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1  
2 An act relating to the Florida Virtual School;  
3 amending s. 1002.37, F.S.; deleting provisions  
4 relating to the Florida Virtual School giving priority  
5 to certain students; revising who may call a board of  
6 trustees meeting; providing that the board of trustees  
7 may use supplemental funding sources to develop a  
8 state-of-the-art technology-based education delivery  
9 system; authorizing the Florida Virtual School to  
10 accrue supplemental revenue from direct-support  
11 organizations; revising which entities review and  
12 approve expenditures; revising which personnel are  
13 subject to policies of the board of trustees; deleting  
14 a requirement for the board of trustees to establish  
15 priorities for the admission of students; deleting a  
16 requirement for the board of trustees to establish  
17 performance and accountability measures; revising  
18 requirements for an annual report the board of  
19 trustees must submit to specified entities; revising  
20 which students are subject to specified requirements;  
21 making technical changes; providing an effective date.  
22

23 Be It Enacted by the Legislature of the State of Florida:  
24

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

29 1002.37 The Florida Virtual School.—

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30 (1)

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

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

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

43 ~~3. Students who are children of an active duty member of~~  
44 ~~the United States Armed Forces who is not stationed in this~~  
45 ~~state whose home of record or state of legal residence is~~  
46 ~~Florida.~~

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

52  
53 The board of trustees of the Florida Virtual School shall  
54 identify appropriate performance measures and standards based on  
55 student achievement that reflect the school's statutory mission  
56 and priorities, and shall implement an accountability system for  
57 the school that includes assessment of its effectiveness and  
58 efficiency in providing quality services that encourage high

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59 student achievement, seamless articulation, and maximum access.

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

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

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

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

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

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

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

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

115 (f) In accordance with law and rules of the State Board of  
116 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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204 proper operation and improvement of the Florida Virtual School.  
205 The board of trustees is specifically authorized to adopt ~~rules,~~  
206 ~~policies, and procedures,~~ consistent with law and rules of the  
207 State Board of Education related to governance, personnel,  
208 budget and finance, administration, programs, curriculum and  
209 instruction, travel and purchasing, technology, students,  
210 contracts and grants, and property as necessary for optimal,  
211 efficient operation of the Florida Virtual School. Tangible  
212 personal property owned by the board of trustees shall be  
213 subject to the provisions of chapter 273.

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

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

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

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

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

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

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

246       (9)

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

253       (10)

254       (d) Unless an alternative testing site is mutually agreed  
255 ~~to by the Florida Virtual School and the school district or as~~  
256 ~~contracted under s. 1008.24, all industry certification~~  
257 ~~examinations, national assessments, progress monitoring under s.~~  
258 ~~1008.25(9), and statewide assessments must be taken at the~~  
259 ~~school to which the student would be assigned according to~~  
260 ~~district school board attendance areas. A school district must~~  
261 ~~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.