

By Senator Powell

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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 program; providing the purpose of the
5 program; defining terms; providing eligibility
6 requirements for the program; providing for certain
7 students to be placed on a wait list under certain
8 circumstances; providing authorized uses for program
9 funds; providing requirements for terms of a
10 scholarship; providing for ineligibility; providing
11 early learning coalition, Department of Education, and
12 program provider obligations; providing program
13 provider eligibility criteria; providing parent and
14 student responsibilities for program participation;
15 providing requirements for the funding and payment of
16 scholarships; providing construction; requiring the
17 State Board of Education to adopt rules; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 1002.396, Florida Statutes, is created
23 to read:

24 1002.396 The Early Child Care Universal Voucher Program.—

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

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

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

31 (b) "Disability" means, for a student 6 years of age or
32 younger, autism spectrum disorder, as defined in the Diagnostic
33 and Statistical Manual of Mental Disorders, Fifth Edition,
34 published by the American Psychiatric Association; cerebral
35 palsy, as defined in s. 393.063; Down syndrome, as defined in s.
36 393.063; an intellectual disability, as defined in s. 393.063; a
37 speech impairment; a language impairment; an orthopedic
38 impairment; any other health impairment; an emotional or a
39 behavioral disability; a specific learning disability,
40 including, but not limited to, dyslexia, dyscalculia, or
41 developmental aphasia; Phelan-McDermid syndrome, as defined in
42 s. 393.063; Prader-Willi syndrome, as defined in s. 393.063;
43 spina bifida, as defined in s. 393.063; being a high-risk child,
44 as defined in s. 393.063(22) (a); muscular dystrophy; Williams
45 syndrome; rare diseases which affect patient populations of
46 fewer than 200,000 individuals in the United States, as defined
47 by the National Organization for Rare Disorders; anaphylaxis; a
48 hearing impairment, including deafness; a visual impairment,
49 including blindness; traumatic brain injury; being hospital or
50 homebound; or identification as dual sensory impaired, as
51 defined by rules of the State Board of Education and evidenced
52 by reports from local school districts. The term "hospital or
53 homebound" includes a student who has a medically diagnosed
54 physical or psychiatric condition or illness, as defined by the
55 state board in rule, and who is confined to the home or hospital
56 for more than 6 months. A disability under this paragraph must
57 be diagnosed by a physician who is licensed under chapter 458 or
58 chapter 459, a psychologist who is licensed under chapter 490,

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59 or a physician who holds an active license issued by another
60 state or territory of the United States, the District of
61 Columbia, or the Commonwealth of Puerto Rico.

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

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

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

68 (f) "Program provider" means a:

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

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

75 (3) SCHOLARSHIP ELIGIBILITY.—

76 (a) A parent of a student may request and receive from the
77 state a scholarship for the purposes specified in paragraph

78 (4) (a) if the student is a resident of this state and is 6 years
79 of age or younger. A student who receives a Family Empowerment
80 Scholarship or a Florida Tax Credit Scholarship is ineligible
81 for an award under the program.

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

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88 the program.

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

94 (4) AUTHORIZED USES OF PROGRAM FUNDS.-

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

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

99 2. Transportation to an approved form of care under
100 subparagraph 1.

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

103 4. Fees for state and national assessments.

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

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

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

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

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

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

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

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

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

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

141 3. Fees for specialized summer education programs.

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

143 5. Fees for other approved therapeutic services provided by
144 qualified providers and consistent with a student's treatment
145 plan, individualized education plan, individualized family

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146 support plan, or 504 plan.

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

149 (a)1. A scholarship awarded to an eligible student pursuant
150 to paragraph (3) (a) shall remain in force until:

151 a. The early learning coalition determines that the student
152 is ineligible for program renewal;

153 b. The Commissioner of Education suspends or revokes
154 program participation or use of funds;

155 c. The student's parent forfeits participation in the
156 program for failure to comply with subsection (10); or

157 d. The student is eligible to attend kindergarten.

158 2.a. The student's scholarship account must be closed and
159 any remaining funds shall revert to the state after:

160 (I) Suspension or revocation of program participation or
161 use of funds by the commissioner for fraud or abuse, including,
162 but not limited to, the student or student's parent accepting
163 any payment, refund, or rebate, in any manner, from a provider
164 of any services received pursuant to paragraph (4) (a);

165 (II) Two consecutive fiscal years in which an account has
166 been inactive; or

167 (III) The student is eligible to attend kindergarten.

168 b. Reimbursements for program expenditures may continue
169 until the account balance is expended or remaining funds have
170 reverted to the state.

171 (b)1. A scholarship awarded to an eligible student pursuant
172 to paragraph (3) (b) shall remain in force until:

173 a. The parent does not renew program eligibility;

174 b. The early learning coalition determines that the student

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175 is ineligible for program renewal;

176 c. The Commissioner of Education suspends or revokes
177 program participation or use of funds;

178 d. The student's parent forfeits participation in the
179 program for failure to comply with subsection (10); or

180 e. The student is eligible to enroll in kindergarten.

181 2. Reimbursements for program expenditures may continue
182 until the account balance is expended or the account is closed.

183 3. A student's scholarship account must be closed and any
184 remaining funds, including, but not limited to, contributions
185 made to the Stanley G. Tate Florida Prepaid College Program
186 using program funds or earnings from or contributions made to
187 the Florida College Savings Program using program funds, shall
188 revert to the state after:

189 a. Suspension or revocation of program participation or use
190 of funds by the commissioner for fraud or abuse, including, but
191 not limited to, the student or student's parent accepting any
192 payment, refund, or rebate, in any manner, from a provider of
193 any services received pursuant to paragraph (4) (b); or

194 b. Two consecutive fiscal years in which an account has
195 been inactive.

196 (6) SCHOLARSHIP PROHIBITIONS.—A student is ineligible for a
197 scholarship through the program while he or she is receiving any
198 other educational scholarship pursuant to this chapter.

199 (7) EARLY LEARNING COALITION OBLIGATIONS.—An early learning
200 coalition awarding scholarships to eligible students:

201 (a) If a student with a disability who is enrolled in the
202 program does not have an individual education plan (IEP) or
203 other authorized assessment, shall request an IEP evaluation or

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reevaluation from the school district in which the student resides. For private school students, the early learning coalition may accept evaluation reports and plans developed by licensed professionals to develop matrix scores.

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

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

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

(e) Shall verify the household income level of students and submit the verified list of students determined to be eligible for a scholarship and related documentation to the department when necessary.

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

(g) May permit eligible students to use program funds by paying for the authorized use directly, then submitting a

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233 reimbursement request to the early learning coalition. However,
234 an early learning coalition may require the use of an online
235 platform for direct purchases of products so long as such use
236 does not limit a parent's choice of curriculum or academic
237 programs. If a parent purchases a product identical to one
238 offered by an early learning coalition's online platform for a
239 lower price, the early learning coalition shall reimburse the
240 parent for the cost of the product.

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

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

253 (j) Must notify the department about any violation of this
254 section.

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

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

261 (m) Shall commit scholarship funds on behalf of the student

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262 for tuition and fees for which the parent is responsible for
263 payment to the program provider before using scholarship funds
264 for additional authorized uses.

265 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

266 (a) The department shall:

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

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

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

279 4. Deny or terminate program participation due to
280 attendance or programmatic requirements.

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

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

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

290 8. Investigate any written complaint of a violation of this

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291 section by a parent, a program provider, a school district, an
292 early learning coalition, or another appropriate party.

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

301 (b) At the direction of the Commissioner of Education, the
302 department may:

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

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

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

311
312 In determining whether to suspend or revoke program
313 participation or lift a suspension or revocation in accordance
314 with this paragraph, the department may consider factors that
315 include, but are not limited to, acts or omissions that led to a
316 previous suspension or revocation of participation in a state or
317 federal program; failure to reimburse the early learning
318 coalition for funds improperly received or retained; failure to
319 reimburse government funds improperly received or retained;

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320 imposition of a prior criminal sanction related to the person or
321 entity or its officers or employees; imposition of a civil fine
322 or administrative fine, license revocation or suspension, or
323 program eligibility suspension, termination, or revocation
324 related to a person's or entity's management or operation; or
325 other types of criminal proceedings in which the person or
326 entity or its officers or employees were found guilty of,
327 regardless of adjudication, or entered a plea of nolo contendere
328 or guilty to, any offense involving fraud, deceit, dishonesty,
329 or moral turpitude.

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

332 (a) May be sectarian or nonsectarian.

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

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

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

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

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

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- 349 paid leave, and retirement contributions.
- 350 2. Hiring staff, including conducting background checks and
351 lowering the staff-to-student ratio.
- 352 3. Payment of mortgage or rent for the provider facilities.
- 353 4. The purchase of supplies, services, and training
354 necessary to ensure compliance with health, safety, educational,
355 and quality requirements.
- 356 5. Providing comprehensive services, including access to
357 health resources, to students and their families.
- 358 6. Improving the quality of child care services in a way
359 that is appropriate for student development by provider type and
360 for the student population being served.
- 361 7. Providing inclusive and developmentally appropriate care
362 for students with disabilities.
- 363 (f) Must use a sliding copayment fee scale that gradually
364 increases, providing that a family with an income of:
- 365 1. No more than 85 percent of the state median income for a
366 family of the same size may be required to pay a copayment under
367 the scale.
- 368 2. Between 86 to 100 percent of the state median income for
369 a family of the same size shall pay a copayment between 0 to 2
370 percent of the family's income.
- 371 3. Between 101 to 125 percent of the state median income
372 for a family of the same size shall pay a copayment between 2 to
373 4 percent of the family's income.
- 374 4. Between 126 to 150 percent of the state median income
375 for a family of the same size shall pay a copayment between 4 to
376 7 percent of the family's income.
- 377 5. More than 151 percent of the state median income for a

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378 family of the same size shall pay a copayment of no more than 7
379 percent of the family's income.

380 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
381 PARTICIPATION.—

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

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

392 2. Require the student to meet all of the program
393 requirements throughout the year unless excused for illness or
394 good cause.

395 3. Meet with the program director or staff of the program
396 provider to discuss the program's academic programs and
397 policies, specialized services, code of conduct, and attendance
398 policies before enrolling his or her student to determine which
399 programs and services may meet his or her student's needs.

400 4. Participate in any required state and national
401 assessments.

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

406 a. Affirming that the student is enrolled in a program that

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407 meets any applicable attendance requirements.

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

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

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

419 (II) Providing an annual evaluation.

420 d. Affirming that the student remains in good standing with
421 the program provider if those options are selected by the
422 parent.

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

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

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

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436 (11) SCHOLARSHIP FUNDING AND PAYMENT.-

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

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

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

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

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

460 2. The early learning coalition must provide the department
461 with the documentation necessary to verify the student's
462 participation. Upon receiving the documentation, the department
463 shall transfer, beginning August 1, from state funds, the amount
464 calculated pursuant to subparagraph 1. to the early learning

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465 coalition for quarterly disbursement to parents of participating
466 students each school year in which the scholarship is in force.
467 Such funds must be deposited to students' accounts in four equal
468 amounts no later than September 1, November 1, February 1, and
469 April 1 of each school year in which the scholarship is in
470 force. When a student enters the program, the early learning
471 coalition must receive all documentation required for the
472 student's participation, including the program provider's and
473 the student's fee schedules, at least 30 days before the first
474 quarterly scholarship payment is made for the student.

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

493 4. Accrued interest in the student's account is in addition

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494 to, and not part of, the awarded funds. Program funds include
495 both the awarded funds and the accrued interest.

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

498 6. An early learning coalition may not transfer any funds
499 to an account of a student which has a balance in excess of
500 \$24,000.

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

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

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