

**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.)

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

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BILL: SB 124

INTRODUCER: Senator Rodriguez

SUBJECT: Florida Virtual School

DATE: January 28, 2025

REVISED: \_\_\_\_\_

| ANALYST    | STAFF DIRECTOR | REFERENCE | ACTION           |
|------------|----------------|-----------|------------------|
| 1. Palazes | Bouck          | ED        | <b>Favorable</b> |
| 2. Gray    | Elwell         | AED       | <b>Favorable</b> |
| 3. _____   | _____          | FP        | _____            |

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## I. Summary:

SB 124 makes both technical and substantive changes related to the Florida Virtual School (FLVS). These changes impact its governance, funding, reporting, and assessment requirements.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

## II. Present Situation:

### Florida Virtual School

Founded in 1997,<sup>1</sup> the Florida Virtual School (FLVS) was established for the development and delivery of online and distance learning education. The mission of FLVS is to provide all students in Florida with technology-based educational opportunities to gain knowledge and the necessary skills to succeed. The FLVS is required to prioritize students:

- Who need expanded access to courses to meet their educational goals.
- Who are seeking accelerated access to graduate at least one semester early.
- Who 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.<sup>2</sup>

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<sup>1</sup> Florida Virtual School, *About Us*, <https://www.flvs.net/about-us>, (last visited Jan. 6, 2025).

<sup>2</sup> Section 1002.37(1), F.S.

In the 2024-2025 school year, 9,035 students were enrolled in FLVS full-time in kindergarten through grade 12 and taught by 2,517 teachers.<sup>3</sup> Additionally, school districts may contract with FLVS to offer an approved FLVS school district franchise for part-time or full-time students.

### ***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. 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.

The board oversees the development of the FLVS's technology-based education system, ensuring its programs are cost-effective, educationally sound, marketable, and self-sustaining through the Florida Education Finance Program. 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. Additionally, the board may receive supplemental revenue from support organizations such as alumni associations, foundations, parent-teacher associations, and booster clubs. These organizations must recommend the expenditures of the money they collect for the FLVS, subject to review by the executive director, who has the authority to reject any spending that violates Florida law or sound educational management.

The FLVS board, like other district school boards, is responsible for administering and maintaining a personnel program for all FLVS employees. All employees of the 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.<sup>4</sup>

### ***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 its financial audit and the following:

- 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 the FLVS and FLVS Global.

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<sup>3</sup> 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 Jan. 6, 2025).

<sup>4</sup> Section 1002.37(2), F.S.

- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.<sup>5</sup>

### ***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. Additionally, industry certification examinations, national assessments, and statewide assessments offered by the school district are required to be made available to all FLVS students. If the FLVS and the school district have not agreed upon an alternative testing site, the FLVS student must 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.<sup>6</sup>

### ***Recommendations Regarding the Governance, Operation and Organization of the Florida Virtual School***

In 2019, the Department of Education contracted with Ernst & Young to evaluate the FLVS and concluded that certain components of the statutory framework for FLVS no longer fully reflected FLVS's actual operations or the scope of students it serves.

The report noted that the mission statement in law does not capture FLVS's role in serving a wide range of constituencies, including students in career and technical education, alternative and juvenile justice settings, adult high school completion programs, English language learners, gifted education, and other students with unique learning needs, and recommended updating the mission in statute so that it expressly embraces "service to all students in Florida."<sup>7</sup> The report also found that FLVS's governance structure should be more streamlined by clarifying and formalizing the executive director/CEO role in statute, delegating greater operational authority to the CEO, and recalibrating the board's responsibilities so that FLVS executive leadership is empowered to manage day-to-day operations while the board concentrates on high-level governance.<sup>8</sup>

In addition, the report highlighted the importance of FLVS Global and other out-of-state services as revenue streams that should be reinvested into curriculum and course development for Florida students and recommended treating the FLVS foundation like a state-agency direct-support

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<sup>5</sup> Section 1002.37(7), F.S.

<sup>6</sup> Section 1002.37(10), F.S.

<sup>7</sup> Florida Department of Education, *Recommendations Regarding the Governance, Operation and Organization of the Florida Virtual School*, at 16 (Nov. 2019) available at [https://www.google.com/url?client=internal-element-cse&cx=001098588266447694026:-7bfbq6htw0&q=https://www.fldoe.org/core/fileparse.php/18826/urlt/FLVSReport.pdf&sa=U&ved=2ahUKewiP\\_baoxaSRAxUZJ0QIHUlaAboQFnoECAQQA&usg=AOvVaw1LdV7ODd68cpk9MhaduKIU](https://www.google.com/url?client=internal-element-cse&cx=001098588266447694026:-7bfbq6htw0&q=https://www.fldoe.org/core/fileparse.php/18826/urlt/FLVSReport.pdf&sa=U&ved=2ahUKewiP_baoxaSRAxUZJ0QIHUlaAboQFnoECAQQA&usg=AOvVaw1LdV7ODd68cpk9MhaduKIU) (last visited Jan. 6, 2026).

<sup>8</sup> *Id.* at 11, 19-20.

organization<sup>9</sup> to ensure the foundation operates under clear organizational, operational, and audit requirements in law.<sup>10</sup>

### III. Effect of Proposed Changes:

This bill amends s. 1002.37, F.S., to align the Florida Virtual School (FLVS) statute with several recommendations from the Department of Education's evaluation of the FLVS and to make related technical and conforming changes. Specifically, the bill as it relates to:

- Florida Virtual School (FLVS) governance:
  - Removes FLVS requirements to give priority to students who need expanded access to courses; seeking accelerated access in order to earn a high school diploma a semester early; or who are children of an active-duty member of the United States Armed Forces to reflect the capacity of the FLVS to serve all students without the need for prioritization.
  - Authorizes the FLVS president and chief executive officer to request a meeting of the FLVS Board of Trustees (Board), rather than only the board chair or membership, and authorizes the board to enter into a contract with other public and private entities and government agencies rather than limiting the board to franchise agreements with school districts.
  - Aligns the definition of instructional and administrative personnel at FLVS with current law for K-12 public school personnel, and removes the provision allowing the board to reject such personnel from employment for cause.
  - Requires, rather than authorizes, FLVS employees, except for temporary, seasonal, and student employees, to be state employees for the purpose of being eligible to participate in the Florida Retirement System.
- FLVS funding:
  - Includes all full-time and part-time FLVS students for the purposes of full-time equivalent student calculations.
  - Authorizes the FLVS to approve and accrue supplemental revenue from a direct support organization.
  - Requires that expenditures from all supplemental funds be contingent upon review and approval of the FLVS president and chief executive officer.
- The FLVS annual report, 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.

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<sup>9</sup> Direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the DSO was created to support. Section 20.058, F.S., establishes a comprehensive set of transparency and reporting requirements for DSOs.

<sup>10</sup> Florida Department of Education, Recommendations Regarding the Governance, *Operation and Organization of the Florida Virtual School* at 12 and 18.

- Assessment requirements, the bill requires a school district to provide a test administrator when a student from the FLVS is participating in required statewide assessments, the coordinated screening and progress monitoring system, industry certification examinations, and national assessments at the assigned school.

The bill takes effect on July 1, 2026.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

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:

This bill does not have a fiscal impact on state revenues or expenditures.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1002.37 of the Florida Statutes.

**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.

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

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