

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 129](#)

TITLE: The Florida Virtual School

SPONSOR(S): Smith

COMPANION BILL: [SB 124](#) (Rodriguez)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Education Administration](#)

14 Y, 2 N



[PreK-12 Budget](#)

13 Y, 0 N



[Education & Employment](#)

SUMMARY

Effect of the Bill:

The bill amends a number of provisions in the Florida Virtual School (FLVS) statute by allowing the FLVS to serve all students in Florida without need for a priority system, clarifying existing authority regarding the receipt and use of supplemental funding, providing additional authority regarding contracting, and clarifying the role of school districts when providing support for FLVS students taking assessments.

Fiscal or Economic Impact:

The bill has a positive fiscal impact due to authorizing Florida Virtual School to accrue supplemental revenue from direct-support organizations.

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

The bill removes language from the [Florida Virtual School](#) (FLVS) statute related to priority enrollment due to the ability of the FLVS to serve all students without the need to resort to a priority system. The bill authorizes the FLVS president and chief executive officer to call a meeting of the FLVS board of trustees (board). The bill includes direct-support organizations in the entities the FLVS is authorized to accrue supplemental funding from. The bill provides that the use of supplemental funds is subject to review and approval by the FLVS president and chief executive officer or authorized designees.

The bill clarifies which personnel are subject to the FLVS board policies governing certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment. The bill removes language expressly making administrative and instructional personnel subject to rejection from employment by the board for cause.

The bill authorizes the FLVS board to enter into contracts with public and private entities and governmental agencies in addition to the existing authority to establish franchise agreements with school districts. The bill maintains the requirement that the FLVS submit an annual report setting forth the operations and accomplishments of the FLVS, but removes specified requirements related to the contents of the report.

With regard to funding, the bill includes all full-time and part-time FLVS students for purposes of full-time equivalent student calculations. With regard to assessments, the bill requires that a school district provide a test administrator for FLVS students taking the progress monitoring and other assessments at the students' assigned school. (Section [1](#)).

The effective date of the bill is July 1, 2026. (Section [2](#)).

STORAGE NAME: h0129c.PKB

DATE: 1/13/2026

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Florida Virtual School Background

Founded in 1997,¹ the FLVS was established for the development and delivery of online and distance learning education.² The mission of the FLVS is to provide all students in Florida with technology-based educational opportunities to gain knowledge and gain the necessary skills to succeed. The FLVS is a public school district comprised of six schools (FLVS Flex Elementary, 6-8, and 9-12; and FLVS Full-Time Elementary, 6-8, 9-12) serving all Florida school districts. All teachers are state certified in the content areas they teach and have completed extensive professional development in online education. The FLVS, the district and its schools are accredited. The FLVS offers more than 200 courses, including Advanced Placement, Cambridge AICE Diploma, honors, NCAA approved core, world languages, electives, college prep, and career and technical education courses.³ The FLVS is required to prioritize admission of students that:⁴

- Need expanded access to courses to meet their educational goals.
- Seek accelerated access to graduate at least one semester early.
- 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 the FLVS, the Commissioner of Education (Commissioner) is required to provide the FLVS board with access to records of public school students.⁵

In the 2024-2025 school year, 9,035 students were enrolled in the FLVS full-time program in grades kindergarten through grade 12 and taught by 2,517 teachers.⁶ In total, the FLVS served 233,179 students in public, private, charter, and home schools across its full-time and part-time programs.⁷

Florida Virtual School Governance

The FLVS board is comprised of seven members appointed by the Governor to 4-year staggered terms. Board members are public officers who bear fiduciary responsibility for the FLVS.⁸ 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.⁹

The board oversees the development of the FLVS’ technology-based education system, ensuring its programs are cost-effective, educationally sound, marketable, and self-sustaining through the Florida Education Finance Program.¹⁰ The board is also tasked with seeking avenues to generate revenue to support its future programs and

¹ Florida Virtual School, *About Us*, <https://www.flvs.net/about-us>, (last visited Jan. 6, 2026).
² Section [1002.37\(1\)\(a\), F.S.](#)
³ Florida Virtual School, *2023-24 Florida Virtual School Legislative Report*, at 3, available at https://www.flvs.net/docs/flvsnewlibraries/legislative-reports/2023-24-legislative-report-final.pdf?sfvrsn=7ea9242a_1. The full-time FLVS schools, and the franchises operated by Florida’s public school districts through contract with FLVS, receive school grades in the same manner as other public schools. Florida Department of Education, *Florida School Accountability Reports*, <https://www.fldoe.org/accountability/accountability-reporting/school-grades/> (last visited Jan. 6, 2026). (click the “School Grades” hyperlink to download an excel file containing the school grades)
⁴ Section [1002.37\(1\)\(b\), F.S.](#)
⁵ Section [1002.37\(1\)\(c\), F.S.](#)
⁶ 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, 2026).
⁷ Email, Florida Virtual School, *Student Data Information* (Oct. 21, 2025), on file with the Education Administration Subcommittee. (attached file “Overview Infographic_25-26”)
⁸ Section [1002.37\(2\), F.S.](#)
⁹ Section [1002.37\(2\)\(a\), F.S.](#)
¹⁰ Section [1002.37\(2\)\(b\), F.S.](#)

any funds that are generated from patents, copyrights, trademarks, or licenses are considered internal funds.¹¹ 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 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.¹²

The FLVS board, like other district school boards, is responsible for administering and maintaining a personnel program for all the FLVS employees.¹³ The employment of all the FLVS academic administrative and instructional personnel must be subject to rejection for cause by the board, and must be subject to policies of the board relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board deems necessary and proper, not inconsistent with the law.¹⁴ 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.¹⁵

The FLVS board must establish criteria defining the elements of an approved franchise. The board may enter into franchise agreements with Florida district school boards¹⁶ and may establish the terms and conditions governing such agreements. The board establishes the performance and accountability measures and reports the performance of each school district franchise to the Commissioner.¹⁷

Florida Virtual School Required Annual Report

The board is required to annually submit to the Governor, the Legislature, the Commissioner and the State Board of Education the results from their financial audit and the following:¹⁸

- 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.
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.

Assessment Requirements for Florida Virtual School Students

Public school students receiving full-time instruction in kindergarten through grade 12 offered by the FLVS must take all required statewide assessments and participate in the coordinated screening and progress monitoring system.¹⁹ Additionally, industry certification examinations, national assessments, and statewide assessments offered by the school district are required to be made available to all FLVS students.²⁰ If the FLVS and a school district have not agreed upon an alternative testing site, the FLVS student must take the assessments at the school

¹¹ 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 establish the principles and procedures to be followed in administering these funds consistent with regulations adopted by the State Board of Education.

¹² Section [1002.37\(2\)\(e\), F.S.](#)

¹³ Section [1002.37\(2\)\(f\), F.S.](#)

¹⁴ Section [1002.37\(2\)\(f\)3., F.S.](#)

¹⁵ Section [1002.37\(2\)\(f\)5., F.S.](#)

¹⁶ See [s. 1002.45\(1\)\(b\)1., F.S.](#)

¹⁷ Section [1002.37\(2\)\(i\), F.S.](#)

¹⁸ Section [1002.37\(7\), F.S.](#)

¹⁹ Section [1002.37\(10\)\(a\), F.S.](#)

²⁰ Section [1002.37\(10\)\(c\), F.S.](#)

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.²¹

RECENT LEGISLATION:

| YEAR | BILL #/SUBJECT | HOUSE/SENATE SPONSOR(S) | OTHER INFORMATION |
|------|---|-------------------------|--|
| 2025 | CS/SB 1122 - Florida Virtual School | Smith/ <i>Burton</i> | The bill passed the Senate, but died in the House. |
| 2023 | HB 5101 - Education | Tomkow/ <i>Broxson</i> | The bill became law on July 1, 2023. |
| 2021 | HB 5101 - Education Funding | Fine/ <i>Stargel</i> | The bill became law on July 1, 2021. |

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|---|-----------|-----------|---------------------------------|-------------------------|
| Education Administration Subcommittee | 14 Y, 2 N | 12/2/2025 | Sleap | Wolff |
| PreK-12 Budget Subcommittee | 13 Y, 0 N | 1/13/2026 | Potvin | Bailey |
| Education & Employment Committee | | | | |

²¹ Section [1002.37\(10\)\(d\), F.S.](#)