

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 1122

INTRODUCER: Senator Burton

SUBJECT: Florida Virtual School

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1122 makes both technical and substantive changes related to the Florida Virtual School (FLVS). These changes impact its governance, funding, reporting, and assessment requirements. Additionally, the bill authorizes FLVS to offer both school-year and summer Voluntary Prekindergarten (VPK) programs.

The act takes effect July 1, 2025.

II. Present Situation:

Florida Virtual School

Founded in 1997¹, the Florida Virtual School (FLVS) was established for the development and delivery of online and distance learning education.² The mission of FLVS is to provide all students in Florida with technology-based educational opportunities to gain knowledge and gain the necessary skills to succeed. FLVS is required to prioritize students:³

- That need expanded access to courses to meet their educational goals.
- That are seeking accelerated access to graduate at least one semester early.
- That are children of an active-duty member of the United States Armed Forces who is not stationed in this state whose home of record or state of legal residence is Florida.

To ensure students are informed of opportunities offered by FLVS, the Commissioner of Education is required to provide the FLVS Board of Trustees with access to records of public school students.⁴

¹ Florida Virtual School, *About Us*, <https://www.flvs.net/about-us>, (last visited March 12, 2025).

² Section 1002.37, (1)(a), F.S.

³ Section 1002.37, (1)(b), F.S.

⁴ Section 1002.37, (1)(c), F.S.

In the 2024-2025 school year, 9,035 students are enrolled in FLVS full-time in grades kindergarten through grade 12 and taught by 2,517 teachers.⁵ Additionally, school districts may contract with FLVS to offer an approved FLVS school district franchise for part-time or full-time students.⁶

FLVS Governance

The FLVS is governed by a Board of Trustees (board) comprised of seven members appointed by the Governor to four-year staggered terms. Board members are public officers who bear fiduciary responsibility for the FLVS.⁷ The board is required to meet at least four times a year, upon the call of the chair or at the request of the majority of the board.⁸

The board oversees the development of FLVS' technology-based education system, ensuring its programs are cost-effective, educationally sound, marketable, and self-sustaining through the Florida Education Finance Program.⁹ The board is also tasked with seeking avenues to generate revenue to support its future programs and any funds that are generated from patents, copyrights, trademarks, or licenses are considered internal funds.¹⁰ Additionally, the board may receive supplemental revenue from support organizations such as alumni associations, foundations, parent-teacher associations, and booster clubs. These organizations can recommend expenditures for FLVS, subject to review by the executive director, who has the authority to reject any spending that violates Florida law or sound educational management.¹¹

The FLVS board, like other district school boards, is responsible for administering and maintaining a personnel program for all FLVS employees.¹² All employees of FLVS, except for temporary, seasonal, and student employees may be state employees eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, are subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.¹³

FLVS Funding

The FLVS receives state funds for operating purposes as provided in the General Appropriations Act.¹⁴ The calculation to determine the amount of state funds includes:¹⁵

⁵ Florida Department of Education, *Know Your Schools Portal – Population and Enrollment, Overview*, <https://edudata.fldoe.org/ReportCards/Schools.html?school=0000&district=71>, (last visited March 12, 2025).

⁶ Section 1002.37(2)(i), F.S.

⁷ Section 1002.37(2)(i), F.S.

⁸ Section 1002.37(2)(a), F.S.

⁹ Section 1002.37(2)(b), F.S.

¹⁰ Section 1002.37(2)(c), F.S. See s. 1011.07, F.S., District School boards are responsible for the administration and control of all local school funds derived by any public school from all activities or sources and are prescribe the principles and procedures to be followed in administering these funds consistent with regulations adopted by the State Board of Education.

¹¹ Section 1002.37(2)(b), F.S.

¹² Section 1002.37(2)(f), F.S.

¹³ Section 1002.37(2)(f) 5., F.S.

¹⁴ Section 1002.37(3)(f), F.S.

¹⁵ *Id.*

- The sum of the basic amount of current operations established in law.¹⁶
- The discretionary millage compression supplement.¹⁷
- The state funded discretionary contribution.¹⁸
- A per-full-time equivalent share of the exceptional student education.¹⁹
- The mental health assistance allocation.²⁰

FLVS Required Annual Report

The board is required to annually submit to the Governor, the Legislature, the Commissioner of Education and the State Board of Education the results from their financial audit and the following:²¹

- The operations and accomplishments of the FLVS within the state and those occurring outside the state as FLVS Global.
- The marketing and operational plan for the FLVS and FLVS Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.
- The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.
- Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global.
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.

Assessment Requirements for FLVS Students

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must take all required statewide assessments and participate in the coordinated screening and progress monitoring system.²² Additionally, industry certification examinations, national assessments, and statewide assessments offered by the school district are required to be made available to all FLVS students.²³ If the FLVS and a school district have not agreed upon an alternative testing site, the FLVS student may take the assessments at the school to which the student would be assigned according to district school board attendance areas. A school district is required to provide the student with access to the school's testing facilities and the date and time of the administration of progress monitoring and each examination or assessment.²⁴

Safe Schools Allocation

The Safe Schools Allocation is a categorical in the Florida Education Finance Program and provides funding to assist school districts in their compliance with school safety requirements outlined in law, with priority given to safe-school officers. Each school district receives a

¹⁶ See Section 1011.62(1)(s), F.S.

¹⁷ See Section 1011.62(5), F.S.

¹⁸ See Section 1011.62(6), F.S.

¹⁹ See Section 1011.62(8), F.S.

²⁰ See Section 1011.62(13), F.S.

²¹ Section 1002.37(7), F.S.

²² Section 1002.37(10)(a), F.S.

²³ Section 1002.37(10)(b), F.S.

²⁴ Section 1002.37(10)(d), F.S.

minimum safe schools allocation in an amount provided in the General Appropriations Act. For the remaining balance of the safe schools allocation, one-third is allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and two-thirds shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.²⁵ The FLVS does not currently receive a portion of the safe-schools allocation.

Florida's Voluntary Prekindergarten (VPK) Program

The VPK program prepares children for success in school and in life. Implemented in 2005, the program is a free, high-quality, education program available to all four-year-old children residing in the state.²⁶ VPK public school providers include a traditional public school or a charter school that is eligible to deliver the school-year prekindergarten program or the summer prekindergarten program.²⁷

Parents of each child eligible for a VPK program in Florida may enroll their child in one of the following programs:²⁸

- A school-year prekindergarten program delivered by an approved private prekindergarten provider.
- A summer prekindergarten program delivered by a public school or private prekindergarten provider.
- A school-year prekindergarten program delivered by a public school.
- A specialized instructional services program for children who have disabilities, if the child has been evaluated and determined as eligible and has a current individual educational plan developed by the local school board.

Parents enrolling their child into a VPK program must complete and submit the application to the early learning coalition through the single point of entry²⁹. The application form must include a certification that the parent chooses the private prekindergarten provider or public school and directs those payments for the program be made to the provider or school.³⁰

III. Effect of Proposed Changes:

SB 1122 amends s. 1002.37, F.S., to make several technical and substantive changes.

Specifically, the bill does the following:

- For Florida Virtual School (FLVS) governance, the bill:
 - Authorizes FLVS as a delivery method in the Early Learning-20 education system for all students.

²⁵ Section 1011.62(12), F.S.

²⁶ FLA. CONST., Art. IX, s. 1.

²⁷ Section 1002.51(8), F.S.

²⁸ Section 1002.53(3), F.S.

²⁹ The Department of Education is the lead agency in the administration of the Child Care and Development Block Grant Trust Fund, as such they are required under s. 1002.82, F.S. to develop a single point of entry for all school readiness and VPK programs.

³⁰ Section 1002.53(4), F.S.

- Removes FLVS requirements to give priority to students who need to expanded access to courses, students seeking accelerated access in order to earn a high school diploma a semester early, and student who are children of an active-duty member of the United States Armed Forces.
- Authorizes the FLVS president and chief executive officer to request a meeting of the FLVS Board of Trustees (Board), and authorizes the board to enter into contract with other educational institutions and government agencies.
- Aligns the definition of educational support employees at FLVS with current law.³¹
- Clarifies that FLVS employes, except for temporary, seasonal, and student employees, are state employees for the purpose of being eligible to participate in the Florida Retirement System.
- For FLVS funding, the bill authorizes the FLVS to approve and accrue supplemental revenue from a direct support organization and that expenditures from all supplemental funds be contingent upon review and approval of the FLVS president and chief executive officer.³² The bill also requires that FLVS be included in the safe schools allocation.
- For the FLVS annual report to the Governor, the Legislature, the Commissioner of Education and the State Board of Education, the bill requires the FLVS to only report on the operations and accomplishments of the FLVS and deletes the reporting requirements related to:
 - The marketing and operational plan for the FLVS and FLVS Global.
 - The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.
 - Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global.
 - Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.
- For assessment requirements, the bill clarifies that students at FLVS are eligible to participate in international assessments if they are administered at the school district. Additionally, the bill requires a school district to provide a test administrator when a student from FLVS is participating in required statewide assessments, the coordinated screening and progress monitoring system, industry certification examinations, and national assessments.

The bill amends sections 1002.51 and 1002.53, F.S., to allow the FLVS to offer Voluntary Prekindergarten (VPK) programs year-round, including summer and school-year options. It also permits students to choose the FLVS VPK program by applying directly to FLVS, bypassing the single point of entry managed by the Department of Education that all other VPK applicants and providers use to determine eligibility.

The act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³¹ Section 1012.01(2)(3)(6), F.S. defines educational support employees as employees whose job function are neither administrative nor instructional, yet whose work supports the educational process. Other employees who are defined as instructional and administrative also have educational support duties, i.e. librarian or media center specialist.

³² The position of executive director at FLVS has been changed to Chief Executive Officer.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The provision that adds the Safe School Allocation for the Florida Virtual School would cause a significant negative fiscal impact to districts as it would share the appropriated funds for the categorical program within the FEFP with an additional district.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.37, 1002.51, and 1002.53.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
