

By Senator Broxson

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1                   A bill to be entitled  
2       An act relating to the Early Learning Scholarship  
3       Program; creating s. 1002.56, F.S.; establishing the  
4       Early Learning Scholarship Program within the  
5       Department of Education; providing the purpose of the  
6       program; defining terms; providing eligibility  
7       criteria for participation in the program; providing  
8       for a child's continued eligibility for a specified  
9       period; providing program obligations for eligible  
10      nonprofit scholarship-funding organizations and for  
11      parents and children; providing requirements for the  
12      amount and payment of scholarship funds, subject to  
13      appropriation; providing for the use of scholarship  
14      funds; providing program obligations for the  
15      department and providers; exempting the state from  
16      specified liability; providing that the program does  
17      not expand the regulatory authority of the state;  
18      requiring the State Board of Education to adopt rules;  
19      providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

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23       Section 1. Section 1002.56, Florida Statutes, is created to  
24       read:

25       1002.56 Early Learning Scholarship Program.—There is  
26       established the Early Learning Scholarship Program within the  
27       Department of Education to pay for the tuition and fees  
28       associated with an eligible child attending a program offered by  
29       a provider.

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30 (1) DEFINITIONS.—As used in this section, the term:

31 (a) "Department" means the Department of Education.

32 (b) "Eligible nonprofit scholarship-funding organization"  
33 or "organization" has the same meaning as in s. 1002.395(2).

34 (c) "Parent" means a resident of this state who is a parent  
35 as defined in s. 1000.21(5).

36 (d) "Program" means the Early Learning Scholarship Program.

37 (e) "Provider" means an early learning provider that is  
38 approved to receive school readiness funding under part VI of  
39 this chapter and that chooses to participate in the program.

40 (2) CHILD ELIGIBILITY REQUIREMENTS.—

41 (a) A parent of a child may apply for a scholarship if the  
42 child is not receiving any other scholarship under this chapter  
43 and is currently placed or was previously placed in foster care  
44 or in out-of-home care as defined in s. 39.01.

45 (b) A child who initially receives a scholarship remains  
46 eligible to participate in the program until he or she enrolls  
47 in kindergarten or attains the age of 6 years by February 1 of  
48 any school year and must be given priority for the award of a  
49 scholarship in the subsequent fiscal year.

50 (c) An approved child who does not receive a scholarship  
51 must be placed on a wait list in the order in which the child is  
52 approved. An eligible child who does not receive a scholarship  
53 within the fiscal year must be retained on the wait list for the  
54 subsequent year.

55 (3) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
56 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
57 organization must:

58 (a) Receive applications, determine child eligibility, and

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59 notify parents of a child's acceptance into the program.

60 (b) Provide scholarships to eligible children on a first-  
61 come, first-served basis. However, the organization must give  
62 priority to eligible renewal children who received a scholarship  
63 from an eligible nonprofit scholarship-funding organization  
64 during the previous year.

65 (c) Allow an eligible child to attend a program at any  
66 eligible provider and allow a parent to transfer a scholarship  
67 during a school year to any other eligible provider of the  
68 parent's choice.

69 (d) Prepare and submit quarterly reports to the department  
70 pursuant to paragraph (6) (d). In addition, an eligible nonprofit  
71 scholarship-funding organization must submit in a timely manner  
72 any information requested by the department relating to the  
73 program.

74 (4) PARENT AND CHILD RESPONSIBILITIES FOR PROGRAM  
75 PARTICIPATION.—

76 (a) The parent must apply to an eligible nonprofit  
77 scholarship-funding organization for participation in the  
78 program by a date established by the organization, in a manner  
79 that creates a written or electronic record of the request and  
80 the date of receipt of the request.

81 (b) The parent must select a provider and apply for the  
82 admission of his or her child.

83 (c) Each parent and each child has an obligation to the  
84 provider to comply with the provider's published policies.

85 (d) Upon receipt of a scholarship warrant from the eligible  
86 nonprofit scholarship-funding organization, the parent to whom  
87 the warrant is made must restrictively endorse the warrant to

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88 the provider for deposit into the account of the provider. If  
89 payments are made by funds transfer, the parent must approve  
90 each payment before the scholarship funds may be deposited. The  
91 parent may not designate any entity or individual associated  
92 with the participating provider as the parent's attorney in fact  
93 to endorse a scholarship warrant or approve a funds transfer. A  
94 parent who fails to comply with this paragraph forfeits the  
95 scholarship.

96 (5) SCHOLARSHIP AMOUNT AND PAYMENT.—

97 (a) Subject to appropriation, the scholarship amount  
98 provided for a child by an eligible nonprofit scholarship-  
99 funding organization shall be for the total cost of the  
100 provider's private pay rate or the difference between a child's  
101 school readiness voucher and the provider's private pay rate.  
102 The amount of a scholarship may not exceed the provider's  
103 published private pay rate.

104 (b) Payment of the scholarship by the eligible nonprofit  
105 scholarship-funding organization shall be by individual warrant  
106 made payable to the child's parent or by funds transfer,  
107 including, but not limited to, debit cards, electronic payment  
108 cards, or any other means of payment the department deems to be  
109 commercially viable or cost-effective. If the payment is made by  
110 warrant, the warrant must be delivered by the eligible nonprofit  
111 scholarship-funding organization to the provider of the parent's  
112 choice, and the parent shall restrictively endorse the warrant  
113 to the provider. An eligible nonprofit scholarship-funding  
114 organization shall ensure that the parent to whom the warrant is  
115 made restrictively has endorsed the warrant to the provider for  
116 deposit into the account of the provider or that the parent has

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117 approved a funds transfer before any scholarship funds are  
118 deposited.

119 (c) An eligible nonprofit scholarship-funding organization  
120 shall obtain verification from the provider of a child's  
121 continued attendance for each period covered by a scholarship  
122 payment.

123 (d) Payment of the scholarship shall be made by the  
124 eligible nonprofit scholarship-funding organization on a  
125 quarterly basis.

126 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
127 shall:

128 (a) Annually verify the eligibility of nonprofit  
129 scholarship-funding organizations.

130 (b) Notify an eligible nonprofit scholarship-funding  
131 organization of any of the organization's identified children  
132 who are receiving a scholarship from other eligible nonprofit  
133 scholarship-funding organizations.

134 (c) Notify eligible nonprofit scholarship-funding  
135 organizations of the deadlines for submitting the verified list  
136 of children determined to be eligible for a scholarship required  
137 under paragraph (d).

138 (d) Require quarterly reports by each eligible nonprofit  
139 scholarship-funding organization which must include, at a  
140 minimum, a verified list of children the organization determined  
141 to be eligible for a scholarship; the number of children  
142 participating in the program; the program award amount per  
143 child; and any other information deemed necessary by the  
144 department.

145 (7) PROVIDER OBLIGATIONS.—Each participating provider must

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146 provide to the eligible nonprofit scholarship-funding  
147 organization all documentation required for a child's  
148 participation, including the provider's private pay rate, at  
149 least 30 days before any quarterly scholarship payment is made  
150 for the child. A child is not eligible to receive a quarterly  
151 scholarship payment if the provider fails to meet this deadline.

152 (8) LIABILITY.—The state is not liable for the award of or  
153 any use of awarded funds under this section.

154 (9) SCOPE OF AUTHORITY.—This section does not expand the  
155 regulatory authority of the state or its officers to impose  
156 additional regulations on providers beyond those reasonably  
157 necessary to enforce the requirements expressly set forth in  
158 this section.

159 (10) RULEMAKING.—The State Board of Education shall adopt  
160 rules to administer this section.

161 Section 2. This act shall take effect July 1, 2022.