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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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The Committee on Education (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 66 - 181

and insert:

Section 1. Paragraphs (a) and (b) of subsection (1) and subsections (2), (7) and (11) of section 1002.37, Florida Statutes, are amended, and paragraph (e) is added to subsection (10) of that section, to read:

1002.37 The Florida Virtual School.—

(1) (a) The Florida Virtual School is established for the development and delivery of online ~~and~~ distance and blended



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12 learning education. The Commissioner of Education shall monitor
13 the school's performance and report its performance to the State
14 Board of Education and the Legislature.

15 (b) The mission of the Florida Virtual School is to provide
16 students with technology-based educational opportunities to gain
17 the knowledge and skills necessary to succeed. The school shall
18 serve any student in this ~~the~~ state who meets the profile for
19 success in this educational delivery context and shall give
20 priority to:

21 1. Students who need expanded access to courses in order to
22 meet their educational goals, such as home education students
23 and students in inner-city and rural high schools who do not
24 have access to higher-level courses.

25 2. Students seeking accelerated access in order to obtain a
26 high school diploma at least one semester early.

27 3. Students who are children of an active duty member of
28 the United States Armed Forces who is not stationed in this
29 state whose home of record or state of legal residence is
30 Florida.

31 4. Students enrolled in the Florida Virtual School Justice
32 Education Program pursuant to s. 1002.371.

33
34 The board of trustees of the Florida Virtual School shall
35 identify appropriate performance measures and standards based on
36 student achievement that reflect the school's statutory mission
37 and priorities, and shall implement an accountability system for
38 the school that includes assessment of its effectiveness and
39 efficiency in providing quality services that encourage high
40 student achievement, seamless articulation, and maximum access.



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41 (2) The Florida Virtual School shall be governed by a board
42 of trustees comprised of seven members appointed by the Governor
43 to 4-year staggered terms. The board of trustees shall be a
44 public agency entitled to sovereign immunity pursuant to s.
45 768.28, and board members shall be public officers who shall
46 bear fiduciary responsibility for the Florida Virtual School.
47 The board of trustees shall have the following powers and
48 duties:

49 (a)1. The board of trustees shall meet at least 4 times
50 each year, upon the call of the chair, or at the request of a
51 majority of the membership.

52 2. The fiscal year for the Florida Virtual School shall be
53 the state fiscal year as provided in s. 216.011(1)(o).

54 (b) The board of trustees shall be responsible for the
55 Florida Virtual School's development of a state-of-the-art
56 technology-based education delivery system that is cost-
57 effective, educationally sound, marketable, and capable of
58 sustaining a self-sufficient delivery system through the Florida
59 Education Finance Program.

60 (c) The board of trustees shall aggressively seek avenues
61 to generate revenue to support its future endeavors, and shall
62 enter into agreements with online distance and blended learning
63 providers. The board of trustees may acquire, enjoy, use, and
64 dispose of patents, copyrights, and trademarks and any licenses
65 and other rights or interests thereunder or therein. Ownership
66 of all such patents, copyrights, trademarks, licenses, and
67 rights or interests thereunder or therein shall vest in the
68 state, with the board of trustees having full right of use and
69 full right to retain the revenues derived therefrom. Any funds



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70 realized from patents, copyrights, trademarks, or licenses are
71 ~~shall be~~ considered internal funds as provided in s. 1011.07.
72 Such funds shall be used to support the school's marketing and
73 research and development activities in order to improve
74 courseware and services to its students.

75 (d) The board of trustees shall be responsible for the
76 administration and control of all local school funds derived
77 from all activities or sources and shall prescribe the
78 principles and procedures to be followed in administering these
79 funds.

80 (e) The Florida Virtual School may accrue supplemental
81 revenue from supplemental support organizations, which include,
82 but are not limited to, alumni associations, foundations,
83 parent-teacher associations, and booster associations. The
84 governing body of each supplemental support organization shall
85 recommend the expenditure of moneys collected by the
86 organization for the benefit of the school. Such expenditures
87 shall be contingent upon the review of the executive director.
88 The executive director may override any proposed expenditure of
89 the organization that would violate Florida law or breach sound
90 educational management.

91 (f) In accordance with law and rules of the State Board of
92 Education, the board of trustees shall administer and maintain
93 personnel programs for all employees of the board of trustees
94 and the Florida Virtual School. The board of trustees may adopt
95 rules, policies, and procedures related to the appointment,
96 employment, and removal of personnel.

97 1. The board of trustees shall determine the compensation,
98 including salaries and fringe benefits, and other conditions of



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99 employment for such personnel.

100 2. The board of trustees may establish and maintain a
101 personnel loan or exchange program by which persons employed by
102 the board of trustees for the Florida Virtual School as academic
103 administrative and instructional staff may be loaned to, or
104 exchanged with persons employed in like capacities by, public
105 agencies either within or without this state, or by private
106 industry. With respect to public agency employees, the program
107 authorized by this subparagraph shall be consistent with the
108 requirements of part II of chapter 112. The salary and benefits
109 of board of trustees personnel participating in the loan or
110 exchange program shall be continued during the period of time
111 they participate in a loan or exchange program, and such
112 personnel shall be deemed to have no break in creditable or
113 continuous service or employment during such time. The salary
114 and benefits of persons participating in the personnel loan or
115 exchange program who are employed by public agencies or private
116 industry shall be paid by the originating employers of those
117 participants, and such personnel shall be deemed to have no
118 break in creditable or continuous service or employment during
119 such time.

120 3. The employment of all Florida Virtual School academic
121 administrative and instructional personnel shall be subject to
122 rejection for cause by the board of trustees, and shall be
123 subject to policies of the board of trustees relative to
124 certification, tenure, leaves of absence, sabbaticals,
125 remuneration, and such other conditions of employment as the
126 board of trustees deems necessary and proper, not inconsistent
127 with law.



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128 4. Each person employed by the board of trustees in an
129 academic administrative or instructional capacity with the
130 Florida Virtual School shall be entitled to a contract as
131 provided by rules of the board of trustees.

132 5. All employees except temporary, seasonal, and student
133 employees may be state employees for the purpose of being
134 eligible to participate in the Florida Retirement System and
135 receive benefits. The classification and pay plan, including
136 terminal leave and other benefits, and any amendments thereto,
137 shall be subject to review and approval by the Department of
138 Management Services and the Executive Office of the Governor
139 prior to adoption.

140 (g) The board of trustees shall establish priorities for
141 admission of students in accordance with paragraph (1)(b).

142 (h) The board of trustees shall establish and distribute to
143 all school districts and high schools in the state procedures
144 for enrollment of students in courses offered by the Florida
145 Virtual School.

146 (i) The board of trustees shall establish criteria defining
147 the elements of an approved franchise. The board of trustees may
148 enter into franchise agreements with Florida district school
149 boards and may establish the terms and conditions governing such
150 agreements. The board of trustees shall establish the
151 performance and accountability measures and report the
152 performance of each school district franchise to the
153 Commissioner of Education.

154 (j) The board of trustees shall submit to the State Board
155 of Education both forecasted and actual enrollments and credit
156 completions for the Florida Virtual School, according to



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157 procedures established by the State Board of Education. At a
158 minimum, such procedures must include the number of public,
159 private, and home education students served, by program and by
160 county of residence, and the number of students enrolled in the
161 Florida Virtual School Justice Education Program pursuant to s.
162 1002.371.

163 (k) The board of trustees shall provide for the content and
164 custody of student and employee personnel records. Student
165 records shall be subject to the provisions of s. 1002.22.
166 Employee records shall be subject to the provisions of s.
167 1012.31.

168 (l) The financial records and accounts of the Florida
169 Virtual School shall be maintained under the direction of the
170 board of trustees and under rules adopted by the State Board of
171 Education for the uniform system of financial records and
172 accounts for the schools of the state.

173
174 The Governor shall designate the initial chair of the board of
175 trustees to serve a term of 4 years. Members of the board of
176 trustees shall serve without compensation, but may be reimbursed
177 for per diem and travel expenses pursuant to s. 112.061. The
178 board of trustees shall be a body corporate with all the powers
179 of a body corporate and such authority as is needed for the
180 proper operation and improvement of the Florida Virtual School.
181 The board of trustees is specifically authorized to adopt rules
182 and, policies, ~~and procedures~~, consistent with law and rules of
183 the State Board of Education related to governance, personnel,
184 budget and finance, administration, programs, curriculum and
185 instruction, travel and purchasing, technology, students,



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186 contracts and grants, and property as necessary for optimal,
187 efficient operation of the Florida Virtual School. Tangible
188 personal property owned by the board of trustees shall be
189 subject to the provisions of chapter 273.

190

191 ===== T I T L E A M E N D M E N T =====

192 And the title is amended as follows:

193 Delete lines 5 - 16

194 and insert:

195 delivery of online distance and blended learning;
196 requiring the Florida Virtual School to give priority
197 to students enrolled in certain Department of
198 Corrections education programs; conforming a reporting
199 requirement to changes made by the act; deleting
200 authorization for the board of trustees of the Florida
201 Virtual School to adopt procedures; revising the
202 requirements of a report