

By Senator Rodriguez

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A bill to be entitled
An act relating to the Florida Virtual School;
amending s. 1002.37, F.S.; deleting provisions
relating to the Florida Virtual School giving priority
to certain students; revising who may call a board of
trustees meeting; providing that the board of trustees
may use supplemental funding sources to develop a
state-of-the-art technology-based education delivery
system; authorizing the Florida Virtual School to
accrue supplemental revenue from direct-support
organizations; revising which entities review and
approve expenditures; revising which personnel are
subject to policies of the board of trustees; deleting
a requirement for the board of trustees to establish
priorities for the admission of students; deleting a
requirement for the board of trustees to establish
performance and accountability measures; revising
requirements for an annual report the board of
trustees must submit to specified entities; revising
which students are subject to specified requirements;
making technical changes; providing an effective date.

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

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

1002.37 The Florida Virtual School.—

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(1)

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. The school shall serve all students ~~any student~~ in the state who meet ~~meets~~ the profile for success in this educational delivery context ~~and shall give priority to:~~

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

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

~~3. Students 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.~~

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

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high

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student achievement, seamless articulation, and maximum access.

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

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

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

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

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such

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patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be considered internal funds ~~as provided in s. 1011.07~~. Such funds shall be used to support the school's mission and its marketing, ~~and~~ research, and development activities in order to improve courseware and services to its students.

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

(e) The Florida Virtual School may accrue supplemental revenue from direct-support organizations and supplemental support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each direct-support and supplemental support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the review and approval of the president and chief executive officer of the Florida Virtual School or authorized designees ~~executive director. The executive director may override any proposed expenditure of the organization that would violate Florida law or breach sound educational management.~~

(f) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain

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117 personnel programs for all employees of the board of trustees
118 and the Florida Virtual School. The board of trustees may adopt
119 ~~rules, policies, and procedures~~ related to the appointment,
120 employment, and removal of personnel.

121 1. The board of trustees shall determine the compensation,
122 including salaries and fringe benefits, and other conditions of
123 employment for such personnel.

124 2. The board of trustees may establish and maintain a
125 personnel loan or exchange program by which persons employed by
126 the board of trustees for the Florida Virtual School as ~~academic~~
127 administrative and instructional staff may be loaned to, or
128 exchanged with persons employed in like capacities by, public
129 agencies either within or without this state, or by private
130 industry. With respect to public agency employees, the program
131 authorized by this subparagraph shall be consistent with the
132 requirements of part II of chapter 112. The salary and benefits
133 of board of trustees personnel participating in the loan or
134 exchange program shall be continued during the period of time
135 they participate in a loan or exchange program, and such
136 personnel shall be deemed to have no break in creditable or
137 continuous service or employment during such time. The salary
138 and benefits of persons participating in the personnel loan or
139 exchange program who are employed by public agencies or private
140 industry shall be paid by the originating employers of those
141 participants, and such personnel shall be deemed to have no
142 break in creditable or continuous service or employment during
143 such time.

144 3. The employment of all Florida Virtual School ~~academic~~
145 ~~administrative and instructional personnel~~ or administrative

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146 personnel, as those terms are defined in s. 1012.01(2) and (3),
147 respectively ~~shall be subject to rejection for cause by the~~
148 ~~board of trustees, and~~ shall be subject to policies of the board
149 of trustees relative to certification, tenure, leaves of
150 absence, sabbaticals, remuneration, and such other conditions of
151 employment as the board of trustees deems necessary and proper,
152 not inconsistent with law.

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

157 5. All employees except temporary, seasonal, and student
158 employees must ~~may~~ be state employees for the purpose of being
159 eligible to participate in the Florida Retirement System and
160 receive benefits. The classification and pay plan, including
161 terminal leave and other benefits, and any amendments thereto,
162 shall be subject to review and approval by the Department of
163 Management Services and the Executive Office of the Governor
164 prior to adoption.

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

167 ~~(h)~~ The board of trustees shall establish and distribute to
168 all school districts and high schools in the state procedures
169 for enrollment of students in courses offered by the Florida
170 Virtual School.

171 (h) ~~(i)~~ The board of trustees shall establish criteria
172 defining the elements of an approved franchise. The board of
173 trustees may enter into contracts and franchise agreements with
174 Florida district school boards and other public and private

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175 entities and governmental agencies and may establish the terms
176 and conditions governing such contracts or agreements. ~~The board~~
177 ~~of trustees shall establish the performance and accountability~~
178 ~~measures and report the performance of each school district~~
179 ~~franchise to the Commissioner of Education.~~

180 (i)~~(j)~~ The board of trustees shall submit to the State
181 Board of Education both forecasted and actual enrollments and
182 credit completions for the Florida Virtual School, according to
183 procedures established by the State Board of Education. At a
184 minimum, such procedures must include the number of public,
185 private, and home education students served by program and by
186 county of residence.

187 (j)~~(k)~~ The board of trustees shall provide for the content
188 and custody of student and employee personnel records. Student
189 records shall be subject to the provisions of s. 1002.22.
190 Employee records shall be subject to the provisions of s.
191 1012.31.

192 (k)~~(l)~~ The financial records and accounts of the Florida
193 Virtual School shall be maintained under the direction of the
194 board of trustees and under rules adopted by the State Board of
195 Education for the uniform system of financial records and
196 accounts for the schools of the state.

197
198 The Governor shall designate the initial chair of the board of
199 trustees to serve a term of 4 years. Members of the board of
200 trustees shall serve without compensation, but may be reimbursed
201 for per diem and travel expenses pursuant to s. 112.061. The
202 board of trustees shall be a body corporate with all the powers
203 of a body corporate and such authority as is needed for the

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proper operation and improvement of the Florida Virtual School. The board of trustees is specifically authorized to adopt ~~rules, policies, and procedures,~~ consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

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

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

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

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

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

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

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

(9)

(b) For students receiving full-time or part-time instruction in kindergarten through grade 5 ~~and students receiving full-time instruction in kindergarten through grade 12~~ from the Florida Virtual School, the full-time equivalent student enrollment calculated under this subsection is subject to the requirements in s. 1011.61(3).

(10)

(d) Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, all industry certification examinations, national assessments, progress monitoring under s. 1008.25(9), and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing

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262 facilities, a test administrator, and the date and time of the
263 administration of progress monitoring and each examination or
264 assessment.

265 Section 2. This act shall take effect July 1, 2026.