

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to the Florida Virtual School;  
3       amending s. 121.091, F.S.; authorizing the board of  
4       trustees of the Florida Virtual School (FLVS) to  
5       reemploy retirees in certain positions under certain  
6       conditions; authorizing additional personnel to  
7       participate in the Deferred Retirement Option Program;  
8       creating s. 1008.213, F.S.; providing flexibility in  
9       assessment administration for FLVS full-time students  
10      of military families residing outside this state;  
11      providing that statewide, standardized assessments for  
12      students granted such flexibility in assessment  
13      administration must be administered securely by a  
14      licensed, certified instructor or Education Services  
15      Officer test administrator at their parent's or  
16      guardian's current military duty station; specifying  
17      the procedure for the student's parent or guardian to  
18      request flexibility in assessment administration;  
19      requiring FLVS to recommend to the Department of  
20      Education whether flexibility in assessment  
21      administration should be granted for a given statewide  
22      assessment; providing requirements for the department  
23      in making a determination; authorizing the Legislature  
24      to request a report from FLVS regarding requests for  
25      flexibility in assessment administration; requiring  
26      the State Board of Education to adopt rules; amending  
27      s. 1008.22, F.S.; providing flexibility in assessment  
28      administration for certain FLVS students regarding  
29      certain assessments; defining the term "child of a

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30 military family residing outside this state eligible  
31 for flexibility in assessment administration";  
32 providing requirements for flexibility in assessment  
33 administration; amending s. 1011.61, F.S.; providing  
34 requirements for funding FLVS students for successful  
35 credit completions; providing that there is no cap on  
36 the number of credit completions per student if the  
37 student satisfies a specified requirement; providing  
38 an effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Paragraph (b) of subsection (13) of section  
43 121.091, Florida Statutes, is amended, and paragraph (g) is  
44 added to subsection (9) of that section, to read:

45 121.091 Benefits payable under the system.—Benefits may not  
46 be paid under this section unless the member has terminated  
47 employment as provided in s. 121.021(39) (a) or begun  
48 participation in the Deferred Retirement Option Program as  
49 provided in subsection (13), and a proper application has been  
50 filed in the manner prescribed by the department. The department  
51 may cancel an application for retirement benefits when the  
52 member or beneficiary fails to timely provide the information  
53 and documents required by this chapter and the department's  
54 rules. The department shall adopt rules establishing procedures  
55 for application for retirement benefits and for the cancellation  
56 of such application when the required information or documents  
57 are not received.

58 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

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59       (g) The board of trustees of the Florida Virtual School may  
60 reemploy a retiree as a substitute or hourly teacher, an  
61 education paraprofessional, or administrative or support  
62 personnel on a noncontractual basis after he or she has been  
63 retired for 1 calendar month. The board of trustees of the  
64 Florida Virtual School may reemploy a retiree as instructional,  
65 administrative, or support personnel on a contractual basis  
66 after he or she has been retired for 1 calendar month. The  
67 reemployed member may receive retirement benefits and  
68 compensation from the board of trustees of the Florida Virtual  
69 School. Any member who is reemployed within 1 calendar month  
70 after retirement shall void his or her application for  
71 retirement benefits. The board of trustees of the Florida  
72 Virtual School reemploying such teachers, education  
73 paraprofessionals, or administrative or support personnel is  
74 subject to the retirement contribution required by subparagraph  
75 (b)2.

76       (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
77 subject to this section, the Deferred Retirement Option Program,  
78 hereinafter referred to as DROP, is a program under which an  
79 eligible member of the Florida Retirement System may elect to  
80 participate, deferring receipt of retirement benefits while  
81 continuing employment with his or her Florida Retirement System  
82 employer. The deferred monthly benefits shall accrue in the  
83 Florida Retirement System on behalf of the member, plus interest  
84 compounded monthly, for the specified period of the DROP  
85 participation, as provided in paragraph (c). Upon termination of  
86 employment, the member shall receive the total DROP benefits and  
87 begin to receive the previously determined normal retirement

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88 benefits. Participation in the DROP does not guarantee  
89 employment for the specified period of DROP. Participation in  
90 DROP by an eligible member beyond the initial 60-month period as  
91 authorized in this subsection shall be on an annual contractual  
92 basis for all participants.

93 (b) *Participation in DROP.*—Except as provided in this  
94 paragraph, an eligible member may elect to participate in DROP  
95 for a period not to exceed a maximum of 60 calendar months.

96 1.a. Members who are instructional personnel employed by  
97 the Florida School for the Deaf and the Blind and authorized by  
98 the Board of Trustees of the Florida School for the Deaf and the  
99 Blind;7 who are instructional personnel as defined in s.  
100 1012.01(2)(a)-(d) in grades K-12 and authorized by the district  
101 school superintendent; who are instructional, administrative, or  
102 support personnel employed and authorized by the board of  
103 trustees of the Florida Virtual School;7 or who are  
104 instructional personnel as defined in s. 1012.01(2)(a), employed  
105 by a developmental research school and authorized by the  
106 school's director, or if the school has no director, by the  
107 school's principal, may participate in DROP for up to 36  
108 calendar months beyond the 60-month period. Effective July 1,  
109 2018, instructional personnel who are authorized to extend DROP  
110 participation beyond the 60-month period must have a termination  
111 date that is the last day of the last calendar month of the  
112 school year within the DROP extension granted by the employer.  
113 If, on July 1, 2018, the member's DROP participation has already  
114 been extended for the maximum 36 calendar months and the  
115 extension period concludes before the end of the school year,  
116 the member's DROP participation may be extended through the last

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117 day of the last calendar month of that school year. The employer  
118 shall notify the division of the change in termination date and  
119 the additional period of DROP participation for the affected  
120 instructional personnel.

121 b. Administrative personnel in grades K-12, as defined in  
122 s. 1012.01(3), who have a DROP termination date on or after July  
123 1, 2018, may be authorized to extend DROP participation beyond  
124 the initial 60 calendar month period if the administrative  
125 personnel's termination date is before the end of the school  
126 year. Such administrative personnel may have DROP participation  
127 extended until the last day of the last calendar month of the  
128 school year in which their original DROP termination date  
129 occurred if a date other than the last day of the last calendar  
130 month of the school year is designated. The employer shall  
131 notify the division of the change in termination date and the  
132 additional period of DROP participation for the affected  
133 administrative personnel.

134 c. Effective July 1, 2022, a member of the Special Risk  
135 Class who is a law enforcement officer who meets the criteria in  
136 s. 121.0515(3)(a) and who is a DROP participant on or after July  
137 1, 2022, may participate in DROP for up to 36 calendar months  
138 beyond the 60-month period if he or she enters DROP on or before  
139 June 30, 2028.

140 2. Upon deciding to participate in DROP, the member shall  
141 submit, on forms required by the division:

142 a. A written election to participate in DROP;

143 b. Selection of DROP participation and termination dates  
144 that satisfy the limitations stated in paragraph (a) and  
145 subparagraph 1. The termination date must be in a binding letter

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146 of resignation to the employer establishing a deferred  
147 termination date. The member may change the termination date  
148 within the limitations of subparagraph 1., but only with the  
149 written approval of the employer;

150 c. A properly completed DROP application for service  
151 retirement as provided in this section; and

152 d. Any other information required by the division.

153 3. The DROP participant is a retiree under the Florida  
154 Retirement System for all purposes, except for paragraph (5)(f)  
155 and subsection (9) and ss. 112.3173, 112.363, 121.053, and  
156 121.122. DROP participation is final and may not be canceled by  
157 the participant after the first payment is credited during the  
158 DROP participation period. However, participation in DROP does  
159 not alter the participant's employment status, and the member is  
160 not deemed retired from employment until his or her deferred  
161 resignation is effective and termination occurs as defined in s.  
162 121.021.

163 4. Elected officers are eligible to participate in DROP  
164 subject to the following:

165 a. An elected officer who reaches normal retirement date  
166 during a term of office may defer the election to participate  
167 until the next succeeding term in that office. An elected  
168 officer who exercises this option may participate in DROP for up  
169 to 60 calendar months or no longer than the succeeding term of  
170 office, whichever is less.

171 b. An elected or a nonelected participant may run for a  
172 term of office while participating in DROP and, if elected,  
173 extend the DROP termination date accordingly; however, if such  
174 additional term of office exceeds the 60-month limitation

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175 established in subparagraph 1., and the officer does not resign  
176 from office within such 60-month limitation, the retirement and  
177 the participant's DROP is null and void as provided in sub-  
178 subparagraph (c)5.d.

179 c. An elected officer who is dually employed and elects to  
180 participate in DROP must terminate all employment relationships  
181 as provided in s. 121.021(39) for the nonelected position within  
182 the original 60-month period or maximum participation period as  
183 provided in subparagraph 1. For DROP participation ending:

184 (I) Before July 1, 2010, the officer may continue  
185 employment as an elected officer as provided in s. 121.053. The  
186 elected officer shall be enrolled as a renewed member in the  
187 Elected Officers' Class or the Regular Class, as provided in ss.  
188 121.053 and 121.122, on the first day of the month after  
189 termination of employment in the nonelected position and  
190 termination of DROP. Distribution of the DROP benefits shall be  
191 made as provided in paragraph (c).

192 (II) On or after July 1, 2010, the officer may continue  
193 employment as an elected officer but must defer termination as  
194 provided in s. 121.053.

195 Section 2. Section 1008.213, Florida Statutes, is created  
196 to read:

197 1008.213 Children of military families residing outside  
198 this state; flexible assessment administration.-

199 (1) A Florida Virtual School (FLVS) full-time student of a  
200 military family residing outside this state who is prevented by  
201 his or her parent's or guardian's out-of-state military duty  
202 station's location from participating in a Florida-based FLVS  
203 secure and proctored exam shall be offered flexibility with

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204 respect to assessment administration in order to demonstrate the  
205 grade-level mastery of skills that have been acquired and are  
206 measured by the statewide, standardized comprehensive assessment  
207 pursuant to s. 1008.22(3)(a), the statewide, standardized end-  
208 of-course assessment pursuant to s. 1008.22(3)(b), or an  
209 alternate assessment pursuant to s. 1008.22(3)(d).

210 (2)(a) The flexibility in assessment administration must  
211 allow a FLVS full-time student from a military family currently  
212 stationed outside this state to participate in statewide,  
213 standardized assessments administered securely by a licensed,  
214 certified instructor or Education Services Officer (ESO) test  
215 administrator at his or her parent's or guardian's current  
216 military duty station.

217 (b) A licensed, certified instructor or ESO test  
218 administrator must meet the criteria specified in s.  
219 1008.24(3)(a).

220 (3) The student's parent or guardian may submit to FLVS a  
221 written request for flexibility in assessment administration at  
222 any time during the school year, but not later than 90 days  
223 before the current school year's assessment administration for  
224 which the request is made. A request must include written,  
225 official documentation of the family's current out-of-state  
226 military duty stationing.

227 (4) Based on such documentation provided by the family  
228 pursuant to subsection (3), FLVS shall submit a recommendation  
229 to the Department of Education as soon as practicable as to  
230 whether flexibility in assessment administration for a given  
231 statewide assessment should be granted or denied. Upon receipt  
232 of the request, documentation, and recommendation, the



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233 department shall verify the information documented as soon as  
234 practicable, make a determination, and notify FLVS within 14  
235 days. After the receipt of the initial request, FLVS shall  
236 notify the parent or guardian whether the flexibility in  
237 assessment administration has been granted or denied. If the  
238 department grants the request, the student's progress must be  
239 assessed with flexibility in assessment administration, in the  
240 manner required in s. 1008.22.

241 (5) A report containing the number of requests for  
242 flexibility in assessment administration made under this  
243 section, the number of requests for flexibility in assessment  
244 administration granted under this section, and data regarding  
245 student performance on statewide, standardized assessments may  
246 be requested of FLVS by the Legislature.

247 (6) The State Board of Education shall adopt rules to  
248 expedite the process by which requests for flexibility in  
249 assessment administration are reviewed and approved. Such rules  
250 must demonstrate the utmost consideration for meeting the  
251 parent's or guardian's and child's needs.

252 Section 3. Present subsections (11) through (14) of section  
253 1008.22, Florida Statutes, are redesignated as subsections (12)  
254 through (15), respectively, and a new subsection (11) is added  
255 to that section, to read:

256 1008.22 Student assessment program for public schools.—

257 (11) CHILD OF A MILITARY FAMILY RESIDING OUTSIDE THIS  
258 STATE.—In addition to the flexibility in assessment  
259 administration provided for under s. 1008.213, effective July 1,  
260 2023, a child of a military family residing outside this state  
261 is eligible for flexibility in assessment administration in

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262 accordance with this subsection when participating in the  
263 statewide, standardized comprehensive assessment pursuant to  
264 paragraph (3) (a), statewide, standardized end-of-course  
265 assessment pursuant to paragraph (3) (b), or an alternate  
266 assessment pursuant to paragraph (3) (d).

267 (a) *Definition.*—For the purposes of this subsection, the  
268 term “child of a military family residing outside this state  
269 eligible for flexibility in assessment administration” means a  
270 Florida Virtual School (FLVS) full-time student of a military  
271 family residing outside this state who is prevented by his or  
272 her parent’s or guardian’s out-of-state military duty station’s  
273 location from participating in a Florida-based FLVS secure and  
274 proctored exam.

275 (b) *Flexibility in assessment administration option.*—The  
276 flexibility in assessment administration offered under this  
277 subsection must allow an FLVS full-time student from a military  
278 family currently stationed outside this state to participate in  
279 statewide, standardized assessments administered securely by a  
280 licensed, certified instructor or Education Services Officer  
281 test administrator at his or her family’s current military duty  
282 station.

283 Section 4. Paragraph (c) of subsection (1) of section  
284 1011.61, Florida Statutes, is amended to read:

285 1011.61 Definitions.—Notwithstanding the provisions of s.  
286 1000.21, the following terms are defined as follows for the  
287 purposes of the Florida Education Finance Program:

288 (1) A “full-time equivalent student” in each program of the  
289 district is defined in terms of full-time students and part-time  
290 students as follows:

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- 291 (c)1. A "full-time equivalent student" is:
- 292 a. A full-time student in any one of the programs listed in
- 293 s. 1011.62(1)(c); or
- 294 b. A combination of full-time or part-time students in any
- 295 one of the programs listed in s. 1011.62(1)(c) which is the
- 296 equivalent of one full-time student based on the following
- 297 calculations:
- 298 (I) A full-time student in a combination of programs listed
- 299 in s. 1011.62(1)(c) shall be a fraction of a full-time
- 300 equivalent membership in each special program equal to the
- 301 number of net hours per school year for which he or she is a
- 302 member, divided by the appropriate number of hours set forth in
- 303 subparagraph (a)1. The difference between that fraction or sum
- 304 of fractions and the maximum value as set forth in subsection
- 305 (4) for each full-time student is presumed to be the balance of
- 306 the student's time not spent in a special program and shall be
- 307 recorded as time in the appropriate basic program.
- 308 (II) A prekindergarten student with a disability shall meet
- 309 the requirements specified for kindergarten students.
- 310 (III) A full-time equivalent student for students in
- 311 kindergarten through grade 12 in a full-time virtual instruction
- 312 program under s. 1002.45 or a virtual charter school under s.
- 313 1002.33 shall consist of six full-credit completions or the
- 314 prescribed level of content that counts toward promotion to the
- 315 next grade in programs listed in s. 1011.62(1)(c). Credit
- 316 completions may be a combination of full-credit courses or half-
- 317 credit courses.
- 318 (IV) A full-time equivalent student for students in
- 319 kindergarten through grade 12 in a part-time virtual instruction

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320 program under s. 1002.45 shall consist of six full-credit  
321 completions in programs listed in s. 1011.62(1)(c)1. and 3.  
322 Credit completions may be a combination of full-credit courses  
323 or half-credit courses.

324 (V) A Florida Virtual School full-time equivalent student  
325 shall consist of six full-credit completions or the prescribed  
326 level of content that counts toward promotion to the next grade  
327 in the programs listed in s. 1011.62(1)(c)1. and 3. for students  
328 participating in kindergarten through grade 12 part-time virtual  
329 instruction and the programs listed in s. 1011.62(1)(c) for  
330 students participating in kindergarten through grade 12 full-  
331 time virtual instruction. Credit completions may be a  
332 combination of full-credit courses or half-credit courses. A  
333 student who has successful credit completions shall be funded  
334 for each credit completion, regardless of the number of surveys  
335 the student is reported in. There may not be a cap on the number  
336 of credit completions per student as long as the student seeks  
337 accelerated access pursuant to s. 1002.37(1)(b)2.

338 (VI) Each successfully completed full-credit course earned  
339 through an online course delivered by a district other than the  
340 one in which the student resides shall be calculated as 1/6 FTE.

341 (VII) A full-time equivalent student for courses requiring  
342 passage of a statewide, standardized end-of-course assessment  
343 under s. 1003.4282 to earn a standard high school diploma shall  
344 be defined and reported based on the number of instructional  
345 hours as provided in this subsection.

346 (VIII) For students enrolled in a school district as a  
347 full-time student, the district may report 1/6 FTE for each  
348 student who passes a statewide, standardized end-of-course

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349 assessment without being enrolled in the corresponding course.

350 2. A student in membership in a program scheduled for more  
351 or less than 180 school days or the equivalent on an hourly  
352 basis as specified by rules of the State Board of Education is a  
353 fraction of a full-time equivalent membership equal to the  
354 number of instructional hours in membership divided by the  
355 appropriate number of hours set forth in subparagraph (a)1.;  
356 however, for the purposes of this subparagraph, membership in  
357 programs scheduled for more than 180 days is limited to students  
358 enrolled in:

359 a. Juvenile justice education programs.

360 b. The Florida Virtual School.

361 c. Virtual instruction programs and virtual charter schools  
362 for the purpose of course completion and credit recovery  
363 pursuant to ss. 1002.45 and 1003.498. Course completion applies  
364 only to a student who is reported during the second or third  
365 membership surveys and who does not complete a virtual education  
366 course by the end of the regular school year. The course must be  
367 completed no later than the deadline for amending the final  
368 student enrollment survey for that year. Credit recovery applies  
369 only to a student who has unsuccessfully completed a traditional  
370 or virtual education course during the regular school year and  
371 must retake the course in order to be eligible to graduate with  
372 the student's class.

373  
374 The full-time equivalent student enrollment calculated under  
375 this subsection is subject to the requirements in subsection  
376 (4).

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378 The department shall determine and implement an equitable method  
379 of equivalent funding for schools operating under emergency  
380 conditions, which schools have been approved by the department  
381 to operate for less than the minimum term as provided in s.  
382 1011.60(2).

383 Section 5. This act shall take effect July 1, 2023.