

1                                   A bill to be entitled  
 2           An act relating to the Early Child Care Universal  
 3           Voucher Program; creating s. 1002.396, F.S.;  
 4           establishing the Early Child Care Universal Voucher  
 5           Program; providing the purpose of the program;  
 6           defining terms; providing eligibility requirements for  
 7           the program; providing for certain students to be  
 8           placed on a wait list under certain circumstances;  
 9           providing authorized uses for program funds; providing  
 10          requirements for terms of a scholarship; providing  
 11          ineligibility requirements; providing early learning  
 12          coalition, Department of Education, and program  
 13          provider obligations; providing program provider  
 14          eligibility criteria; providing parent and student  
 15          responsibilities for program participation; providing  
 16          requirements for the funding and payment of  
 17          scholarships; providing construction; requiring the  
 18          State Board of Education to adopt rules; providing an  
 19          effective date.

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

22  
 23           Section 1.   Section 1002.396, Florida Statutes, is created  
 24   to read:  
 25           1002.396   The Early Child Care Universal Voucher Program.-

26        (1) PURPOSE.—The Early Child Care Universal Voucher  
27 Program is established to provide children of families in this  
28 state which have limited financial resources with early  
29 education options to achieve success in their education.

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

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

32        (b) "Disability" means, for a student 6 years of age or  
33 younger, autism spectrum disorder, as defined in the Diagnostic  
34 and Statistical Manual of Mental Disorders, Fifth Edition,  
35 published by the American Psychiatric Association; cerebral  
36 palsy, as defined in s. 393.063; Down syndrome, as defined in s.  
37 393.063; an intellectual disability, as defined in s. 393.063; a  
38 speech impairment; a language impairment; an orthopedic  
39 impairment; any other health impairment; an emotional or a  
40 behavioral disability; a specific learning disability,  
41 including, but not limited to, dyslexia, dyscalculia, or  
42 developmental aphasia; Phelan-McDermid syndrome, as defined in  
43 s. 393.063; Prader-Willi syndrome, as defined in s. 393.063;  
44 spina bifida, as defined in s. 393.063; being a high-risk child,  
45 as defined in s. 393.063(22) (a); muscular dystrophy; Williams  
46 syndrome; rare diseases which affect patient populations of  
47 fewer than 200,000 individuals in the United States, as defined  
48 by the National Organization for Rare Disorders; anaphylaxis; a  
49 hearing impairment, including deafness; a visual impairment,  
50 including blindness; traumatic brain injury; being hospital or

51 homebound; or identification as dual sensory impaired, as  
52 defined by rules of the State Board of Education and evidenced  
53 by reports from local school districts. The term "hospital or  
54 homebound" includes a student who has a medically diagnosed  
55 physical or psychiatric condition or illness, as defined by the  
56 state board in rule, and who is confined to the home or hospital  
57 for more than 6 months. A disability under this paragraph must  
58 be diagnosed by a physician who is licensed under chapter 458 or  
59 chapter 459, a psychologist who is licensed under chapter 490,  
60 or a physician who holds an active license issued by another  
61 state or territory of the United States, the District of  
62 Columbia, or the Commonwealth of Puerto Rico.

63 (c) "Early learning coalition" has the same meaning as in  
64 s. 1002.51(4).

65 (d) "Parent" means a resident of this state who is a  
66 parent, as defined in s. 1000.21.

67 (e) "Program" means the Early Child Care Universal Voucher  
68 Program.

69 (f) "Program provider" means a:

70 1. Provider eligible for the Voluntary Prekindergarten  
71 Education Program or the school readiness program.

72 2. An informal provider, including a grandparent, an aunt,  
73 an uncle, a sibling, or any other person, who provides care to  
74 the student and meets the requirements established by the  
75 department.

76 (3) SCHOLARSHIP ELIGIBILITY.—

77 (a) A parent of a student may request and receive from the  
 78 state a scholarship for the purposes specified in paragraph  
 79 (4)(a) if the student is a resident of this state and is 6 years  
 80 of age or younger. A student who receives a Family Empowerment  
 81 Scholarship or a Florida Tax Credit Scholarship is ineligible  
 82 for an award under the program.

83 (b) A parent of a student with a disability may request  
 84 and receive from the state a scholarship for the purposes  
 85 specified in paragraph (4)(b) if the student has a disability,  
 86 is a resident of this state, and is 13 years of age or younger.  
 87 A student who receives a Family Empowerment Scholarship or a  
 88 Florida Tax Credit Scholarship is ineligible for an award under  
 89 the program.

90 (c) An approved student who does not receive a scholarship  
 91 must be placed on the wait list in the order in which the  
 92 student is approved. An eligible student who does not receive a  
 93 scholarship within the fiscal year must be retained on the wait  
 94 list for the subsequent fiscal year.

95 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

96 (a) Program funds awarded to a student determined eligible  
 97 pursuant to paragraph (3)(a) may be used for:

98 1. Tuition and fees at a child care provider, a family  
 99 child care provider, or an informal provider.

100 2. Transportation to an approved form of care under

101 subparagraph 1.

102 3. Instructional materials, including digital materials  
103 and Internet resources.

104 4. Fees for state and national assessments.

105 5. Tuition and fees for part-time tutoring services or  
106 fees for qualified early educators. For part-time tutoring  
107 services, such services must be provided by a person who holds a  
108 valid Florida educator's certificate pursuant to s. 1012.56, a  
109 person who holds an adjunct teaching certificate pursuant to s.  
110 1012.57, a person who has a bachelor's degree or a graduate  
111 degree in the subject area in which instruction is given, a  
112 person who has demonstrated a mastery of subject area knowledge  
113 pursuant to s. 1012.56(5), or a person certified by a nationally  
114 or internationally recognized research-based training program as  
115 approved by the department. As used in this subparagraph, the  
116 term "part-time tutoring services" does not qualify as regular  
117 school attendance as defined in s. 1003.01(16)(e).

118 6. Contributions to the Stanley G. Tate Florida Prepaid  
119 College Program pursuant to s. 1009.98 or the Florida College  
120 Savings Program pursuant to s. 1009.981 for the benefit of the  
121 eligible student.

122 (b) Program funds awarded to a student with a disability  
123 determined eligible pursuant to paragraph (3)(b) may be used for  
124 the following purposes based on the student's matrix level of  
125 services or an evaluation from a licensed physician:

126        1. Instructional materials, including digital devices,  
 127 digital periphery devices, and assistive technology devices that  
 128 allow a student to access instruction or instructional content.

129        2. Specialized services by approved providers or by a  
 130 hospital in this state which are selected by the parent. These  
 131 specialized services may include, but are not limited to:

132            a. Applied behavior analysis services as provided in ss.  
 133 627.6686 and 641.31098.

134            b. Services provided by speech-language pathologists as  
 135 defined in s. 468.1125(8).

136            c. Occupational therapy as defined in s. 468.203.

137            d. Physical therapy as defined in s. 486.021(8).

138            e. Services provided by listening and spoken language  
 139 specialists and an appropriate acoustical environment for a  
 140 student who has a hearing impairment, including deafness, and  
 141 who has received an implant or assistive hearing device.

142        3. Fees for specialized summer education programs.

143        4. Fees for specialized after-school education programs.

144        5. Fees for other approved therapeutic services provided  
 145 by qualified providers and consistent with student's treatment  
 146 plan, individualized education plan, individualized family  
 147 support plan, or 504 plan.

148        (5) TERM OF SCHOLARSHIP.—For purposes of continuity of  
 149 educational choice under the program:

150            (a)1. A scholarship awarded to an eligible student

151 pursuant to paragraph (3) (a) shall remain in force until:  
152 a. The early learning coalition determines that the  
153 student is ineligible for program renewal;  
154 b. The Commissioner of Education suspends or revokes  
155 program participation or use of funds;  
156 c. The student's parent forfeits participation in the  
157 program for failure to comply with subsection (10); or  
158 d. The student is eligible to attend kindergarten.  
159 2.a. The student's scholarship account must be closed and  
160 any remaining funds shall revert to the state after:  
161 (I) Suspension or revocation of program participation or  
162 use of funds by the commissioner for fraud or abuse, including,  
163 but not limited to, the student or student's parent accepting  
164 any payment, refund, or rebate, in any manner, from a provider  
165 of any services received pursuant to paragraph (4) (a);  
166 (II) Two consecutive fiscal years in which an account has  
167 been inactive; or  
168 (III) The student is eligible to attend kindergarten.  
169 b. Reimbursements for program expenditures may continue  
170 until the account balance is expended or remaining funds have  
171 reverted to the state.  
172 (b)1. A scholarship awarded to an eligible student  
173 pursuant to paragraph (3) (b) shall remain in force until:  
174 a. The parent does not renew program eligibility;  
175 b. The early learning coalition determines that the

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176 student is ineligible for program renewal;  
177 c. The Commissioner of Education suspends or revokes  
178 program participation or use of funds;  
179 d. The student's parent forfeits participation in the  
180 program for failure to comply with subsection (10); or  
181 e. The student is eligible to enroll in kindergarten.  
182 2. Reimbursements for program expenditures may continue  
183 until the account balance is expended or the account is closed.  
184 3. A student's scholarship account must be closed and any  
185 remaining funds, including, but not limited to, contributions  
186 made to the Stanley G. Tate Florida Prepaid College Program  
187 using program funds or earnings from or contributions made to  
188 the Florida College Savings Program using program funds, shall  
189 revert to the state after:  
190 a. Suspension or revocation of program participation or  
191 use of funds by the commissioner for fraud or abuse, including,  
192 but not limited to, the student or student's parent accepting  
193 any payment, refund, or rebate, in any manner, from a provider  
194 of any services received pursuant to paragraph (4) (b); or  
195 b. Two consecutive fiscal years in which an account has  
196 been inactive.  
197 (6) SCHOLARSHIP PROHIBITIONS.—A student is ineligible for  
198 a scholarship through the program while he or she is receiving  
199 any other educational scholarship pursuant to this chapter.  
200 (7) EARLY LEARNING COALITION OBLIGATIONS.—An early



201 learning coalition awarding scholarships to eligible students:

202 (a) If a student with a disability who is enrolled in the  
203 program does not have an individual education plan (IEP) or  
204 other authorized assessment, shall request an IEP evaluation or  
205 reevaluation from the school district in which the student  
206 resides. For private school students, the early learning  
207 coalition may accept evaluation reports and plans developed by  
208 licensed professionals to develop matrix scores.

209 (b) Shall provide for the administration of the  
210 coordinated screening and progress monitoring system under s.  
211 1008.25(9).

212 (c) Must publish information about the program on the  
213 coalition's website homepage. At a minimum, the published  
214 information must include a website link to the program published  
215 on the department's website as well as a telephone number and e-  
216 mail address that students and parents may use to contact  
217 relevant personnel at the early learning coalition to obtain  
218 information about the program.

219 (d) Must receive applications, determine student  
220 eligibility, notify parents in accordance with the requirements  
221 of this section, and provide the department with information on  
222 the student to enable the department to determine student  
223 funding.

224 (e) Shall verify the household income level of students  
225 and submit the verified list of students determined to be

226 eligible for a scholarship and related documentation to the  
227 department when necessary.

228 (f) Shall establish and maintain separate accounts for  
229 each eligible student. For each account, the early learning  
230 coalition must maintain a record of accrued interest that is  
231 retained in the student's account and available only for  
232 authorized program expenditures.

233 (g) May permit eligible students to use program funds by  
234 paying for the authorized use directly, then submitting a  
235 reimbursement request to the early learning coalition. However,  
236 an early learning coalition may require the use of an online  
237 platform for direct purchases of products so long as such use  
238 does not limit a parent's choice of curriculum or academic  
239 programs. If a parent purchases a product identical to one  
240 offered by an early learning coalition's online platform for a  
241 lower price, the early learning coalition shall reimburse the  
242 parent for the cost of the product.

243 (h) May use an amount not to exceed 2.5 percent of the  
244 total amount of all scholarships funded under this section for  
245 administrative expenses associated with performing functions  
246 under this section. An early learning coalition that has, for  
247 the prior fiscal year, complied with expenditure requirements  
248 may use an amount not to exceed 3 percent. Such administrative  
249 expense amount is considered within the 3-percent limit on the  
250 total amount an early learning coalition may use to administer

251 scholarships under this section.

252 (i) Must, in a timely manner, submit any information  
253 requested by the department relating to the scholarship under  
254 this section.

255 (j) Must notify the department about any violation of this  
256 section.

257 (k) Must document each student's eligibility for a fiscal  
258 year before granting a scholarship for that fiscal year. A  
259 student is ineligible for a scholarship if the student's account  
260 has been inactive for 2 consecutive fiscal years.

261 (l) Must notify each parent that participation in the  
262 scholarship program does not guarantee enrollment.

263 (m) Shall commit scholarship funds on behalf of the  
264 student for tuition and fees for which the parent is responsible  
265 for payment to the program provider before using scholarship  
266 funds for additional authorized uses.

267 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

268 (a) The department shall:

269 1. Publish and update, as necessary, information on the  
270 department website about the program, including, but not limited  
271 to, student eligibility criteria, parental responsibilities, and  
272 relevant data.

273 2. Maintain and annually publish a list of state and  
274 nationally norm-referenced tests identified for purposes of  
275 satisfying quality and achievement standards.

276        3. Notify early learning coalitions of the deadlines for  
277 submitting the verified list of students determined to be  
278 eligible for a scholarship. An early learning coalition may not  
279 submit a student for funding after February 1 if such student is  
280 1 year of age or older.

281        4. Deny or terminate program participation due to  
282 attendance or programmatic requirements.

283        5. Notify the parent and the early learning coalition when  
284 a scholarship account is closed and program funds revert to the  
285 state.

286        6. Maintain on its website a list of approved providers,  
287 eligible schools, and early learning coalitions and activities.

288        7. Require each early learning coalition to verify  
289 eligible expenditures before the distribution of funds for any  
290 expenditures. Review of expenditures may be completed after the  
291 purchase is made.

292        8. Investigate any written complaint of a violation of  
293 this section by a parent, a program provider, a school district,  
294 an early learning coalition, or another appropriate party.

295        9. Require quarterly reports by an early learning  
296 coalition, which must include, at a minimum, the number of  
297 students participating in the program; the demographics of  
298 program participants; the disability category of program  
299 participants; the matrix level of services, if known; the  
300 program award amount per student; the total expenditures for the

301 program; the types of program providers; and any other  
 302 information deemed necessary by the department.

303 (b) At the direction of the Commissioner of Education, the  
 304 department may:

305 1. Suspend or revoke program participation or use of  
 306 program funds by the student or participation or eligibility of  
 307 an another party for a violation of this section.

308 2. Determine the length of, and conditions for lifting, a  
 309 suspension or revocation specified in this paragraph.

310 3. Recover unexpended program funds or withhold payment of  
 311 an equal amount of program funds to recover program funds that  
 312 were not authorized for use.

313  
 314 In determining whether to suspend or revoke program  
 315 participation or lift a suspension or revocation in accordance  
 316 with this paragraph, the department may consider factors that  
 317 include, but are not limited to, acts or omissions that led to a  
 318 previous suspension or revocation of participation in a state or  
 319 federal program; failure to reimburse the early learning  
 320 coalition for funds improperly received or retained; failure to  
 321 reimburse government funds improperly received or retained;  
 322 imposition of a prior criminal sanction related to the person or  
 323 entity or its officers or employees; imposition of a civil fine  
 324 or administrative fine, license revocation or suspension, or  
 325 program eligibility suspension, termination, or revocation

326 related to a person's or entity's management or operation; or  
327 other types of criminal proceedings in which the person or  
328 entity or its officers or employees were found guilty of,  
329 regardless of adjudication, or entered a plea of nolo contendere  
330 or guilty to, any offense involving fraud, deceit, dishonesty,  
331 or moral turpitude.

332 (9) PROVIDER ELIGIBILITY AND OBLIGATIONS.—To be eligible  
333 to participate in the program, a provider:

334 (a) May be sectarian or nonsectarian.

335 (b) May be a private or public provider.

336 (c) Must meet with parents to discuss the program's  
337 academic programs and policies, specialized services, code of  
338 conduct, and attendance policies before enrolling a student who  
339 is participating in the program to determine which programs and  
340 services meet the student's needs.

341 (d) Must provide to the early learning coalition all  
342 documentation required for a student's participation, including  
343 the provider's and student's fee schedules, at least 30 days  
344 before any quarterly scholarship payment is made for the  
345 student. A student is ineligible to receive a quarterly  
346 scholarship payment if the provider fails to meet this deadline.

347 (e) Must ensure that at least 70 percent of program funds  
348 are used for the following:

349 1. Personnel costs, including wages, bonuses, or other  
350 staff benefits, including, but not limited to, health insurance,

351 paid leave, and retirement contributions.

352 2. Hiring staff, including conducting background checks  
 353 and lowering the staff-to-student ratio.

354 3. Payment of mortgage or rent for the provider  
 355 facilities.

356 4. The purchase of supplies, services, and training  
 357 necessary to ensure compliance with health, safety, educational,  
 358 and quality requirements.

359 5. Providing comprehensive services, including access to  
 360 health resources, to students and their families.

361 6. Improving the quality of child care services in a way  
 362 that is appropriate for student development by provider type and  
 363 for the student population being served.

364 7. Providing inclusive and developmentally appropriate  
 365 care for student with disabilities.

366 (f) Must use a sliding copayment fee scale that gradually  
 367 increases, providing that a family with an income of:

368 1. No more than 85 percent of the state median income for  
 369 a family of the same size may to be required to pay a copayment  
 370 under the scale.

371 2. Between 86 to 100 percent of the state median income  
 372 for a family of the same size shall pay a copayment between 0 to  
 373 2 percent of the family's income.

374 3. Between 101 to 125 percent of the state median income  
 375 for a family of the same size shall pay a copayment between 2 to

376 4 percent of the family's income.

377 4. Between 126 to 150 percent of the state median income  
 378 for a family of the same size shall pay a copayment between 4 to  
 379 7 percent of the family's income.

380 5. More than 151 percent of the state median income for a  
 381 family of the same size shall pay a copayment of no more than 7  
 382 percent of the family's income.

383 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 384 PARTICIPATION.—

385 (a) A parent who applies for program participation is  
 386 exercising his or her parental option to determine the  
 387 appropriate placement or the services that best meet the needs  
 388 of his or her student and must:

389 1. Apply to an early learning coalition to participate in  
 390 the program by a date set by the early learning coalition and  
 391 apply to a program provider and be accepted. The request must be  
 392 communicated directly to the early learning coalition in a  
 393 manner that creates a written or electronic record of the  
 394 request and the date of receipt of the request.

395 2. Require the student to meet all of the program  
 396 requirements throughout the year unless excused for illness or  
 397 good cause.

398 3. Meet with the program director or staff of the program  
 399 provider to discuss the program's academic programs and  
 400 policies, specialized services, code of conduct, and attendance



401 policies before enrolling his or her student to determine which  
402 programs and services may meet his or her student's needs.

403 4. Participate in any required state and national  
404 assessments.

405 5. Sign an agreement with the early learning coalition and  
406 annually submit a sworn compliance statement to the early  
407 learning coalition to satisfy or maintain program eligibility,  
408 including eligibility to receive and spend program payments by:

409 a. Affirming that the student is enrolled in a program  
410 that meets any applicable attendance requirements.

411 b. Affirming that the program funds are used only for  
412 authorized purposes serving the student's educational needs;  
413 that any prepaid college plan or college savings plan funds  
414 contributed will not be transferred to another beneficiary while  
415 the plan contains funds contributed pursuant to this section;  
416 and that the parent will not receive a payment, refund, or  
417 rebate of any funds provided under this section.

418 c. Affirming that the parent is responsible for all  
419 eligible expenses in excess of the amount of the scholarship and  
420 for the education of his or her student by, as applicable:

421 (I) Requiring the student to take an assessment; or

422 (II) Providing an annual evaluation.

423 d. Affirming that the student remains in good standing  
424 with the program provider if those options are selected by the  
425 parent.

426 e. Renewing participation in the program each year. A  
427 student whose participation in the program is not renewed may  
428 continue to spend scholarship funds that are in his or her  
429 account from prior years unless the account must be closed.

430 f. Procuring the services necessary to educate the  
431 student. If such services include enrollment in an eligible  
432 private school, the parent must meet with the private school's  
433 principal or the principal's designee to review the school's  
434 academic programs and policies, specialized services, code of  
435 student conduct, and attendance policies before his or her  
436 student is enrolled.

437 (b) A participant who fails to comply with this subsection  
438 forfeits the scholarship.

439 (11) SCHOLARSHIP FUNDING AND PAYMENT.—

440 (a) Each student's scholarship amount shall be calculated  
441 as the base student allocation, as established by the  
442 Legislature, multiplied by the number of students in the school  
443 district. The following funds, in amounts established by the  
444 Legislature, shall be added to the product:

445 1. An additional amount of funding shall be provided to  
446 each student based on the poverty level of the county in which  
447 he or she resides, the cost of living for such county, and the  
448 size of the county.

449 2. An additional amount of funding shall be provided to  
450 each student based on each student's disability or matrix score.

451 3. An additional amount of funding shall be provided to  
452 each student based on the staffing levels required for the care  
453 of such student, including funding to ensure that individuals  
454 providing care for such students receive livable wages and wages  
455 that are equivalent to wages for elementary educators with  
456 similar credentials and experience in the state, adjusted on an  
457 annual basis for cost-of-living increases.

458 (b)1. The calculated scholarship amount for a  
459 participating student shall be based upon the age of the  
460 student, the county in which the student resides, the student's  
461 disability status or matrix score, and the opportunity weight to  
462 address childhood poverty, as specified in the General  
463 Appropriations Act.

464 2. The early learning coalition must provide the  
465 department with the documentation necessary to verify the  
466 student's participation. Upon receiving the documentation, the  
467 department shall transfer, beginning August 1, from state funds,  
468 the amount calculated pursuant to subparagraph 1. to the early  
469 learning coalition for quarterly disbursement to parents of  
470 participating students each school year in which the scholarship  
471 is in force. Such funds must be deposited to students' accounts  
472 in four equal amounts no later than September 1, November 1,  
473 February 1, and April 1 of each school year in which the  
474 scholarship is in force. When a student enters the program, the  
475 early learning coalition must receive all documentation required

476 for the student's participation, including the program  
477 provider's and the student's fee schedules at least 30 days  
478 before the first quarterly scholarship payment is made for the  
479 student.

480 3. The initial payment shall be made after the early  
481 learning coalition's verification of admission acceptance, and  
482 subsequent payments shall be made upon verification of continued  
483 enrollment and attendance at the program provider. Payment must  
484 be made by funds transfer or any other means of payment that the  
485 department deems to be commercially viable or cost-effective. An  
486 early learning coalition shall ensure that the parent has  
487 approved a funds transfer before any scholarship funds are  
488 deposited in the student's account. An early learning coalition  
489 may develop a system for payment of benefits by funds transfer,  
490 including, but not limited to, debit cards, electronic payment  
491 cards, or any other means of payment which the department deems  
492 to be commercially viable or cost-effective. A student's  
493 scholarship may not be reduced for debit card or electronic  
494 payment fees. Commodities or services related to the development  
495 of such a system must be procured by competitive solicitation  
496 unless they are purchased from a state term contract pursuant to  
497 s. 287.056.

498 4. Accrued interest in the student's account is in  
499 addition to, and not part of, the awarded funds. Program funds  
500 include both the awarded funds and the accrued interest.

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501 5. Moneys received pursuant to this section do not  
502 constitute taxable income to the student or his or her parent.

503 6. An early learning coalition may not transfer any funds  
504 to an account of a student which has a balance in excess of  
505 \$24,000.

506 (12) LIABILITY.—No liability shall arise on the part of  
507 the state based on the award or use of a scholarship.

508 (13) RULES.—The State Board of Education shall adopt rules  
509 pursuant to ss. 120.536(1) and 120.54 to administer this  
510 section.

511 Section 2. This act shall take effect July 1, 2024.