

5PER20-2 (5P-1.002) Appeals.

(1)-(3) No change.

(4) The Appellant shall have fifteen (15) calendar days if participating in the National School Lunch Program and ten (10) calendar days for the Summer Food Service Program to appeal the agency action from the date the Appellant receives the Notice of Action.

(5)-(6) No change.

(7) The Appellant may submit additional written documentation for review by the hearing official either with the request for appeal or within thirty calendar days if participating in the National School Lunch Program and within seven (7) calendar days if participating in the Summer Food Service Program of the date the Appellant submitted the request for appeal. The department has thirty calendar days if Appellant is participating in the National School Lunch Program and seven (7) calendar days if Appellant is participating in the Summer Food Service Program from the date the department received the request for appeal to submit written documentation to the designated hearing official. Any written documentation received after the applicable thirty-day or seven-day deadline will not be considered for review.

(8) No change.

(9) If a hearing is requested, it shall be held within forty-five (45) calendar days for Appellants participating in the National School Lunch Program and within fourteen (14) calendar days for Appellants participating in the Summer Food Service Program of the date the department received the request for appeal, unless otherwise agreed to by both parties. At no time shall the hearing be held prior to the date the hearing officer receives written documentation from both parties. The Appellant shall be provided with at least five (5) calendar days' written notice, sent via certified mail, return receipt requested, of the time and place of the hearing.

(a)-(b) No change.

(10)-(16) No change.

*Rulemaking Authority 570.07(23), 595.404(4), (10), (11) FS. Law Implemented 595.404 FS. History—New 3-22-66, 4-11-70, 4-19-73, Repromulgated 12-5-74, Amended 6-28-83, Formerly 6A-7.41, 6A-7.040, Amended 6-21-18, 12-16-18, 3-20-20.*