

By Senator Burton

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1 A bill to be entitled
2 An act relating to the Florida Virtual School;
3 amending s. 1002.37, F.S.; deleting provisions
4 requiring the Florida Virtual School to give priority
5 to certain students; requiring the Florida Virtual
6 School to ensure that parents, in addition to
7 students, are informed of specified information;
8 providing that officers and employees are granted
9 sovereign immunity in addition to the board of
10 trustees; providing that the Florida Virtual School
11 president and chief executive officer may call a
12 meeting of the board of trustees; providing that the
13 board of trustees may fund the education delivery
14 system through supplemental funding in addition to the
15 Florida Education Finance Program; requiring that
16 certain funds be used to support the school's mission;
17 authorizing the Florida Virtual School to accrue
18 supplemental revenue from direct-support
19 organizations; providing that certain expenditures are
20 contingent upon review and approval by the Florida
21 Virtual School president and chief executive officer
22 or authorized designees, rather than the executive
23 director; removing the executive director's
24 authorization to override certain proposed
25 expenditures; requiring, rather than authorizing,
26 specified employees to be state employees for the
27 purpose of being eligible to participate in the
28 Florida Retirement System and to receive benefits;
29 deleting a requirement for the board of trustees to

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30 establish priorities for the admission of students;
31 authorizing the board of trustees to enter into
32 contracts with other educational institutions and
33 government agencies; deleting requirements for the
34 board of trustees to establish performance and
35 accountability measures and report performance of
36 school district franchises to the Commissioner of
37 Education; providing that the safe schools allocation
38 is included in the calculation to determine state
39 funds; deleting certain requirements relating to an
40 audit report submitted annually by the board of
41 trustees to specified entities; authorizing the
42 Florida Virtual School to provide instruction to
43 students in the Florida Early Learning-20 education
44 system, rather than kindergarten through grade 12;
45 requiring that international assessments offered by
46 the school district be made available to all Florida
47 Virtual School students; requiring that students have
48 access to a test administrator; making technical
49 changes; amending s. 1002.51, F.S.; revising the
50 definition of the term "public school prekindergarten
51 provider" to include the Florida Virtual School;
52 amending s. 1002.53, F.S.; providing that programs
53 provided by the Florida Virtual School are eligible
54 for the Voluntary Prekindergarten Education Program;
55 providing an effective date.

56

57 Be It Enacted by the Legislature of the State of Florida:

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59 Section 1. Paragraphs (b) and (c) of subsection (1),
60 subsection (2), paragraph (f) of subsection (3), subsections
61 (4), (7), and (9), and paragraphs (c) and (d) of subsection (10)
62 of section 1002.37, Florida Statutes, are amended to read:

63 1002.37 The Florida Virtual School.—

64 (1)

65 (b) The mission of the Florida Virtual School is to provide
66 students with technology-based educational opportunities to gain
67 the knowledge and skills necessary to succeed. The school shall
68 serve as a delivery method in the Early Learning-20 education
69 system for all students ~~any student in the state who meet~~ meets
70 the profile for success in this educational delivery context ~~and~~
71 shall give priority to:

72 ~~1. Students who need expanded access to courses in order to~~
73 ~~meet their educational goals, such as home education students~~
74 ~~and students in inner-city and rural high schools who do not~~
75 ~~have access to higher-level courses.~~

76 ~~2. Students seeking accelerated access in order to obtain a~~
77 ~~high school diploma at least one semester early.~~

78 ~~3. Students who are children of an active duty member of~~
79 ~~the United States Armed Forces who is not stationed in this~~
80 ~~state whose home of record or state of legal residence is~~
81 ~~Florida.~~

82 (c) To ensure parents and students are informed of the
83 opportunities offered by the Florida Virtual School, the
84 commissioner shall provide the board of trustees of the Florida
85 Virtual School access to the records of public school students
86 in a format prescribed by the board of trustees.

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88 The board of trustees of the Florida Virtual School shall
89 identify appropriate performance measures and standards based on
90 student achievement that reflect the school's statutory mission
91 and priorities, and shall implement an accountability system for
92 the school that includes assessment of its effectiveness and
93 efficiency in providing quality services that encourage high
94 student achievement, seamless articulation, and maximum access.

95 (2) The Florida Virtual School shall be governed by a board
96 of trustees composed ~~comprised~~ of seven members appointed by the
97 Governor to 4-year staggered terms. The board of trustees shall
98 be a public agency entitled to sovereign immunity pursuant to s.
99 768.28, and board members shall be public officers who shall
100 bear fiduciary responsibility for the Florida Virtual School.
101 The board of trustees shall have the following powers and
102 duties:

103 (a)1. The board of trustees shall meet at least 4 times
104 each year, upon the call of the board chair, ~~or~~ at the request
105 of a majority of the membership, or at the request of the
106 Florida Virtual School president and chief executive officer.

107 2. The fiscal year for the Florida Virtual School is ~~shall~~
108 ~~be~~ the state fiscal year as provided in s. 216.011(1)(q).

109 (b) The board of trustees shall be responsible for the
110 Florida Virtual School's development of a state-of-the-art
111 technology-based education delivery system that is cost-
112 effective, educationally sound, marketable, and capable of
113 sustaining a self-sufficient delivery system through the Florida
114 Education Finance Program and other supplemental funding
115 sources.

116 (c) The board of trustees shall aggressively seek avenues

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117 to generate revenue to support its future endeavors, and shall
118 enter into agreements with distance learning providers. The
119 board of trustees may acquire, enjoy, use, and dispose of
120 patents, copyrights, and trademarks and any licenses and other
121 rights or interests thereunder or therein. Ownership of all such
122 patents, copyrights, trademarks, licenses, and rights or
123 interests thereunder or therein vests ~~shall vest~~ in the state,
124 with the board of trustees having full right of use and full
125 right to retain the revenues derived therefrom. Any funds
126 realized from patents, copyrights, trademarks, or licenses are
127 ~~shall be~~ considered internal funds ~~as provided in s. 1011.07~~.
128 Such funds must ~~shall~~ be used to support the school's mission,
129 marketing, ~~and~~ research, and development activities in order to
130 improve courseware and services to its students.

131 (d) The board of trustees shall be responsible for the
132 administration and control of all local school funds derived
133 from all activities or sources and shall prescribe the
134 principles and procedures to be followed in administering these
135 funds.

136 (e) The Florida Virtual School may accrue supplemental
137 revenue from direct-support organizations and supplemental
138 support organizations, which include, but are not limited to,
139 alumni associations, foundations, parent-teacher associations,
140 and booster associations. The governing body of each direct-
141 support and supplemental support organization shall recommend
142 the expenditure of moneys collected by the organization for the
143 benefit of the school. Such expenditures are ~~shall be~~ contingent
144 upon the review and approval of the Florida Virtual School
145 president and chief executive officer or authorized designees

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146 ~~executive director. The executive director may override any~~
147 ~~proposed expenditure of the organization that would violate~~
148 ~~Florida law or breach sound educational management.~~

149 (f) In accordance with law and rules of the State Board of
150 Education, the board of trustees shall administer and maintain
151 personnel programs for all employees of the board of trustees
152 and the Florida Virtual School. The board of trustees may adopt
153 ~~rules, policies, and procedures~~ related to the appointment,
154 employment, and removal of personnel.

155 1. The board of trustees shall determine the compensation,
156 including salaries and fringe benefits, and other conditions of
157 employment for such personnel.

158 2. The board of trustees may establish and maintain a
159 personnel loan or exchange program by which persons employed by
160 the board of trustees for the Florida Virtual School as ~~academic~~
161 administrative and instructional staff may be loaned to, or
162 exchanged with persons employed in like capacities by, public
163 agencies either within or without this state, or by private
164 industry. With respect to public agency employees, the program
165 authorized by this subparagraph must ~~shall~~ be consistent with
166 the requirements of part II of chapter 112. The salary and
167 benefits of board of trustees personnel participating in the
168 loan or exchange program must ~~shall~~ be continued during the
169 period of time they participate in a loan or exchange program,
170 and such personnel are ~~shall be~~ deemed to have no break in
171 creditable or continuous service or employment during such time.
172 The salary and benefits of persons participating in the
173 personnel loan or exchange program who are employed by public
174 agencies or private industry must ~~shall~~ be paid by the

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175 originating employers of those participants, and such personnel
176 are ~~shall be~~ deemed to have no break in creditable or continuous
177 service or employment during such time.

178 3. The employment of all Florida Virtual School ~~academic~~
179 administrative and instructional personnel or educational
180 support employees as those terms are defined in s. 1012.01(3),
181 (2), or (6), respectively, is ~~shall be subject to rejection for~~
182 ~~cause by the board of trustees, and shall be~~ subject to policies
183 of the board of trustees relative to certification, tenure,
184 leaves of absence, sabbaticals, remuneration, and such other
185 conditions of employment as the board of trustees deems
186 necessary and proper, not inconsistent with law.

187 4. Each person employed by the board of trustees in an
188 ~~academic~~ administrative or instructional capacity with the
189 Florida Virtual School is ~~shall be~~ entitled to a contract as
190 provided by policies ~~rules~~ of the board of trustees.

191 5. All employees except temporary, seasonal, and student
192 employees shall ~~may~~ be state employees for the purpose of being
193 eligible to participate in the Florida Retirement System and
194 receive benefits. The classification and pay plan, including
195 terminal leave and other benefits, and any amendments thereto,
196 are ~~shall be~~ subject to review and approval by the Department of
197 Management Services and the Executive Office of the Governor
198 prior to adoption.

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

201 ~~(h)~~ The board of trustees shall establish and distribute to
202 all school districts and high schools in this ~~the~~ state
203 procedures for enrollment of students in courses offered by the

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204 Florida Virtual School.

205 (h)~~(i)~~ The board of trustees shall establish criteria
206 defining the elements of an approved franchise. The board of
207 trustees may enter into contracts and franchise agreements with
208 Florida district school boards or other educational institutions
209 and government agencies and may establish the terms and
210 conditions governing such agreements. ~~The board of trustees~~
211 ~~shall establish the performance and accountability measures and~~
212 ~~report the performance of each school district franchise to the~~
213 ~~Commissioner of Education.~~

214 (i)~~(j)~~ The board of trustees shall submit to the State
215 Board of Education both forecasted and actual enrollments and
216 credit completions for the Florida Virtual School, according to
217 procedures established by the State Board of Education. At a
218 minimum, such procedures must include the number of public,
219 private, and home education students served by program and by
220 county of residence.

221 (j)~~(k)~~ The board of trustees shall provide for the content
222 and custody of student and employee personnel records. Student
223 records are ~~shall be~~ subject to ~~the provisions of~~ s. 1002.22.
224 Employee records are ~~shall be~~ subject to ~~the provisions of~~ s.
225 1012.31.

226 (k)~~(l)~~ The financial records and accounts of the Florida
227 Virtual School must ~~shall~~ be maintained under the direction of
228 the board of trustees and under rules adopted by the State Board
229 of Education for the uniform system of financial records and
230 accounts for the schools of this ~~the~~ state.

231
232 The Governor shall designate the initial chair of the board of

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233 trustees to serve a term of 4 years. Members of the board of
234 trustees shall serve without compensation~~,~~ but may be reimbursed
235 for per diem and travel expenses pursuant to s. 112.061. The
236 board of trustees shall be a body corporate with all the powers
237 of a body corporate and such authority as is needed for the
238 proper operation and improvement of the Florida Virtual School.
239 The board of trustees is specifically authorized to adopt ~~rules,~~
240 ~~policies, and procedures,~~ consistent with law and rules of the
241 State Board of Education related to governance, personnel,
242 budget and finance, administration, programs, curriculum and
243 instruction, travel and purchasing, technology, students,
244 contracts and grants, and property as necessary for optimal,
245 efficient operation of the Florida Virtual School. Tangible
246 personal property owned by the board of trustees is ~~shall be~~
247 subject to ~~the provisions of~~ chapter 273.

248 (3) Funding for the Florida Virtual School shall be
249 provided as follows:

250 (f) The Florida Virtual School shall receive state funds
251 for operating purposes as provided in the General Appropriations
252 Act. The calculation to determine the amount of state funds
253 includes: the sum of the basic amount for current operations
254 established in s. 1011.62(1)(s), the discretionary millage
255 compression supplement established in s. 1011.62(5), the state-
256 funded discretionary contribution established in s. 1011.62(6),
257 a per-full-time equivalent share of the exceptional student
258 education guaranteed allocation established in s. 1011.62(8),
259 the safe schools allocation established in s. 1011.62(12), and
260 the mental health assistance allocation established in s.
261 1011.62(13).

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262 (4) School districts operating a virtual school that is an
263 approved franchise of the Florida Virtual School may count full-
264 time equivalent students, as provided in paragraph (3)(a), if
265 such school has been certified as an approved franchise by the
266 Commissioner of Education based on criteria established by the
267 board of trustees pursuant to paragraph (2)(h) ~~(2)(i)~~.

268 (7) The board of trustees shall annually submit to the
269 Governor, the Legislature, the Commissioner of Education, and
270 the State Board of Education the audit report prepared pursuant
271 to subsection (6) and a complete and detailed report setting
272 forth:

273 ~~(a) the operations and accomplishments of the Florida~~
274 ~~Virtual School within the state and those occurring outside the~~
275 ~~state as Florida Virtual School Global.~~

276 ~~(b) The marketing and operational plan for the Florida~~
277 ~~Virtual School and Florida Virtual School Global, including~~
278 ~~recommendations regarding methods for improving the delivery of~~
279 ~~education through the Internet and other distance learning~~
280 ~~technology.~~

281 ~~(c) The assets and liabilities of the Florida Virtual~~
282 ~~School and Florida Virtual School Global at the end of the~~
283 ~~fiscal year.~~

284 ~~(d) Recommendations regarding the unit cost of providing~~
285 ~~services to students through the Florida Virtual School and~~
286 ~~Florida Virtual School Global. In order to most effectively~~
287 ~~develop public policy regarding any future funding of the~~
288 ~~Florida Virtual School, it is imperative that the cost of the~~
289 ~~program is accurately identified. The identified cost of the~~
290 ~~program must be based on reliable data.~~

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291 ~~(c) Recommendations regarding an accountability mechanism~~
292 ~~to assess the effectiveness of the services provided by the~~
293 ~~Florida Virtual School and Florida Virtual School Global.~~

294 (9) (a) The Florida Virtual School may provide full-time and
295 part-time instruction for students in the Florida Early
296 Learning-20 education system ~~kindergarten through grade 12.~~

297 (b) For students receiving full-time or part-time
298 instruction in kindergarten through grade 12 ~~5 and students~~
299 ~~receiving full-time instruction in kindergarten through grade 12~~
300 from the Florida Virtual School, the full-time equivalent
301 student enrollment calculated under this subsection is subject
302 to the requirements in s. 1011.61(4).

303 (10)

304 (c) Industry certification examinations, national
305 assessments, ~~and~~ statewide assessments, and international
306 assessments offered by the school district must ~~shall~~ be
307 available to all Florida Virtual School students.

308 (d) Unless an alternative testing site is mutually agreed
309 to by the Florida Virtual School and the school district or as
310 contracted under s. 1008.24, all industry certification
311 examinations, national assessments, progress monitoring under s.
312 1008.25(9), ~~and~~ statewide assessments, and international
313 assessments must be taken at the school to which the student
314 would be assigned according to district school board attendance
315 areas. A school district shall ~~must~~ provide the student with
316 access to the school's testing facilities, a test administrator,
317 and the date and time of the administration of progress
318 monitoring and each examination or assessment.

319 Section 2. Subsection (8) of section 1002.51, Florida

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320 Statutes, is amended to read:

321 1002.51 Definitions.—As used in this part, the term:

322 (8) "Public school prekindergarten provider" includes a
323 traditional public school, ~~or a charter school,~~ or the Florida
324 Virtual School that is eligible to deliver the school-year
325 prekindergarten program under s. 1002.63 or the summer
326 prekindergarten program under s. 1002.61.

327 Section 3. Paragraphs (a) and (b) of subsection (4) and
328 paragraph (c) of subsection (6) of section 1002.53, Florida
329 Statutes, are amended, and paragraph (e) is added to subsection
330 (3) of that section, to read:

331 1002.53 Voluntary Prekindergarten Education Program;
332 eligibility and enrollment.—

333 (3) The parent of each child eligible under subsection (2)
334 may enroll the child in one of the following programs:

335 (e) A school-year or summer prekindergarten education
336 program delivered by the Florida Virtual School under s.
337 1002.37.

338
339 Except as provided in s. 1002.71(4), a child may not enroll in
340 more than one of these programs.

341 (4) (a) Each parent enrolling a child in the Voluntary
342 Prekindergarten Education Program must complete and submit an
343 application to the early learning coalition through the single
344 point of entry established under s. 1002.82 or enroll directly
345 with the Florida Virtual School.

346 (b) The application must be submitted on forms prescribed
347 by the department and must be accompanied by a certified copy of
348 the child's birth certificate. The forms must include a

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349 certification, in substantially the form provided in s.
350 1002.71(6)(b)2., that the parent chooses the private
351 prekindergarten provider, ~~or~~ public school, or the Florida
352 Virtual School in accordance with this section and directs that
353 payments for the program be made to the provider or school. The
354 department may authorize alternative methods for submitting
355 proof of the child's age in lieu of a certified copy of the
356 child's birth certificate.

357 (6)

358 (c) A parent may enroll his or her child directly with the
359 Florida Virtual School Prekindergarten Education Program for
360 either the school-year program under s. 1002.63 or the summer
361 program under s. 1002.61, subject to available space.

362 (d) Each private prekindergarten provider, ~~and~~ public
363 school, and the Florida Virtual School must comply with the
364 antidiscrimination requirements of 42 U.S.C. s. 2000d,
365 regardless of whether the provider or school receives federal
366 financial assistance. A private prekindergarten provider, ~~or~~
367 public school, or the Florida Virtual School may not
368 discriminate against a parent or child, including the refusal to
369 admit a child for enrollment in the Voluntary Prekindergarten
370 Education Program, in violation of these antidiscrimination
371 requirements.

372 Section 4. This act shall take effect July 1, 2025.