

By Senator Ausley

3-01068A-21

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1                   A bill to be entitled  
2       An act relating to the Early Learning Scholarship  
3       program; providing a short title; creating s. 1002.56,  
4       F.S.; establishing the Early Learning Scholarship  
5       program; requiring the program to be administered by  
6       the Office of Early Learning; providing the purpose of  
7       the program; defining terms; specifying eligibility  
8       criteria; providing that a student who receives a  
9       scholarship remains eligible to participate until the  
10      student is admitted to kindergarten or attains the age  
11      of 6 years by a specified date; requiring program  
12      funds to be used for a specified purpose; providing  
13      for the administration of the program; requiring the  
14      office to contract with an independent contractor to  
15      evaluate the program; specifying the recommendations  
16      to be included in the evaluation; requiring the office  
17      to submit a written copy of the evaluation to the  
18      Legislature and state agencies by a specified date;  
19      specifying provider eligibility criteria; exempting  
20      the state from liability; providing that the program  
21      does not expand the regulatory authority of the state;  
22      requiring the office to adopt rules; providing an  
23      effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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27       Section 1. This act may be cited as the "Brighter Future  
28 Act."

29       Section 2. Section 1002.56, Florida Statutes, is created to

3-01068A-21

20211496\_\_

30 read:

31 1002.56 Early Learning Scholarship program.-

32 (1) PURPOSE.-There is established the Early Learning  
33 Scholarship program to be administered by the Office of Early  
34 Learning. The program is established in order to close the  
35 opportunity gap by increasing access to high-quality early  
36 childhood programs.

37 (2) DEFINITIONS.-As used in this section, the term:

38 (a) "Direct certification list" means the certified list of  
39 children who qualify for the food assistance program, the  
40 Temporary Assistance for Needy Families Program, or the Food  
41 Distribution Program on Indian Reservations provided to the  
42 Department of Education by the Department of Children and  
43 Families.

44 (b) "Household income" has the same meaning as the term  
45 "income" as defined in the Income Eligibility Guidelines for  
46 free and reduced price meals under the National School Lunch  
47 Program in 7 C.F.R. part 210 as published in the Federal  
48 Register by the United States Department of Agriculture.

49 (c) "Office" means the Office of Early Learning.

50 (d) "Parent" means a resident of this state who is a parent  
51 as defined in s. 1000.21(5).

52 (e) "Program" means the Early Learning Scholarship program.

53 (f) "Provider" means a Voluntary Prekindergarten Education  
54 Program or school readiness contracted provider approved  
55 pursuant to ss. 1002.55 and 1002.88 and which meets the  
56 requirements of subsection (6).

57 (3) ELIGIBILITY.-A student is eligible for a scholarship  
58 under this program to attend programs offered by providers if:

3-01068A-21

20211496\_\_

59       (a) The student:

60       1. Is a resident of this state;

61       2. Is not receiving any other scholarship established under  
62 this chapter;

63       3. Meets at least one of the following criteria:

64       a. The student is on the direct certification list;

65       b. The student is experiencing or has experienced  
66 homelessness or falls within the category "children known to the  
67 department" as defined in s. 39.0016;

68       c. The student is the child of a parent younger than 21  
69 years of age who is pursuing a high school or high school  
70 equivalency diploma; or

71       d. The student's household income level does not exceed 300  
72 percent of the federal poverty level; and

73       (b) The parent has applied for a scholarship with the  
74 office.

75  
76 A student who initially receives a scholarship based on  
77 eligibility under this subsection remains eligible to  
78 participate until the student is admitted to kindergarten or  
79 attains the age of 6 years by February 1 of any school year.

80       (4) USE OF FUNDS.—Funds awarded under the program shall be  
81 used for tuition and fees for eligible children to attend  
82 programs offered by providers.

83       (5) ADMINISTRATION.—

84       (a) Subject to the appropriation of funds by the  
85 Legislature, the office shall coordinate annually with early  
86 learning coalitions to issue scholarships from the program.

87       (b) The office shall establish application timelines and

3-01068A-21

20211496\_\_

88 determine the schedule for awarding scholarship awards by direct  
89 payment from early learning coalitions to program providers in a  
90 manner that meets the needs of eligible parents and students.

91 (c) The early learning coalitions shall use the following  
92 priority order to award scholarships:

93 1. Students who are in foster care.

94 2. Students who are infants or toddlers with a current  
95 individualized family service plan.

96 3. Students who have a parent younger than 21 years of age  
97 who is pursuing a high school or high school equivalency  
98 diploma.

99 4. Students who are experiencing or have experienced  
100 homelessness or who fall within the category "children known to  
101 the department" as defined in s. 39.0016.

102 5. Students who have a household family income that does  
103 not exceed 185 percent of the federal poverty level.

104 6. Subject to available general revenue appropriation,  
105 students who have a household family income above 185 percent  
106 but not exceeding 300 percent of the federal poverty level.

107 (d) The early learning coalitions may prioritize  
108 applications on the basis of additional factors, including  
109 geographic location and whether the student's family is  
110 currently receiving, or on a waiting list for, a publicly funded  
111 program providing early education or child care services.

112 (e) The office shall establish criteria for early learning  
113 coalitions to use when determining the amount of scholarship  
114 awards. The total amount of a scholarship award, or the amount  
115 of a scholarship award in combination with any other public  
116 funds received to provide early education or child care services

3-01068A-21

20211496\_\_

117 for the student, may not exceed the program provider's published  
118 private pay rate. Scholarship funds may not be used to supplant  
119 any federal funding received by the program to provide services  
120 for the student.

121 (f) The office shall report on program implementation and  
122 progress as part of its annual reporting requirements under s.  
123 1002.82(5). The report must include, at a minimum, information  
124 on the number, ages, and priority levels of children served and  
125 the total number and amount of scholarships awarded by priority  
126 level.

127 (g) The office shall contract with an independent  
128 contractor to evaluate the program. The evaluation must include  
129 recommendations regarding the appropriate scholarship amount,  
130 the efficiency and effectiveness of program administration, and  
131 the impact on kindergarten readiness. By January 15, 2024, the  
132 office shall submit a written copy of the evaluation to the  
133 chairs and ranking minority members of the legislative  
134 committees and state agencies with primary jurisdiction over  
135 kindergarten through grade 12 education.

136 (6) PROVIDER ELIGIBILITY.—

137 (a) A provider is eligible to receive scholarship funds if  
138 the provider:

139 1. Meets the minimum kindergarten readiness rate as  
140 determined under s. 1002.69(6); or

141 2. Demonstrates acceptable performance on the program  
142 assessment under s. 1002.82(2)(n).

143 (b) Providers who are contracted for both the Voluntary  
144 Prekindergarten Education Program and the school readiness  
145 program must meet both criteria under subparagraphs (a)1. and 2.

3-01068A-21

20211496\_\_

146       (7) LIABILITY.—The state is not liable for the award of  
147 funds or any use of awarded funds under this section.

148       (8) SCOPE OF AUTHORITY.—This section does not expand the  
149 regulatory authority of the state, its officers, or the office  
150 to impose additional regulations on participating private  
151 Voluntary Prekindergarten Education Program providers beyond  
152 those reasonably necessary to enforce requirements expressly set  
153 forth in this section.

154       (9) RULES.—The office shall adopt rules to administer this  
155 section.

156       Section 3. This act shall take effect July 1, 2021.