

1 A bill to be entitled
2 An act relating to the Florida Virtual School;
3 amending s. 1002.37, F.S.; revising the mission of the
4 Florida Virtual School; revising the students the
5 school may serve; deleting requirements for the school
6 to give priority to certain students; authorizing the
7 school's president and chief executive officer to
8 request a meeting of the board of trustees;
9 authorizing the school to use additional funding
10 sources for its education delivery system; authorizing
11 the use of certain funds to support the school's
12 mission; revising the duties and authority of the
13 school's board of trustees; removing the authority of
14 the school's board of trustees to adopt rules and
15 procedures; authorizing the school to accrue
16 supplemental revenue from direct-support
17 organizations; requiring the school's president and
18 chief executive officer, or his or her authorized
19 designee, to review and approve certain expenditures;
20 deleting provisions relating to the school's executive
21 director; providing that certain provisions apply to
22 all administrative personnel, rather than to academic
23 administrative personnel; providing definitions for
24 the terms "administrative personnel" and
25 "instructional personnel"; providing that certain

26 employees are considered state employees for specified
27 purposes; authorizing the school to enter into
28 specified contracts and agreements with other
29 educational institutions and governmental agencies;
30 revising the state funding available to the school
31 through the Florida Education Finance Program;
32 revising specified reporting requirements; requiring
33 certain international assessments be available to
34 Florida Virtual School students; requiring school
35 districts to provide Florida Virtual School students
36 with access to test administrators; providing an
37 effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 **Section 1. Section 1002.37, Florida Statutes, is amended**
42 **to read:**

43 1002.37 The Florida Virtual School.—

44 (1) (a) The Florida Virtual School is established for the
45 development and delivery of online and distance learning
46 education. The Commissioner of Education shall monitor the
47 school's performance and report its performance to the State
48 Board of Education and the Legislature.

49 (b) The mission of the Florida Virtual School is to
50 provide students with technology-based educational opportunities

51 to gain the knowledge and skills necessary to succeed. The
52 school shall serve all students ~~any student in the state who~~
53 meet ~~meets~~ the profile for success in this educational delivery
54 context. ~~and shall give priority to:~~

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

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

61 ~~3. Students who are children of an active duty member of~~
62 ~~the United States Armed Forces who is not stationed in this~~
63 ~~state whose home of record or state of legal residence is~~
64 ~~Florida.~~

65 (c) To ensure parents and students are informed of the
66 opportunities offered by the Florida Virtual School, the
67 commissioner shall provide the board of trustees of the Florida
68 Virtual School access to the records of public school students
69 in a format prescribed by the board of trustees.

70
71 The board of trustees of the Florida Virtual School shall
72 identify appropriate performance measures and standards based on
73 student achievement that reflect the school's statutory mission
74 and priorities, and shall implement an accountability system for
75 the school that includes assessment of its effectiveness and

76 efficiency in providing quality services that encourage high
77 student achievement, seamless articulation, and maximum access.

78 (2) The Florida Virtual School shall be governed by a
79 board of trustees comprised of seven members appointed by the
80 Governor to 4-year staggered terms. The board of trustees shall
81 be a public agency entitled to sovereign immunity pursuant to s.
82 768.28, and board members shall be public officers who shall
83 bear fiduciary responsibility for the Florida Virtual School.
84 The board of trustees shall have the following powers and
85 duties:

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

90 2. The fiscal year for the Florida Virtual School shall be
91 the state fiscal year as provided in s. 216.011(1)(g).

92 (b) The board of trustees shall be responsible for the
93 Florida Virtual School's development of a state-of-the-art
94 technology-based education delivery system that is cost-
95 effective, educationally sound, marketable, and capable of
96 sustaining a self-sufficient delivery system through the Florida
97 Education Finance Program and other supplemental funding
98 sources.

99 (c) The board of trustees shall aggressively seek avenues
100 to generate revenue to support its future endeavors, and shall

101 enter into agreements with distance learning providers. The
102 board of trustees may acquire, enjoy, use, and dispose of
103 patents, copyrights, and trademarks and any licenses and other
104 rights or interests thereunder or therein. Ownership of all such
105 patents, copyrights, trademarks, licenses, and rights or
106 interests thereunder or therein shall vest in the state, with
107 the board of trustees having full right of use and full right to
108 retain the revenues derived therefrom. Any funds realized from
109 patents, copyrights, trademarks, or licenses shall be considered
110 internal funds ~~as provided in s. 1011.07~~. Such funds shall be
111 used to support the school's mission and its marketing, ~~and~~
112 research, and development activities in order to improve
113 courseware and services to its students.

114 (d) The board of trustees shall be responsible for the
115 administration and control of all local school funds derived
116 from all activities or sources and shall prescribe the
117 principles and policies ~~procedures~~ to be followed in
118 administering these funds.

119 (e) The Florida Virtual School may accrue supplemental
120 revenue from direct-support organizations and supplemental
121 support organizations, which include, but are not limited to,
122 alumni associations, foundations, parent-teacher associations,
123 and booster associations. The governing body of each direct-
124 support organization and supplemental support organization shall
125 recommend the expenditure of moneys collected by the

126 organization for the benefit of the school. Such expenditures
127 shall be contingent upon the review and approval of the Florida
128 Virtual School president and chief executive officer or an
129 authorized designee ~~director~~. ~~The executive director may~~
130 ~~override any proposed expenditure of the organization that would~~
131 ~~violate Florida law or breach sound educational management.~~

132 (f) In accordance with law and rules of the State Board of
133 Education, the board of trustees shall administer and maintain
134 personnel programs for all employees of the board of trustees
135 and the Florida Virtual School. The board of trustees may adopt
136 ~~rules, policies, and procedures~~ related to the appointment,
137 employment, and removal of personnel.

138 1. The board of trustees shall determine the compensation,
139 including salaries and fringe benefits, and other conditions of
140 employment for such personnel.

141 2. The board of trustees may establish and maintain a
142 personnel loan or exchange program by which persons employed by
143 the board of trustees for the Florida Virtual School as ~~academic~~
144 administrative and instructional staff may be loaned to, or
145 exchanged with persons employed in like capacities by, public
146 agencies either within or without this state, or by private
147 industry. With respect to public agency employees, the program
148 authorized by this subparagraph shall be consistent with the
149 requirements of part II of chapter 112. The salary and benefits
150 of board of trustees personnel participating in the loan or

151 exchange program shall be continued during the period of time
152 they participate in a loan or exchange program, and such
153 personnel shall be deemed to have no break in creditable or
154 continuous service or employment during such time. The salary
155 and benefits of persons participating in the personnel loan or
156 exchange program who are employed by public agencies or private
157 industry shall be paid by the originating employers of those
158 participants, and such personnel shall be deemed to have no
159 break in creditable or continuous service or employment during
160 such time.

161 3. The employment of all Florida Virtual School ~~academic~~
162 administrative personnel as defined in s. 1012.01(3) and
163 instructional personnel as defined in s. 1012.01(2) ~~shall be~~
164 ~~subject to rejection for cause by the board of trustees, and~~
165 shall be subject to policies of the board of trustees relative
166 to certification, tenure, leaves of absence, sabbaticals,
167 remuneration, and such other conditions of employment as the
168 board of trustees deems necessary and proper, not inconsistent
169 with law.

170 4. Each person employed by the board of trustees in an
171 ~~academic~~ administrative or instructional capacity with the
172 Florida Virtual School shall be entitled to a contract as
173 provided by policies ~~rules~~ of the board of trustees.

174 5. All employees except temporary, seasonal, and student
175 employees shall ~~may~~ be state employees for the purpose of being

176 eligible to participate in the Florida Retirement System and
177 receive benefits. The classification and pay plan, including
178 terminal leave and other benefits, and any amendments thereto,
179 shall be subject to review and approval by the Department of
180 Management Services and the Executive Office of the Governor
181 before ~~prior to~~ adoption.

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

184 (g)(h) The board of trustees shall establish and
185 distribute to all school districts and high schools in the state
186 procedures for enrollment of students in courses offered by the
187 Florida Virtual School.

188 (h)(i) The board of trustees shall establish criteria
189 defining the elements of an approved franchise. The board of
190 trustees may enter into contracts and franchise agreements with
191 Florida district school boards and other educational
192 institutions and governmental agencies and may establish the
193 terms and conditions governing such contracts and agreements.
194 ~~The board of trustees shall establish the performance and~~
195 ~~accountability measures and report the performance of each~~
196 ~~school district franchise to the Commissioner of Education.~~

197 (i)(j) The board of trustees shall submit to the State
198 Board of Education both forecasted and actual enrollments and
199 credit completions for the Florida Virtual School, according to
200 procedures established by the State Board of Education. At a

201 minimum, such procedures must include the number of public,
202 private, and home education students served by program and by
203 county of residence.

204 (j)~~(k)~~ The board of trustees shall provide for the content
205 and custody of student and employee personnel records. Student
206 records shall be subject to ~~the provisions of~~ s. 1002.22.
207 Employee records shall be subject to ~~the provisions of~~ s.
208 1012.31.

209 (k)~~(l)~~ The financial records and accounts of the Florida
210 Virtual School shall be maintained under the direction of the
211 board of trustees and under rules adopted by the State Board of
212 Education for the uniform system of financial records and
213 accounts for the schools of the state.

214
215 The Governor shall designate the initial chair of the board of
216 trustees to serve a term of 4 years. Members of the board of
217 trustees shall serve without compensation, but may be reimbursed
218 for per diem and travel expenses pursuant to s. 112.061. The
219 board of trustees shall be a body corporate with all the powers
220 of a body corporate and such authority as is needed for the
221 proper operation and improvement of the Florida Virtual School.
222 The board of trustees is specifically authorized to adopt ~~rules,~~
223 ~~policies, and procedures,~~ consistent with law and rules of the
224 State Board of Education related to governance, personnel,
225 budget and finance, administration, programs, curriculum and

226 instruction, travel and purchasing, technology, students,
227 contracts and grants, and property as necessary for optimal,
228 efficient operation of the Florida Virtual School. Tangible
229 personal property owned by the board of trustees shall be
230 subject to ~~the provisions of~~ chapter 273.

231 (3) Funding for the Florida Virtual School shall be
232 provided as follows:

233 (a)1. The calculation of "full-time equivalent student"
234 shall be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject
235 to s. 1011.61(4).

236 2. For a student in a home education program, funding
237 shall be provided in accordance with this subsection upon course
238 completion if the parent verifies, upon enrollment for each
239 course, that the student is registered with the school district
240 as a home education student pursuant to s. 1002.41(1)(a).

241 (b) Full-time equivalent student credit completed through
242 the Florida Virtual School, including credits completed during
243 the summer, shall be reported to the Department of Education in
244 the manner prescribed by the department and shall be funded
245 through the Florida Education Finance Program.

246 (c) School districts may not limit student access to
247 courses offered through the Florida Virtual School.

248 (d) Full-time equivalent student credit completion for
249 courses offered through the Florida Virtual School shall be
250 reported only by the Florida Virtual School. School districts

251 shall report full-time equivalent student membership only for
252 courses for which the district provides the instruction. Courses
253 delivered by the Florida Virtual School on a public school
254 campus shall be reported only by the school district in which
255 the student is enrolled.

256 (e) The comparable wage factor as provided in s.
257 1011.62(2) shall be established as 1.000.

258 (f) The Florida Virtual School shall receive state funds
259 for operating purposes as provided in the General Appropriations
260 Act. The calculation to determine the amount of state funds
261 includes: the sum of the basic amount for current operations
262 established in s. 1011.62(1)(s), the discretionary millage
263 compression supplement established in s. 1011.62(5), the state-
264 funded discretionary contribution established in s. 1011.62(6),
265 a per-full-time equivalent share of the exceptional student
266 education guaranteed allocation established in s. 1011.62(8),
267 the safe schools allocation established in s. 1011.62(12), and
268 the mental health assistance allocation established in s.
269 1011.62(13).

270 (g) In addition to the funds provided in the General
271 Appropriations Act, the Florida Virtual School may receive other
272 funds from grants and donations.

273 (4) School districts operating a virtual school that is an
274 approved franchise of the Florida Virtual School may count full-
275 time equivalent students, as provided in paragraph (3)(a), if

276 such school has been certified as an approved franchise by the
277 Commissioner of Education based on criteria established by the
278 board of trustees pursuant to paragraph (2)(h) ~~(2)(i)~~.

279 (5) Under no circumstance may the credit of the state be
280 pledged on behalf of the Florida Virtual School.

281 (6) The Florida Virtual School shall have an annual
282 financial audit of its accounts and records conducted by an
283 independent auditor who is a certified public accountant
284 licensed under chapter 473. The independent auditor shall
285 conduct the audit in accordance with rules adopted by the
286 Auditor General pursuant to s. 11.45 and, upon completion of the
287 audit, shall prepare an audit report in accordance with such
288 rules. The audit report must include a written statement by the
289 board of trustees describing corrective action to be taken in
290 response to each of the independent auditor's recommendations
291 included in the audit report. The independent auditor shall
292 submit the audit report to the board of trustees and the Auditor
293 General no later than 9 months after the end of the preceding
294 fiscal year.

295 (7) The board of trustees shall annually submit to the
296 Governor, the Legislature, the Commissioner of Education, and
297 the State Board of Education the audit report prepared pursuant
298 to subsection (6) and a complete and detailed report setting
299 forth:

300 ~~(a)~~ the operations and accomplishments of the Florida

301 Virtual School ~~within the state and those occurring outside the~~
302 ~~state as Florida Virtual School Global.~~

303 ~~(b) The marketing and operational plan for the Florida~~
304 ~~Virtual School and Florida Virtual School Global, including~~
305 ~~recommendations regarding methods for improving the delivery of~~
306 ~~education through the Internet and other distance learning~~
307 ~~technology.~~

308 ~~(c) The assets and liabilities of the Florida Virtual~~
309 ~~School and Florida Virtual School Global at the end of the~~
310 ~~fiscal year.~~

311 ~~(d) Recommendations regarding the unit cost of providing~~
312 ~~services to students through the Florida Virtual School and~~
313 ~~Florida Virtual School Global. In order to most effectively~~
314 ~~develop public policy regarding any future funding of the~~
315 ~~Florida Virtual School, it is imperative that the cost of the~~
316 ~~program is accurately identified. The identified cost of the~~
317 ~~program must be based on reliable data.~~

318 ~~(e) Recommendations regarding an accountability mechanism~~
319 ~~to assess the effectiveness of the services provided by the~~
320 ~~Florida Virtual School and Florida Virtual School Global.~~

321 (8) The State Board of Education may adopt rules it deems
322 necessary to implement reporting requirements for the Florida
323 Virtual School.

324 (9) (a) The Florida Virtual School may provide full-time
325 and part-time instruction for students in kindergarten through

326 | grade 12.

327 | (b) For students receiving part-time or full-time
328 | instruction in kindergarten through grade 12 ~~5~~ ~~and students~~
329 | ~~receiving full-time instruction in kindergarten through grade 12~~
330 | from the Florida Virtual School, the full-time equivalent
331 | student enrollment calculated under this subsection is subject
332 | to the requirements in s. 1011.61(4).

333 | (10) (a) Public school students receiving full-time
334 | instruction in kindergarten through grade 12 by the Florida
335 | Virtual School must take all statewide assessments required
336 | pursuant to s. 1008.22 and participate in the coordinated
337 | screening and progress monitoring system under s. 1008.25(9).

338 | (b) Public school students receiving part-time instruction
339 | by the Florida Virtual School in courses requiring statewide
340 | end-of-course assessments must take all statewide end-of-course
341 | assessments required pursuant to s. 1008.22.

342 | (c) Industry certification examinations, national
343 | assessments, ~~and~~ statewide assessments, and international
344 | assessments offered by the school district shall be available to
345 | all Florida Virtual School students.

346 | (d) Unless an alternative testing site is mutually agreed
347 | to by the Florida Virtual School and the school district or as
348 | contracted under s. 1008.24, all industry certification
349 | examinations, national assessments, progress monitoring under s.
350 | 1008.25(9), ~~and~~ statewide assessments, and international

351 assessments must be taken at the school to which the student
352 would be assigned according to district school board attendance
353 areas. A school district must provide the student with access to
354 the school's testing facilities, a test administrator, and the
355 date and time of the administration of progress monitoring and
356 each examination or assessment.

357 (11) The Florida Virtual School shall receive a school
358 grade pursuant to s. 1008.34 for students receiving full-time
359 instruction.

360 **Section 2.** This act shall take effect July 1, 2025.