

**5P-2.002 Program Responsibilities.**

(1) Meal Service Times. School Nutrition Program lunches must be served in accordance with the timing requirements specified in 7 CFR 210.10(l)(1), incorporated in Rule 5P-2.001, F.A.C. Schools must offer breakfasts meeting the requirements of 7 CFR 220.8(l)(1), incorporated in Rule 5P-2.001, F.A.C., at or near the beginning of the school day. Schools must provide sufficient meal periods that are long enough to give all students time to be served and to eat their meals.

(2) Break Out Meal Service. Sponsors must obtain prior approval from the Department to serve lunch to children ages 1 through 4 over two service periods. To obtain approval from the Department, a Sponsor must submit a request in writing online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “Request to Break Out Meal Service”, FDACS-01950 12/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15745>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov). Requests must be received by the Department at least fourteen (14) calendar days prior to the requested date the two service periods are to take effect. The Department will approve a Sponsor to serve lunch to children ages 1 through 4 over two service periods upon receipt of a completed form providing the information requested therein.

(3) Point of Service. Meal counts must be taken by the Sponsor daily at the point of service in accordance with 7 CFR 210.7(c)(1) through (2), incorporated in Rule 5P-2.001, F.A.C.

(a) Sponsors must obtain prior approval from the Department to implement an alternative point of service. To obtain approval for an alternative point of service, a Sponsor shall submit a request for approval to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “Alternative Point of Service Request”, FDACS-01912 Rev. 12/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15746>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov).

(b) The Department will approve a Sponsor’s request for an alternative point of service if the information provided in the request for approval demonstrates the proposed alternative point of service will provide an accurate and reliable count of the number of lunches, by type, served each day, to eligible children as required by 7 CFR 210.7(c)(2).

(4) Competitive Foods. Each Sponsor must control the sale of food and beverage items in competition with the School Nutrition Program in accordance with 7 CFR 210.11, incorporated in Rule 5P-2.001, F.A.C. Competitive food and beverage items sold to students during the school day must meet the nutrition standards for competitive food as defined and required in 7 CFR 210.11.

(a) Each Sponsor is permitted to grant schools a special exemption from the standards for competitive foods as specified above for the purpose of conducting school-sponsored fundraisers, not to exceed the following maximum number of school days per school, each school year:

School Type	Maximum Number of School Days To Conduct Exempted Fundraisers
Elementary Schools	5 days
Middle School/Junior High Schools	10 days
Senior High Schools	15 days
Combination Schools	10 days
Elementary Schools: Schools providing regular or other instruction at one or more grade levels from PK through grade 5. This category includes schools serving grade 6 if also serving one or more grades PK through 5 (e.g., a K-6 school).	
Middle/Junior High Schools: Schools providing regular or other instruction in middle school configurations (grades 6-8) and junior high school configurations (grades 7-9). This category also includes schools serving a single grade in the 6-8 range (e.g., a 6th grade center).	
Senior High Schools: Schools providing regular or other instruction at one or more grade levels from 9 to 12. This classification includes 9th grade centers.	
Combination Schools: Schools providing regular or other instruction in grade groupings that include more than one of the categories described above (e.g., PK-8, 6-12, K-12, etc.).	

(b) Unless sold by the Sponsor, competitive food items sold to students during the school day shall not consist of ready-to-eat combination foods, as defined in 7 CFR 210.11, or meat or meat alternate, as defined in 7 CFR 210.10, incorporated in Rule 5P-2.001, F.A.C., or grain products as defined in 7 CFR 210.11.

(c) No school-sponsored fundraisers, which include the sale of food items, will be permitted to occur until thirty (30) minutes after the conclusion of the last designated meal service period. For the purposes of this section, “school-sponsored fundraiser” is defined as any event or activity occurring on school property during which currency, tokens, tickets, or the like are exchanged for the sale or purchase of items or services to benefit the school, a school organization or group, or a charitable organization, and which is authorized according to the Sponsor’s policy and has been approved by the school principal or designee.

(d) Each Sponsor must maintain records for a period of three years following the date of submission of the final claim for reimbursement for the school year documenting the occurrence of any exempted school-sponsored fundraisers to demonstrate compliance with this rule.

(5) Food Service Management Companies. Sponsors may contract with a food service management company to provide food service for one (1) or more schools. The Sponsor must retain responsibility for the program’s operation, administration, supervision and control.

(6) Economically-needy Students. Sponsors must adopt a policy for providing economically-needy students with free and reduced price meals that comply with 7 CFR 210, 7 CFR 220, and 7 CFR 245, incorporated in Rule 5P-2.001, F.A.C.

(7) Direct Certification. All Sponsors, except residential child-care institutions serving only their residents, must utilize Direct Certification to establish children’s eligibility for free school meals as specified in 7 CFR 245.6(b).

(a) All Sponsors must conduct Direct Certification with Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid at least three times each school year as scheduled below:

1. Within 30 days of the first day of school for students;
2. Three months after the initial effort; and
3. Six months after the initial effort.

(b) Direct Certification for Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Medicaid must be conducted using the Florida Direct Certification system online at <https://fdc.FDACS.gov>, or by requesting the Direct Certification List for specific counties. Requests for access to the Florida Direct Certification system or the Direct Certification List must be submitted online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “Direct Certification Report Sponsor Agreement”, FDACS-01804 Rev. 05/23, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15747>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov). Access to the Florida Direct Certification system and the Direct Certification List will be provided to Sponsors upon the Department’s receipt of a completed Direct Certification Agreement.

(8) October Data. All Sponsors must submit October Data, as defined in Rule 5P-1.001, F.A.C., to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “October Data Collection Form”, FDACS-01943 Rev. 12/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15748>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov), no later than November 30 of each year.

(9) Verification. Verification must be conducted in accordance with 7 CFR 245.6a(c). All Sponsors must submit data retrieved during Verification efforts to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “School Food Authority (SFA) Verification Collection Report,” FNS-742 (10/12), which is hereby adopted and incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15749>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov), no later than November 30 of each year.

(10) April Data. All Sponsors must submit April Data, as defined in Rule 5P-1.001, F.A.C., to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled “April Data Collection Form”, FDACS-01940 Rev. 12/18, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15750>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov), no later than April 10 of each year.

(11) Food Safety Inspections. Each Sponsor must obtain a minimum of two (2) food safety inspections for every school during each school year as required by 7 CFR 210.13(b) and 7 CFR 220.7(a)(2).

(a) The scope of the food safety inspections will vary according to the type of food service operations and shall be determined by the agency responsible for inspections.

(b) Sponsors must report to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, no later than May 15 of each year, the number of food safety inspections completed for all schools operating

School Nutrition Programs. If less than two (2) food safety inspections are completed during a school year (July 1 through June 30), the Sponsor must also provide to the Department an explanation of the reasons for failing to meet the requirement.

(12) Indirect Costs. Sponsors must limit the amount of nonprofit school food service account funds allocated annually for food service indirect costs, as defined in 2 CFR 200.1, incorporated by reference in Rule 5P-2.001, F.A.C., to the restricted federal indirect cost rate approved annually by the Florida Department of Education, multiplied by the total nonprofit school food service account expenditures, less expenditures for capital outlay, replacement of equipment, USDA Foods, and cash-in-lieu of donated foods.

(13) Net Cash Resources. The Department will determine the net cash resources for Sponsors that are also school districts from the Annual Financial Report (AFR) filed with the Florida Department of Education annually. All other Sponsors must report net cash resources for the prior fiscal year to the Department by January 1 of each year online at <https://fans.FDACs.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399 using the form entitled "Net Cash Resources Report," FDACS-01713 Rev. 06/19, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15751>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov).

(a) Sponsors reporting net cash resources in excess of three months' average expenditures must submit a spending plan, online at <https://fans.FDACs.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, using the form entitled "Net Cash Resources Spending Plan", FDACS-02044 Rev. 07/21, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15752>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov). The spending plan must reduce the Sponsor's nonprofit school food service account to no more than three months' average expenditures within 60 days of submitting the Net Cash Resources Report or receiving notification from the Department of excess net cash resources.

(b) Should the Sponsor fail to submit a spending plan to the Department as required by paragraph (a), the Sponsor must take one or more of the following actions designed to improve the school food service:

1. Reduce the price children are charged for meals;
2. Improve food quality;
3. Upgrade food service equipment;
4. Develop nutrition education materials and curricula; or
5. Provide additional training of food service personnel.

(c) The actions taken by the Sponsor in accordance with this paragraph must reduce the funds in their nonprofit school food service account to no more than three months' average expenditures. In the absence of any such action, the Department will make adjustments to the Sponsor's rate of reimbursement.

(14) Equipment and Capital Expenditures. All equipment and capital expenditures, as defined by 2 CFR 200.1, incorporated by reference in rule 5P-2.001, F.A.C., with a per-unit acquisition cost of \$5,000 or more and accruing to a Sponsor's nonprofit school food service account must be pre-approved by the Department.

(a) Requests for approval of equipment and capital expenditures must be submitted to the Department online at <https://fans.FDACs.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399 using the form entitled "Capital Expenditure Pre-Approval Request", FDACS-02011 Rev. 06/19, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15753>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov).

(b) Any equipment and capital expenditures not meeting the general criteria for allowability as set out in Subpart E – Cost Principles of 2 CFR part 200, incorporated by reference in Rule 5P-2.001, F.A.C., will not be approved by the Department. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that, such revenues shall not be used to purchase land or buildings, unless otherwise approved by the United States Department of Agriculture, Food and Nutrition Service, or to construct buildings.

(c) Any equipment and capital expenditures found on the Capital Equipment Approved Item List, effective March 2019, which is hereby incorporated by reference and available online at <https://www.flrules.org/gateway/reference.asp?No=Ref-15754>, and by email request to the Department at [InfoFNW@fdacs.gov](mailto:InfoFNW@fdacs.gov), do not require submission of a request for approval.

(15) Audit Requirements. Sponsors that expend \$750,000 or more during the fiscal year in federal awards must have a single audit conducted for that year in accordance with Subpart F – Audit Requirements of 2 CFR 200.

(a) In determining whether \$750,000 in federal awards have been expended, the Sponsor must combine the value of USDA Foods received, as determined by the United States Department of Agriculture (USDA), all reimbursements received for meals served to

eligible children as a part of the Summer Food Service Program, if applicable, School Nutrition Programs, and all other federal awards as defined in 2 CFR 200.1.

(b) A copy of the audit report must be submitted to the Department online at <https://fans.FDACS.gov>, or by mail to 600 S. Calhoun Street (H2), Tallahassee, FL 32399, within nine (9) months after the end of the audit period.

(c) If findings in the audit report related to the School Nutrition Programs require corrective action, the Department will provide notice of required corrective action by email to the Sponsor. The Sponsor will have thirty (30) calendar days from the date of receipt of this notice to provide documentation to the Department of corrective action taken or planned to address each finding. The Notice shall be considered received by the Sponsor five (5) calendar days following the date the notice is emailed by the Department unless an earlier date of receipt is confirmed by the Sponsor.

*Rulemaking Authority 570.07(23), 595.404(4), (10) FS. Law Implemented 595.404 FS. History—New 3-26-66, Amended 4-17-72, 4-19-73, 10-20-73, 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, Formerly 6A-7.042, Amended 10-11-99, 1-25-00, Formerly 6-7.042, 6A-7.0411, Amended 9-24-14, 6-21-18, Formerly 5P-1.003, 9-5-23.*