

CHAPTER 2026-67

Senate Bill No. 124

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.—

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

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

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

3. The employment of all Florida Virtual School ~~academic~~ administrative and instructional personnel or administrative personnel, as those terms are defined in s. 1012.01(2) and (3), respectively ~~shall be subject to rejection for cause by the board of trustees, and~~ shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board of trustees deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an ~~academic~~ administrative or instructional capacity with the Florida Virtual School

shall be entitled to a contract as provided by policies ~~rules~~ of the board of trustees.

5. All employees except temporary, seasonal, and student employees must ~~may~~ be state employees for the purpose of being 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, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.

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

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

~~(h)(i)~~ The board of trustees shall establish criteria defining the elements of an approved franchise. The board of trustees may enter into contracts and franchise agreements with Florida district school boards and other public and private entities and governmental agencies and may establish the terms and conditions governing such contracts or agreements. ~~The board of trustees shall establish the performance and accountability measures and report the performance of each school district franchise to the Commissioner of Education.~~

~~(i)(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.

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

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

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.

(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.~~

~~(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 facilities, a test administrator, and the date and time of the administration of progress monitoring and each examination or assessment.

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

Approved by the Governor May 11, 2026.

Filed in Office Secretary of State May 11, 2026.