how DOEA is implementing its oversight plan and quantify the impact of the waiver, as described below.

The report must include:

- A description of how the waiver impacted meal service operations and eligible participants access to nutritious meals and snacks;
- A description of how the waiver has facilitated the State agencies oversight abilities and responsibilities;
- A summary of program integrity measures taken to identify any misuse of Federal funds and identify fraudulent activities, and, if anything was identified, any actions taken;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the Program(s); and
- A summary of any technical assistance measures that were provided.

Should DOEA determine this waiver is no longer necessary prior to September 30, 2021, please notify the FNS SERO.

FNS understands that these are challenging times for all and that many State agencies and Program operators face significant resource and time constraints. We are committed to supporting State agencies and Program operators as they strive to run successful programs and meet Child Nutrition Program requirements in order to provide nutritious food to eligible participants.

If you have any questions or concerns, please contact the FNS SERO.

Sincerely,



Jessica Saracino
Acting Director
Program Monitoring and Operational Support Division
Child Nutrition Programs