

By Senator Truenow

13-01357A-26

2026818__

A bill to be entitled

An act relating to education in the criminal justice system; amending s. 944.275, F.S.; authorizing the Department of Corrections to award gain time for an inmate who completes specified education programs; revising an exception for earning gain time; amending s. 1002.37, F.S.; revising the purpose of the Florida Virtual School to provide for the development and delivery of blended learning; requiring the Florida Virtual School to give priority to students enrolled in the Florida Virtual School Justice Education Program; conforming a reporting requirement to changes made by the act; revising the calculation of a "full-time equivalent student" for purposes of determining funding for the Florida Virtual School; requiring that full-time equivalent students enrolled in a certain blended learning program be reported to the Department of Education in a specified manner; specifying conditions under which the Florida Virtual School may be funded through the Florida Education Finance Program; revising the requirements for a report the board of trustees of the Florida Virtual School is required to submit annually to certain entities, beginning with a specified school year; requiring that students enrolled in the Florida Virtual School Justice Education Program take specified examinations and assessments at institutions or facilities operated by, or under the supervision of, the Department of Corrections; providing for the determination of

13-01357A-26

2026818__

Florida Virtual School performance related to the Justice Education Program; creating s. 1002.371, F.S.; requiring the Florida Virtual School to establish the Florida Virtual School Justice Education Program, beginning with a specified school year; providing the purpose of the program; specifying requirements for courses delivered by the program; requiring that students in blended learning courses be full-time students; providing that the funding, performance, and accountability requirements for such blended learning courses are the same as for traditional classroom courses; requiring the Florida Virtual School to report program students separately from other students for funding purposes; providing for funding of students enrolled in the program; authorizing students who turn 22 years of age while enrolled in the program to remain enrolled under certain circumstances; prohibiting funding for such students from being reported through the Florida Education Finance Program; requiring the Department of Education, with assistance from specified entities, to select a common student assessment instrument and protocol for measuring student learning gains and progression; requiring specified entities to jointly review such assessment instrument and protocol and implement changes as necessary; authorizing students removed from the program to appeal to seek reinstatement, subject to a final determination on the appeal by the Commissioner of Education; requiring the Florida

13-01357A-26

2026818__

Virtual School to negotiate by a specified date and annually thereafter a cooperative agreement with the Department of Corrections to implement the program; specifying requirements for such agreement; providing construction; requiring the State Board of Education and the Department of Corrections to adopt rules; amending s. 1011.61, F.S.; revising the definition of the term "full-time equivalent student"; providing an effective date.

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

Section 1. Present paragraphs (e) and (f) of subsection (4) of section 944.275, Florida Statutes, are redesignated as paragraphs (h) and (i), respectively, and amended, and new paragraphs (e) and (f) and paragraph (g) are added to that subsection, to read:

944.275 Gain-time.—

(4)

(e) Notwithstanding the monthly maximum awards of incentive gain-time under subparagraphs (b)1., 2., and 3., the department may grant awards of 60 to 180 additional days of vocational or workforce preparedness incentive gain-time to an inmate who is otherwise eligible and who successfully completes requirements for, and is or has been during the current commitment awarded, a vocational certificate not resulting in credit under paragraph (d), or who completes any other career, workforce preparedness, or technical education program, including the prison entrepreneurship program. The department may also grant awards

13-01357A-26

2026818__

of 30-90 days to an inmate who completes an educational or rehabilitation program not resulting in credit under paragraph (d) or this paragraph, including, but not limited to, drug, behavioral health, or mental health treatment programs, life skills, reentry programs, or character-based programs.

(f) Notwithstanding the monthly maximum awards of incentive gain-time under subparagraphs (b)1., 2., and 3., the department may grant up to 5 days per month of workforce preparedness incentive gain-time for each month in which an inmate participates in a vocational or workforce preparedness program as designated by the department. Under no circumstances may an inmate receive workforce preparedness incentive gain-time awards in excess of 15 percent of the sentence imposed for that inmate.

(g) Notwithstanding the monthly maximum awards of incentive gain-time under subparagraphs (b)1., 2., and 3., the department may grant up to three additional incentive gain-time awards of up to 60 days each to an inmate who has used his or her time constructively and demonstrated a diligent commitment to rehabilitation considering the availability and accessibility of education, work assignments, workforce preparation training, and any other programming in the inmate's place or places of incarceration.

~~(h)1.(e)1.~~ Notwithstanding subparagraph (b)3., for sentences imposed for offenses committed on or after October 1, 2014, and before July 1, 2023, the department may not grant incentive gain-time if the offense is a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

13-01357A-26

2026818__

2. Notwithstanding subparagraph (b)3., for sentences imposed for offenses committed on or after July 1, 2023, the department may not grant incentive gain-time if the offense is for committing or attempting, soliciting, or conspiring to commit a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

~~(i)(f)~~ An inmate ~~who is~~ subject to subparagraph (b)3. is not eligible to earn or receive gain-time under paragraph (a), paragraph (b), paragraph (c), ~~or~~ paragraph (d), paragraph (e), paragraph (f), or paragraph (g) or any other type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, before ~~prior to~~ serving a minimum of 65 percent of the sentence imposed for inmates serving a sentence for a nonviolent felony as defined in s. 948.20(1), or 85 percent of the sentence imposed. For purposes of this paragraph, credits awarded by the court for time physically incarcerated shall be credited toward satisfaction of the applicable minimum ~~85 percent~~ of the sentence imposed. Except as provided by this section, a prisoner may not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served the applicable minimum ~~85 percent~~ of the sentence imposed. State prisoners sentenced to life imprisonment shall be incarcerated for the rest of their natural lives, unless granted pardon or clemency.

Section 2. Present paragraphs (c) through (g) of subsection (3) of section 1002.37, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, a new paragraph (c)

13-01357A-26

2026818__

and paragraph (i) are added to that subsection, paragraph (e) is added to subsection (10) of that section, and paragraphs (a) and (b) of subsection (1), paragraphs (c) and (j) of subsection (2), paragraph (a) of subsection (3), and subsections (7) and (11) of that section are amended, to read:

1002.37 The Florida Virtual School.—

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

(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 any student in this ~~the~~ state who meets the profile for success in this educational delivery context and shall give priority to all of the following:

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.

4. Students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371.

13-01357A-26

2026818__

175
176 The board of trustees of the Florida Virtual School shall
177 identify appropriate performance measures and standards based on
178 student achievement that reflect the school's statutory mission
179 and priorities, and shall implement an accountability system for
180 the school that includes assessment of its effectiveness and
181 efficiency in providing quality services that encourage high
182 student achievement, seamless articulation, and maximum access.

183 (2) The Florida Virtual School shall be governed by a board
184 of trustees comprised of seven members appointed by the Governor
185 to 4-year staggered terms. The board of trustees shall be a
186 public agency entitled to sovereign immunity pursuant to s.
187 768.28, and board members shall be public officers who shall
188 bear fiduciary responsibility for the Florida Virtual School.
189 The board of trustees shall have the following powers and
190 duties:

191 (c) The board of trustees shall aggressively seek avenues
192 to generate revenue to support its future endeavors, and shall
193 enter into agreements with blended ~~distance~~ learning providers.
194 The board of trustees may acquire, enjoy, use, and dispose of
195 patents, copyrights, and trademarks and any licenses and other
196 rights or interests thereunder or therein. Ownership of all such
197 patents, copyrights, trademarks, licenses, and rights or
198 interests thereunder or therein shall vest in the state, with
199 the board of trustees having full right of use and full right to
200 retain the revenues derived therefrom. Any funds realized from
201 patents, copyrights, trademarks, or licenses are ~~shall be~~
202 considered internal funds as provided in s. 1011.07. Such funds
203 shall be used to support the school's marketing and research and

13-01357A-26

2026818__

development activities in order to improve courseware and services to its students.

(j) The board of trustees shall submit to the State Board of Education both forecasted and actual enrollments and credit completions for the Florida Virtual School, according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of public, private, and home education students served, by program and by county of residence, and the number of students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371.

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

(3) Funding for the Florida Virtual School shall be

13-01357A-26

2026818__

provided as follows:

(a)1. The calculation of a “full-time equivalent student” enrolled in an online learning program is ~~shall be as~~ prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to s. 1011.61(3).

2. The calculation of a full-time equivalent student enrolled in a blended learning program offered pursuant to s. 1002.371 is prescribed in s. 1011.61(1)(c)1.b.(I) and is subject to s. 1011.61(4).

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

(c) A full-time equivalent student enrolled in a blended learning program offered pursuant to s. 1002.371, including a student enrolled during the summer, must be reported to the Department of Education in the manner the department prescribes and must be funded through the Florida Education Finance Program.

(i) The Florida Virtual School may be funded for blended learning through the Florida Education Finance Program only for full-time students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371. However, such students may enroll in online courses and be funded as provided in paragraph (a).

(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

13-01357A-26

2026818__

262 forth:

263 (a) The operations and accomplishments of the Florida
264 Virtual School within this ~~the~~ state and those occurring outside
265 this ~~the~~ state as Florida Virtual School Global and, beginning
266 with the 2026-2027 school year, the Florida Virtual School
267 Justice Education Program established under s. 1002.371.

268 (b) The marketing and operational plan for the Florida
269 Virtual School, and Florida Virtual School Global, and,
270 beginning with the 2026-2027 school year, the Florida Virtual
271 School Justice Education Program established under s. 1002.371,
272 including recommendations regarding methods for improving the
273 delivery of education through the Internet and other distance
274 learning technology.

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

278 (d) Recommendations regarding the unit cost of providing
279 services to students through the Florida Virtual School, and
280 Florida Virtual School Global, and, beginning with the 2026-2027
281 school year, the Florida Virtual School Justice Education
282 Program established under s. 1002.371. In order to most
283 effectively develop public policy regarding any future funding
284 of the Florida Virtual School, it is imperative that the cost of
285 the program is accurately identified. The identified cost of the
286 program must be based on reliable data.

287 (e) Recommendations regarding an accountability mechanism
288 to assess the effectiveness of the services provided by the
289 Florida Virtual School, and Florida Virtual School Global, and,
290 beginning with the 2026-2027 school year, the Florida Virtual

13-01357A-26

2026818__

School Justice Education Program established under s. 1002.371.

(10)

(e) Students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371 must take all industry certification examinations, national assessments, and statewide standardized assessments at the institution or facility operated by, or under the supervision of, the Department of Corrections.

(11) The Florida Virtual School shall receive a school grade pursuant to s. 1008.34 for students receiving full-time instruction pursuant to this section. School performance for the Florida Virtual School as it relates to the Florida Virtual School Justice Education Program must be assessed based on student learning gains and student progression, as demonstrated by the student assessment instrument and protocol selected pursuant to s. 1002.371(6).

Section 3. Section 1002.371, Florida Statutes, is created to read:

1002.371 Florida Virtual School Justice Education Program.—

(1) Beginning with the 2026-2027 school year, the Florida Virtual School shall establish the Florida Virtual School Justice Education Program to offer inmates younger than 22 years of age housed in institutions and facilities operated by, or under the supervision of, the Department of Corrections the opportunity to earn a standard high school diploma pursuant to s. 1003.4282. Courses must be delivered in an educational setting under the supervision of the Department of Corrections by Florida Virtual School personnel certified pursuant to s. 1012.55 who provide instruction through online courses pursuant to s. 1002.37 or through blended learning courses consisting of

13-01357A-26

2026818__

both traditional classroom and online instructional techniques.
Students in blended learning courses must be full-time students
of the school as provided in s. 1011.61(1)(a)1. The funding,
performance, and accountability requirements for blended
learning courses are the same as those for traditional classroom
courses.

(2) The Florida Virtual School shall separately report all
students enrolled in the program for purposes of the Florida
Education Finance Program.

(3) The Florida Virtual School shall receive state funds
for operating purposes as provided in the General Appropriations
Act for students enrolled in the program. The calculation to
determine the amount of state funds is prescribed in s.
1002.37(3)(g).

(4) The program must include and receive funding for a
summer school period that must begin on the day immediately
following the end of the regular school year and end on the day
immediately preceding the subsequent regular school year.
Students may not be funded for more than 25 hours per week of
instruction.

(5) A student who turns 22 years of age while enrolled in
the program may remain enrolled if his or her continued
enrollment is approved by the Florida Virtual School and the
Department of Corrections; however, funding for such student may
not be reported through the Florida Education Finance Program.

(6) The Department of Education, with assistance from the
Florida Virtual School and the Department of Corrections, shall
select a common student assessment instrument and protocol for
measuring student learning gains and student progression for

13-01357A-26

2026818__

students receiving full-time instruction pursuant to this
section. The Department of Education, the Florida Virtual
School, and the Department of Corrections shall jointly review
the effectiveness of such assessment instrument and protocol and
implement changes as necessary.

(7) A student removed from the program may appeal to the
Department of Education to seek reinstatement, subject to a
final determination on the appeal by the Commissioner of
Education.

(8) By July 1, 2027, and annually thereafter, the Florida
Virtual School shall negotiate a cooperative agreement with the
Department of Corrections for the delivery of educational
services to students under the jurisdiction of the Department of
Corrections to implement the program. Such agreement must
provide for, but need not be limited to:

(a) Roles and responsibilities of the Florida Virtual
School and the Department of Corrections, including the roles
and responsibilities of contract providers.

(b) Resolution of administrative issues, including
procedures for sharing information.

(c) Allocation of resources, including the maximization of
state and federal funding.

(d) Procedures for educational evaluation for exceptional
education students and those with special needs.

(e) Procedures for individualized progress monitoring plans
developed for all students not classified upon entry to the
program as exceptional education students. Such plans must
address academic, literacy, career, and technical skills and
must include provisions for intensive remedial instruction in

13-01357A-26

2026818__

378 areas of weakness.

379 (f) Curriculum and delivery of instruction, including
380 resources required for delivery of instruction through
381 technological means.

382 (g) Procedures for assessments, including, but not limited
383 to, industry certification examinations, national assessments,
384 and statewide, standardized assessments administered pursuant to
385 s. 1008.22 at an institution or facility operated by the
386 Department of Corrections.

387 (h) Classroom management procedures and attendance
388 policies.

389 (i) Procedures for provision of qualified personnel,
390 whether supplied by the Florida Virtual School or the Department
391 of Corrections, and for the performance of their duties in a
392 Department of Corrections setting.

393 (j) Provisions for improving skills in teaching and working
394 with students in the program.

395 (k) Transition plans for students moving into and out of
396 the program, including graduates transitioning to postsecondary
397 education or into the workforce.

398 (l) Procedures and timelines for the timely documentation
399 of credits earned and the transfer of student records.

400 (m) Methods and procedures for dispute resolution.

401 (n) Provisions for ensuring the safety of education
402 personnel and support for the agreed-upon education program.

403 (9) This section and the cooperative agreement required
404 under subsection (8) do not require the Florida Virtual School
405 to provide more services than can be supported by the funds
406 generated by students participating in the program.

13-01357A-26

2026818__

407 (10) This section does not prohibit a student from
408 participating in the Correctional Education Program pursuant to
409 s. 944.801.

410 (11) The State Board of Education and the Department of
411 Corrections shall adopt rules to administer this section.

412 Section 4. Paragraph (c) of subsection (1) of section
413 1011.61, Florida Statutes, is amended to read:

414 1011.61 Definitions.—Notwithstanding the provisions of s.
415 1000.21, the following terms are defined as follows for the
416 purposes of the Florida Education Finance Program:

417 (1) A “full-time equivalent student” in each program of the
418 district is defined in terms of full-time students and part-time
419 students as follows:

420 (c)1. A “full-time equivalent student” is:

421 a. A full-time student in any one of the programs listed in
422 s. 1011.62(1)(c); or

423 b. A combination of full-time or part-time students in any
424 one of the programs listed in s. 1011.62(1)(c) which is the
425 equivalent of one full-time student based on the following
426 calculations:

427 (I) A full-time student in a combination of programs listed
428 in s. 1011.62(1)(c) shall be a fraction of a full-time
429 equivalent membership in each special program equal to the
430 number of net hours per school year for which he or she is a
431 member, divided by the appropriate number of hours set forth in
432 subparagraph (a)1. The difference between that fraction or sum
433 of fractions and the maximum value as set forth in subsection
434 (4) for each full-time student is presumed to be the balance of
435 the student’s time not spent in a special program and shall be

13-01357A-26

2026818__

recorded as time in the appropriate basic program.

(II) A prekindergarten student with a disability shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c). Credit completions may be a combination of full-credit courses or half-credit courses.

(IV) A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3. Credit completions may be a combination of full-credit courses or half-credit courses.

(V) A Florida Virtual School full-time equivalent student in an online program shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the

13-01357A-26

2026818__

one in which the student resides shall be calculated as 1/6 FTE.

(VII) A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be defined and reported based on the number of instructional hours as provided in this subsection.

(VIII) For students enrolled in a school district as a full-time student, the district may report 1/6 FTE for each student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in:

a. Juvenile justice education programs.

b. The Florida Virtual School.

c. Virtual instruction programs and virtual charter schools for the purpose of course completion and credit recovery pursuant to ss. 1002.45 and 1003.498. Course completion applies only to a student who is reported during the second or third membership surveys and who does not complete a virtual education course by the end of the regular school year. The course must be completed no later than the deadline for amending the final student enrollment survey for that year. Credit recovery applies

13-01357A-26

2026818__

only to a student who has unsuccessfully completed a traditional or virtual education course during the regular school year and must retake the course in order to be eligible to graduate with the student's class.

The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in subsection (3).

The department shall determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum term as provided in s. 1011.60(2).

Section 5. This act shall take effect July 1, 2026.