

By Senator Ausley

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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, administered by the Division of Early
6 Learning; providing the purpose of the program;
7 defining terms; specifying eligibility criteria;
8 providing that a student who receives a scholarship
9 remains eligible to participate until the student is
10 admitted to kindergarten or attains the age of 6 years
11 by a specified date; requiring program funds to be
12 used for a specified purpose; providing for the
13 administration of the program; requiring the division
14 to contract with an independent contractor to evaluate
15 the program; requiring that the evaluation include
16 specified recommendations; requiring the division to
17 submit a written copy of the evaluation to the
18 Legislature and certain state agencies by a specified
19 date; specifying provider eligibility criteria;
20 exempting the state from liability; providing that the
21 program does not expand the regulatory authority of
22 the state; requiring the State Board of Education to
23 adopt rules; providing an effective date.

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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

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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 Division 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 education services.

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

38 (a) "Direct certification list" has the same meaning as in
39 s. 1002.395(2).

40 (b) "Division" means the Division of Early Learning.

41 (c) "Household income" has the same meaning as in s.
42 1002.395(2).

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

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

46 (f) "Provider" means a private prekindergarten provider
47 pursuant to s. 1002.55 or a contracted school readiness provider
48 pursuant to s. 1002.88 which meets the requirements of
49 subsection (6).

50 (3) ELIGIBILITY.-A student is eligible for a scholarship
51 under the program to attend education services offered by
52 providers if:

53 (a) The student:

54 1. Is a resident of this state;

55 2. Is not receiving any other scholarship established under
56 this chapter; and

57 3. Meets at least one of the eligibility priorities
58 described in paragraph (5)(c);

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59 (b) The student's household income level does not exceed
60 300 percent of the federal poverty level; and

61 (c) The student's parent has applied for a scholarship with
62 the division.

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64 A student who initially receives a scholarship based on
65 eligibility under this subsection remains eligible to
66 participate until the student is admitted to kindergarten or
67 attains the age of 6 years by February 1 of any school year.

68 (4) USE OF FUNDS.—Funds awarded under the program must be
69 used for tuition and fees for eligible children to access
70 educational services offered by providers.

71 (5) ADMINISTRATION.—

72 (a) Subject to the appropriation of funds by the
73 Legislature, the division shall coordinate annually with early
74 learning coalitions to issue program scholarships.

75 (b) The division shall establish application timelines and
76 determine the schedule for awarding scholarships in a manner
77 that meets the needs of eligible students and their parents.
78 Such awards must be made by direct payment from early learning
79 coalitions to program providers.

80 (c) An early learning coalition shall apply the following
81 priority order for students in awarding scholarships, beginning
82 with the highest priority:

83 1. Students who are in foster care.

84 2. Students who are infants or toddlers with a current
85 individualized family service plan.

86 3. Students who have a parent younger than 21 years of age
87 who is pursuing a high school or high school equivalency

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88 diploma.

89 4. Students who are experiencing or have experienced
90 homelessness or who fall within the category "children known to
91 the department" as defined in s. 39.0016(1).

92 5. Students who have a household income that does not
93 exceed 185 percent of the federal poverty level.

94 6. Students on the direct certification list.

95 7. Subject to the appropriation of general revenue funds by
96 the Legislature, students who have a household income above 185
97 percent but not exceeding 300 percent of the federal poverty
98 level.

99 (d) An early learning coalition may prioritize applications
100 on the basis of additional factors, including geographic
101 location and whether the student's family is currently enrolled
102 in, or on a waiting list for, a publicly funded program that
103 provides early education or child care services.

104 (e) The division shall establish criteria for early
105 learning coalitions to use when determining the amount of
106 scholarship awards. The total amount of a scholarship award, or
107 the amount of a scholarship award in combination with any other
108 public funds received to provide early education or child care
109 services for the student, may not exceed the program provider's
110 published private pay rate. Scholarship funds may not be used to
111 supplant any federal funding received by the program to provide
112 services for the student.

113 (f) The division shall report on program implementation and
114 progress as part of its annual reporting requirements under s.
115 1002.82(7). The report must include, at a minimum, information
116 on the number, ages, and priority levels of children served and

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117 the total number and the total dollar amount of scholarships
118 awarded by priority level.

119 (g) The division shall contract with an independent
120 contractor to evaluate the program. The evaluation must include
121 recommendations regarding the appropriate scholarship amount,
122 the efficiency and effectiveness of program administration, and
123 the impact on kindergarten readiness. By January 15, 2025, the
124 division shall submit a written copy of the evaluation to the
125 chairs and ranking minority members of the legislative
126 committees and to state agencies with primary jurisdiction over
127 kindergarten through grade 12 education.

128 (6) PROVIDER ELIGIBILITY.—

129 (a) A provider is eligible to receive scholarship funds if
130 the provider:

131 1. Meets the minimum performance metric or designation
132 under s. 1002.68(5); or

133 2. Demonstrates acceptable performance on the program
134 assessment under s. 1002.82(2)(n).

135 (b) A provider that is providing services under contract
136 with both the Voluntary Prekindergarten Education Program and
137 the school readiness program must satisfy the requirements of
138 subparagraphs (a)1. and 2.

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

141 (8) SCOPE OF AUTHORITY.—This section does not expand the
142 regulatory authority of the state, its officers, or the division
143 to impose additional regulations on participating private
144 Voluntary Prekindergarten Education Program providers beyond
145 those reasonably necessary to enforce requirements expressly set

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146 forth in this section.

147 (9) RULES.—The State Board of Education shall adopt rules
148 to administer this section.

149 Section 3. This act shall take effect July 1, 2022.