

HB911

2022

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; requiring the
 5 program to be administered by the Department of
 6 Education; providing the purpose of the program;
 7 providing definitions; providing the eligibility
 8 criteria for participation in the program; providing
 9 for a child's continued eligibility for a specified
 10 period; providing program obligations for eligible
 11 nonprofit scholarship-funding organizations and
 12 parents and children; providing requirements for the
 13 amount and payment of scholarship funds, subject to
 14 appropriation; providing for the use of scholarship
 15 funds; providing program obligations for the
 16 department and providers; exempting the state from
 17 specified liability; providing that the program does
 18 not expand the regulatory authority of the state;
 19 requiring the State Board of Education to adopt rules;
 20 providing an effective date.

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

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

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

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

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

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

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

37 (d) "Program" means the Early Learning Scholarship
 38 Program.

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

42 (2) CHILD ELIGIBILITY REQUIREMENTS.—

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

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

HB911

2022

51 scholarship in the subsequent fiscal year.

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

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

60 (a) Receive applications, determine child eligibility, and
61 notify parents of a child's acceptance into the program.

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

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

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

76 (4) PARENT AND CHILD RESPONSIBILITIES FOR PROGRAM
 77 PARTICIPATION.—

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

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

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

87 (d) Upon receipt of a scholarship warrant from the
 88 eligible nonprofit scholarship-funding organization, the parent
 89 to whom the warrant is made must restrictively endorse the
 90 warrant to the provider for deposit into the account of the
 91 provider. If payments are made by funds transfer, the parent
 92 must approve each payment before the scholarship funds may be
 93 deposited. The parent may not designate any entity or individual
 94 associated with the participating provider as the parent's
 95 attorney in fact to endorse a scholarship warrant or approve a
 96 funds transfer. A parent who fails to comply with this paragraph
 97 forfeits the scholarship.

98 (5) SCHOLARSHIP AMOUNT AND PAYMENT.—

99 (a) Subject to appropriation, the scholarship amount
 100 provided for a child by an eligible nonprofit scholarship-

HB911

2022

101 funding organization shall be for the total cost of the
102 provider's private pay rate or difference between a child's
103 school readiness voucher and the provider's private pay rate.
104 The amount of a scholarship may not exceed the provider's
105 published private pay rate.

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

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

125 (d) Payment of the scholarship shall be made by the

HB911

2022

126 eligible nonprofit scholarship-funding organization on a
127 quarterly basis.

128 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
129 shall:

130 (a) Annually verify the eligibility of nonprofit
131 scholarship-funding organizations.

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

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

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

147 (7) PROVIDER OBLIGATIONS.—Each participating provider must
148 provide to the eligible nonprofit scholarship-funding
149 organization all documentation required for a child's
150 participation, including the provider's private pay rate, at

HB911

2022

151 least 30 days before any quarterly scholarship payment is made
152 for the child. A child is not eligible to receive a quarterly
153 scholarship payment if the provider fails to meet this deadline.

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

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

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

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