

1                   A bill to be entitled  
2           An act relating to individuals with disabilities;  
3           creating s. 1009.985, F.S.; providing a short title;  
4           creating s. 1009.986, F.S.; providing legislative  
5           intent; defining terms; requiring the Florida Prepaid  
6           College Board to establish a direct-support  
7           organization known as "Florida ABLE, Inc."; specifying  
8           requirements for the registration, organization,  
9           incorporation, and operation of the organization;  
10          requiring the organization to operate under a written  
11          contract with the Florida Prepaid College Board;  
12          specifying provisions that must be included in the  
13          contract; requiring the organization to provide for an  
14          annual financial audit and supplemental data under  
15          certain circumstances; establishing and providing for  
16          the membership of a board of directors for the  
17          organization; providing limits on a director's  
18          authority; specifying meeting and quorum requirements;  
19          prohibiting compensation for the service of directors  
20          and other specified members; authorizing specified  
21          reimbursement for the travel expenses of directors and  
22          specified members of the organization; authorizing the  
23          organization to use certain services, property, and  
24          facilities of the Florida Prepaid College Board;  
25          requiring the organization to establish and administer  
26          the Florida ABLE program by a specified date;

27 specifying requirements that must be met before  
28 implementation of the program; requiring a  
29 participation agreement for the program which contains  
30 specified provisions; authorizing other provisions  
31 that may be included in the agreement; providing for  
32 the amendment of the agreement under certain  
33 circumstances; providing for the use of the balance of  
34 an abandoned ABLE account by the organization;  
35 providing that a contract or participation agreement  
36 entered into by the organization or an obligation of  
37 the organization does not constitute a debt or  
38 obligation of the Florida Prepaid College Board or the  
39 state; authorizing the organization to contract with  
40 other states for specified purposes under certain  
41 circumstances; providing for termination of the  
42 program under certain circumstances and for the  
43 disposition of certain assets upon termination;  
44 prohibiting the state from limiting or altering the  
45 specified vested rights of designated beneficiaries  
46 except under specified circumstances; requiring the  
47 organization to establish a comprehensive investment  
48 plan for the program; exempting funds paid into the  
49 program's trust fund from the claims of specified  
50 creditors; providing for recovery by Medicaid of  
51 certain medical assistance provided to a deceased  
52 designated beneficiary; providing for the distribution

53 of the balance of a deceased designated beneficiary's  
54 ABLE account; requiring the organization to assist and  
55 cooperate with the Agency for Health Care  
56 Administration and Medicaid program in other states by  
57 providing specified information; providing that  
58 specified payroll deduction authority applies to the  
59 Florida Prepaid College Board and the organization for  
60 the purpose of administering the program; requiring  
61 the organization to submit certain reports to  
62 specified entities; requiring the Florida Prepaid  
63 College Board to adopt rules; requiring the Agency for  
64 Health Care Administration, the Agency for Persons  
65 with Disabilities, the Department of Children and  
66 Families, and the Department of Education to assist,  
67 cooperate, and coordinate with the organization in the  
68 provision of public information and outreach for the  
69 program; providing that the section is repealed on a  
70 specified date; amending s. 222.22, F.S.; providing  
71 that specified moneys, assets, and income of a  
72 qualified ABLE program, including the Florida ABLE  
73 program, are not subject to attachment, levy,  
74 garnishment, or certain legal process in favor of  
75 certain creditors or claimants; amending s. 1009.971,  
76 F.S.; conforming provisions to changes made by the  
77 act; authorizing the Florida Prepaid College Board to  
78 amend its contracts to provide the organization or

79 program with contractual services; providing an  
 80 effective date.

81

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

83

84 Section 1. Section 1009.985, Florida Statutes, is created  
 85 to read:

86 1009.985 Short title.—Sections 1009.985-1009.988 may be  
 87 cited as the "Florida Achieving a Better Life Experience (ABLE)  
 88 Act."

89 Section 2. Section 1009.986, Florida Statutes, is created  
 90 to read:

91 1009.986 Florida ABLE program.—

92 (1) LEGISLATIVE INTENT.—It is the intent of the  
 93 Legislature to establish a qualified ABLE program in this state  
 94 which will encourage and assist the saving of private funds in  
 95 tax-exempt accounts in order to pay for the qualified disability  
 96 expenses of eligible individuals with disabilities. The  
 97 Legislature intends that the qualified ABLE program be  
 98 implemented in a manner that is consistent with federal law  
 99 authorizing the program and that maximizes program efficiency  
 100 and effectiveness.

101 (2) DEFINITIONS.—As used in ss. 1009.986-1009.988, the  
 102 term:

103 (a) "ABLE account" means an account established and  
 104 maintained under the Florida ABLE program.

105 (b) "Contracting state" means a state that has entered  
 106 into a contract with Florida ABLE, Inc., to provide residents of  
 107 Florida or that state with access to a qualified ABLE program.

108 (c) "Designated beneficiary" means the eligible individual  
 109 who established an ABLE account or the eligible individual to  
 110 whom an ABLE account was transferred.

111 (d) "Eligible individual" has the same meaning as provided  
 112 in s. 529A of the Internal Revenue Code.

113 (e) "Florida ABLE program" means the qualified ABLE  
 114 program established and maintained under this section by Florida  
 115 ABLE, Inc.

116 (f) "Internal Revenue Code" means the United States  
 117 Internal Revenue Code of 1986, as defined in s. 220.03(1), and  
 118 regulations adopted pursuant thereto.

119 (g) "Participation agreement" means the agreement between  
 120 Florida ABLE, Inc., and a participant in the Florida ABLE  
 121 program.

122 (h) "Qualified ABLE program" means the program authorized  
 123 under s. 529A of the Internal Revenue Code which may be  
 124 established by a state or agency, or instrumentality thereof, to  
 125 allow a person to make contributions for a taxable year to an  
 126 ABLE account established for the purpose of meeting the  
 127 qualified disability expenses of the designated beneficiary of  
 128 the ABLE account.

129 (i) "Qualified disability expense" has the same meaning as  
 130 provided in s. 529A of the Internal Revenue Code.

131       (3) DIRECT-SUPPORT ORGANIZATION; FLORIDA ABLE, INC.—  
 132       (a) The Florida Prepaid College Board shall establish a  
 133 direct-support organization to be known as "Florida ABLE, Inc.,"  
 134 which is:  
 135       1. A Florida not-for-profit corporation registered,  
 136 incorporated, organized, and operated in compliance with chapter  
 137 617.  
 138       2. Organized and operated to receive, hold, invest, and  
 139 administer property and to make expenditures for the benefit of  
 140 the Florida ABLE program.  
 141       (b) Florida ABLE, Inc., shall operate under a written  
 142 contract with the Florida Prepaid College Board. The contract  
 143 must include, but is not limited to, provisions that require:  
 144       1. The articles of incorporation and bylaws of Florida  
 145 ABLE, Inc., to be approved by the Florida Prepaid College Board.  
 146       2. Florida ABLE, Inc., to submit an annual budget for  
 147 approval by the Florida Prepaid College Board. The budget must  
 148 comply with rules adopted by the Florida Prepaid College Board.  
 149       3. Florida ABLE, Inc., to pay reasonable consideration to  
 150 the Florida Prepaid College Board for products or services  
 151 provided directly or indirectly by the Florida Prepaid College  
 152 Board.  
 153       4. The Florida Prepaid College Board to solicit proposals,  
 154 to contract or subcontract, or to amend contractual service  
 155 agreements of the Florida Prepaid College Board for the benefit  
 156 of Florida ABLE, Inc.

157 5. The Florida Prepaid College Board to maintain the  
158 website of Florida ABLE, Inc.

159 6. The Florida Prepaid College Board to annually certify  
160 that Florida ABLE, Inc., is complying with the terms of the  
161 contract and acting in a manner consistent with this section and  
162 in the best interest of the state. The certification must be  
163 reported in the official minutes of a meeting of the Florida  
164 Prepaid College Board.

165 7. The disclosure of material provisions in the contract  
166 and of the distinction between the Florida Prepaid College Board  
167 and Florida ABLE, Inc., to donors of gifts, contributions, or  
168 bequests, and the inclusion of such disclosure on all  
169 promotional and fundraising publications.

170 8. The fiscal year for Florida ABLE, Inc., to begin on  
171 July 1 and end on June 30 of the following year.

172 (c) Florida ABLE, Inc., shall provide for an annual  
173 financial audit in accordance with s. 215.981. The Florida  
174 Prepaid College Board and the Auditor General may require  
175 Florida ABLE, Inc., or its independent auditor, to provide any  
176 supplemental data relating to the operation of Florida ABLE,  
177 Inc.

178 (d)1. The board of directors of Florida ABLE, Inc., shall  
179 consist of:

180 a. The chair of the Florida Prepaid College Board, who  
181 shall serve as the chair of the board of directors of Florida  
182 ABLE, Inc.

183 b. One individual who possesses knowledge, skill, and  
184 experience in the areas of accounting, risk management, or  
185 investment management, who shall be appointed by the Florida  
186 Prepaid College Board. A current member of the Florida Prepaid  
187 College Board, other than the chair, may be appointed.

188 c. One individual who possesses knowledge, skill, and  
189 experience in the areas of accounting, risk management, or  
190 investment management, who shall be appointed by the Governor.

191 d. Two individuals who are advocates of persons with  
192 disabilities, one of whom shall be appointed by the President of  
193 the Senate and one of whom shall be appointed by the Speaker of  
194 the House of Representatives. At least one of the individuals  
195 appointed under this sub-subparagraph must be an advocate of  
196 persons with developmental disabilities, as that term is defined  
197 in s. 393.063.

198 2.a. The term of the appointee under sub-subparagraph 1.b.  
199 shall be up to 3 years as determined by the Florida Prepaid  
200 College Board. Such appointee may be reappointed.

201 b. The term of the appointees under sub-subparagraphs 1.c.  
202 and d. shall be 3 years. Such appointees may be reappointed for  
203 up to one consecutive term.

204 3. Unless authorized by the board of directors of Florida  
205 ABLE, Inc., an individual director has no authority to control  
206 or direct the operations of Florida ABLE, Inc., or the actions  
207 of its officers and employees.

208 4. The board of directors of Florida ABLE, Inc.:

209 a. Shall meet at least quarterly and at other times upon  
210 the call of the chair.

211 b. May use any method of telecommunications to conduct, or  
212 establish a quorum at, its meetings or the meetings of a  
213 subcommittee or other subdivision if the public is given proper  
214 notice of the telecommunications meeting and provided reasonable  
215 access to observe and, if appropriate, to participate.

216 5. A majority of the total current membership of the board  
217 of directors of Florida ABLE, Inc., constitutes a quorum of the  
218 board.

219 6. Members of the board of directors of Florida ABLE,  
220 Inc., and the board's subcommittees or other subdivisions shall  
221 serve without compensation; however, the members may be  
222 reimbursed for reasonable, necessary, and actual travel expenses  
223 pursuant to s. 112.061.

224 (e) Subject to rule adopted by the Florida Prepaid College  
225 Board, Florida ABLE, Inc., may use property, other than money,  
226 facilities, and personal services of the Florida Prepaid College  
227 Board, provided that Florida ABLE, Inc., offers equal employment  
228 opportunities to all persons regardless of race, color,  
229 religion, sex, age, or national origin. As used in this  
230 paragraph, the term "personal services" means use of the Florida  
231 Prepaid College Board's full-time and part-time personnel,  
232 payroll processing services, and other services prescribed by  
233 rule of the Florida Prepaid College Board.

234 (4) FLORIDA ABLE PROGRAM.—

235 (a) On or before July 1, 2016, Florida ABLE, Inc., shall  
236 establish and administer the Florida ABLE program. Before  
237 implementing the program, Florida ABLE, Inc., must obtain a  
238 written opinion from counsel specializing in:

239 1. Federal tax matters which indicates that the Florida  
240 ABLE program is designed to comply with s. 529A of the Internal  
241 Revenue Code.

242 2. Federal securities law which indicates that the Florida  
243 ABLE program and the offering of participation in the program  
244 are designed to comply with applicable federal securities law  
245 and qualify for the available tax exemptions under such law.

246 (b) The participation agreement must include provisions  
247 specifying that:

248 1. The participation agreement is only a debt or  
249 obligation of the Florida ABLE program and the Florida ABLE  
250 Program Trust Fund and, as provided under paragraph (f), is not  
251 a debt or obligation of the Florida Prepaid College Board or the  
252 state.

253 2. Participation in the Florida ABLE program does not  
254 guarantee that sufficient funds will be available to cover all  
255 qualified disability expenses for any designated beneficiary and  
256 does not guarantee the receipt or continuation of any product or  
257 service for the designated beneficiary.

258 3. The designated beneficiary must be a resident of this  
259 state or a resident of a contracting state at the time the ABLE  
260 account is established.

261        4. The establishment of an ABLE account in violation of  
 262 federal law is prohibited.

263        5. Contributions in excess of the limitations set forth in  
 264 s. 529A of the Internal Revenue Code are prohibited.

265        6. The state is a creditor of ABLE accounts as, and to the  
 266 extent, set forth in s. 529A of the Internal Revenue Code.

267        7. Material misrepresentations by a party to the  
 268 participation agreement, other than Florida ABLE, Inc., in the  
 269 application for the participation agreement or in any  
 270 communication with Florida ABLE, Inc., regarding the Florida  
 271 ABLE program may result in the involuntary liquidation of the  
 272 ABLE account. If an account is involuntarily liquidated, the  
 273 designated beneficiary is entitled to a refund, subject to any  
 274 fees or penalties provided by the participation agreement and  
 275 the Internal Revenue Code.

276        (c) The participation agreement may include provisions  
 277 specifying:

278            1. The requirements and applicable restrictions for  
 279 opening an ABLE account.

280            2. The eligibility requirements for a party to a  
 281 participation agreement and the rights of the party.

282            3. The requirements and applicable restrictions for making  
 283 contributions to an ABLE account.

284            4. The requirements and applicable restrictions for  
 285 directing the investment of the contributions or balance of the  
 286 ABLE account.

287 5. The administrative fee and other fees and penalties  
288 applicable to an ABLE account.

289 6. The terms and conditions under which an ABLE account or  
290 participation agreement may be modified, transferred, or  
291 terminated.

292 7. The disposition of abandoned ABLE accounts.

293 8. Other terms and conditions determined to be necessary  
294 or proper.

295 (d) The participation agreement may be amended throughout  
296 its term for purposes that include, but are not limited to,  
297 allowing a participant to increase or decrease the level of  
298 participation and to change designated beneficiaries and other  
299 matters authorized by this section and s. 529A of the Internal  
300 Revenue Code.

301 (e) If an ABLE account is determined to be abandoned  
302 pursuant to rules adopted by the Florida Prepaid College Board,  
303 Florida ABLE, Inc., may use the balance of the account to  
304 operate the Florida ABLE program.

305 (f) A contract or participation agreement entered into by  
306 or an obligation of Florida ABLE, Inc., on behalf of and for the  
307 benefit of the Florida ABLE program does not constitute a debt  
308 or obligation of the Florida Prepaid College Board or the state,  
309 but is only a debt or obligation of the Florida ABLE program and  
310 the Florida ABLE Program Trust Fund. The state does not have an  
311 obligation to a designated beneficiary or any other person as a  
312 result of the Florida ABLE program. The obligation of the

313 Florida ABLE program is limited solely to amounts in the Florida  
314 ABLE Program Trust Fund. All amounts obligated to be paid from  
315 the Florida ABLE Program Trust Fund are limited to the amounts  
316 available for such obligation. The amounts held in the Florida  
317 ABLE program may be disbursed only in accordance with this  
318 section.

319 (g) Notwithstanding any other provision of law, Florida  
320 ABLE, Inc., may enter into an agreement with a contracting state  
321 which allows Florida ABLE, Inc., to participate under the  
322 design, operation, and rules of the contracting state's  
323 qualified ABLE program or which allows the contracting state to  
324 participate under the Florida ABLE program.

325 (h) The Florida ABLE program shall continue in existence  
326 until terminated by law. If the state determines that the  
327 program is financially infeasible, the state may terminate the  
328 program. Upon termination, amounts in the Florida ABLE Program  
329 Trust Fund held for designated beneficiaries shall be returned  
330 in accordance with the participation agreement.

331 (i) The state pledges to the designated beneficiaries that  
332 the state will not limit or alter their rights under this  
333 section which are vested in the Florida ABLE program until the  
334 program's obligations are met and discharged. However, this  
335 paragraph does not preclude such limitation or alteration if  
336 adequate provision is made by law for the protection of the  
337 designated beneficiaries pursuant to the obligations of Florida  
338 ABLE, Inc., and does not preclude termination of the Florida

339 ABLE program if the state determines that the program is not  
340 financially feasible. This pledge and undertaking by the state  
341 may be included in participation agreements.

342 (5) COMPREHENSIVE INVESTMENT PLAN.—Florida ABLE, Inc.,  
343 shall establish a comprehensive investment plan for the Florida  
344 ABLE program, subject to the approval of the Florida Prepaid  
345 College Board. The comprehensive investment plan must specify  
346 the investment policies to be used by Florida ABLE, Inc., in its  
347 administration of the program. Florida ABLE, Inc., may place  
348 assets of the program in investment products and in such  
349 proportions as may be designated or approved in the  
350 comprehensive investment plan. Such products shall be  
351 underwritten and offered in compliance with the applicable  
352 federal and state laws or regulations or exemptions therefrom. A  
353 designated beneficiary may not direct the investment of any  
354 contributions to the Florida ABLE program, unless specific fund  
355 options are offered by Florida ABLE, Inc. Directors, officers,  
356 and employees of Florida ABLE, Inc., may enter into  
357 participation agreements, notwithstanding their fiduciary  
358 responsibilities or official duties related to the Florida ABLE  
359 program.

360 (6) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into  
361 or out of the Florida ABLE Program Trust Fund by or on behalf of  
362 a designated beneficiary are exempt, as provided by s. 222.22,  
363 from all claims of creditors of the designated beneficiary if  
364 the participation agreement has not been terminated. Moneys paid

365 into the Florida ABLE program and benefits accrued through the  
366 program may not be pledged for the purpose of securing a loan.

367 (7) MEDICAID RECOVERY; PRIORITY OF DISTRIBUTIONS.—

368 (a) Upon the death of the designated beneficiary, the  
369 Agency for Health Care Administration and the Medicaid program  
370 for another state may file a claim with the Florida ABLE program  
371 for the total amount of medical assistance provided for the  
372 designated beneficiary under the Medicaid program, less any  
373 premiums paid by or on behalf of the designated beneficiary to a  
374 Medicaid buy-in program. Funds in the ABLE account of the  
375 deceased designated beneficiary must first be distributed for  
376 qualified disability expenses followed by distributions for the  
377 Medicaid claim authorized under this paragraph. Any remaining  
378 amount shall be distributed as provided in the participation  
379 agreement.

380 (b) Florida ABLE, Inc., shall assist and cooperate with  
381 the Agency for Health Care Administration and Medicaid programs  
382 in other states by providing the agency and programs with the  
383 information needed to accomplish the purpose and objective of  
384 this subsection.

385 (8) PAYROLL DEDUCTION AUTHORITY.—The payroll deduction  
386 authority provided under s. 1009.975 applies to the Florida  
387 Prepaid College Board and Florida ABLE, Inc., for purposes of  
388 administering this section.

389 (9) REPORTS.—

390 (a) On or before November 1, 2015, Florida ABLE, Inc.,

391 shall prepare a report on the status of the establishment of the  
 392 Florida ABLE program by Florida ABLE, Inc. The report must also  
 393 include, if warranted, recommendations for statutory changes to  
 394 enhance the effectiveness and efficiency of the program. Florida  
 395 ABLE, Inc., shall submit copies of the report to the Governor,  
 396 the President of the Senate, and the Speaker of the House of  
 397 Representatives.

398 (b) On or before March 31 of each year, Florida ABLE,  
 399 Inc., shall prepare or cause to be prepared a report setting  
 400 forth in appropriate detail an accounting of the Florida ABLE  
 401 program which includes a description of the financial condition  
 402 of the program at the close of the fiscal year. Florida ABLE,  
 403 Inc., shall submit copies of the report to the Governor, the  
 404 President of the Senate, the Speaker of the House of  
 405 Representatives, and the minority leaders of the Senate and the  
 406 House of Representatives and shall make the report available to  
 407 each designated beneficiary. The accounts of the Florida ABLE  
 408 program are subject to annual audit by the Auditor General.

409 (10) RULES.—The Florida Prepaid College Board shall adopt  
 410 rules to administer this section. Such rules must include, but  
 411 are not limited to:

412 (a) Specifying the procedures by which Florida ABLE, Inc.,  
 413 shall be governed and operate, including requirements for the  
 414 budget of Florida ABLE, Inc., and conditions with which Florida  
 415 ABLE, Inc., must comply to use property, facilities, or personal  
 416 services of the Florida Prepaid College Board.

417 (b) The procedures for determining that an ABLE account  
418 has been abandoned.

419 (c) Adoption of provisions determined necessary by the  
420 Florida Prepaid College Board for the Florida ABLE program to  
421 retain its status as a qualified ABLE program or the tax-exempt  
422 status or other similar status of the program or its  
423 participants under the Internal Revenue Code. Florida ABLE,  
424 Inc., shall inform participants in the Florida ABLE program of  
425 changes to the tax or securities status of their interests in  
426 the ABLE program and participation agreements.

427 (11) STATE OUTREACH PARTNERS.—The Agency for Health Care  
428 Administration, the Agency for Persons with Disabilities, the  
429 Department of Children and Families, and the Department of  
430 Education shall assist, cooperate, and coordinate with Florida  
431 ABLE, Inc., in the provision of public information and outreach  
432 for the Florida ABLE program.

433 (12) REPEAL.—In accordance with s. 20.058, this section is  
434 repealed October 1, 2020, unless reviewed and saved from repeal  
435 by the Legislature.

436 Section 3. Subsection (5) is added to section 222.22,  
437 Florida Statutes, to read:

438 222.22 Exemption of assets in qualified tuition programs,  
439 medical savings accounts, Coverdell education savings accounts,  
440 and hurricane savings accounts from legal process.—

441 (5) Except as provided in s. 1009.986(7), as it relates to  
442 any validly existing qualified ABLE program authorized by s.

443 529A of the Internal Revenue Code, including, but not limited  
 444 to, the Florida ABLE program participation agreements under s.  
 445 1009.986, moneys paid into or out of such a program, and the  
 446 income and assets of such a program, are not liable to  
 447 attachment, levy, garnishment, or legal process in this state in  
 448 favor of any creditor of or claimant against any designated  
 449 beneficiary or other program participant.

450 Section 4. Subsections (1) and (4) of section 1009.971,  
 451 Florida Statutes, are amended to read:

452 1009.971 Florida Prepaid College Board.—

453 (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.—The Florida  
 454 Prepaid College Board is hereby created as a body corporate with  
 455 all the powers of a body corporate for the purposes delineated  
 456 in this section. The board shall administer the prepaid program  
 457 and the savings program, and shall perform essential  
 458 governmental functions as provided in ss. 1009.97-1009.988 ~~ss.~~  
 459 ~~1009.97-1009.984~~. For the purposes of s. 6, Art. IV of the State  
 460 Constitution, the board shall be assigned to and  
 461 administratively housed within the State Board of  
 462 Administration, but it shall independently exercise the powers  
 463 and duties specified in ss. 1009.97-1009.988 ~~ss. 1009.97-~~  
 464 ~~1009.984~~.

465 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The  
 466 board shall have the powers and duties necessary or proper to  
 467 carry out the provisions of ss. 1009.97-1009.988 ~~ss. 1009.97-~~  
 468 ~~1009.984~~, including, but not limited to, the power and duty to:

- 469           (a) Appoint an executive director to serve as the chief  
 470 administrative and operational officer of the board and to  
 471 perform other duties assigned to him or her by the board.
- 472           (b) Adopt an official seal and rules.
- 473           (c) Sue and be sued.
- 474           (d) Make and execute contracts and other necessary  
 475 instruments.
- 476           (e) Establish agreements or other transactions with  
 477 federal, state, and local agencies, including state universities  
 478 and Florida College System institutions.
- 479           (f) Administer the trust fund in a manner that is  
 480 sufficiently actuarially sound to defray the obligations of the  
 481 prepaid program and the savings program, considering the  
 482 separate purposes and objectives of each program. The board  
 483 shall annually evaluate or cause to be evaluated the actuarial  
 484 soundness of the prepaid fund. If the board perceives a need for  
 485 additional assets in order to preserve actuarial soundness of  
 486 the prepaid program, the board may adjust the terms of  
 487 subsequent advance payment contracts to ensure such soundness.
- 488           (g) Invest funds not required for immediate disbursement.
- 489           (h) Appear in its own behalf before boards, commissions,  
 490 or other governmental agencies.
- 491           (i) Hold, buy, and sell any instruments, obligations,  
 492 securities, and property determined appropriate by the board.
- 493           (j) Require a reasonable length of state residence for  
 494 qualified beneficiaries.

495 (k) Segregate contributions and payments to the trust fund  
 496 into the appropriate fund.

497 (l) Procure and contract for goods and services, employ  
 498 personnel, and engage the services of private consultants,  
 499 actuaries, managers, legal counsel, and auditors in a manner  
 500 determined to be necessary and appropriate by the board.

501 (m) Solicit and accept gifts, grants, loans, and other  
 502 aids from any source or participate in any other way in any  
 503 government program to carry out the purposes of ss. 1009.97-  
 504 1009.988 ~~ss. 1009.97-1009.984~~.

505 (n) Require and collect administrative fees and charges in  
 506 connection with any transaction and impose reasonable penalties,  
 507 including default, for delinquent payments or for entering into  
 508 an advance payment contract or a participation agreement on a  
 509 fraudulent basis.

510 (o) Procure insurance against any loss in connection with  
 511 the property, assets, and activities of the trust fund or the  
 512 board.

513 (p) Impose reasonable time limits on use of the benefits  
 514 provided by the prepaid program or savings program. However, any  
 515 such limitations shall be specified within the advance payment  
 516 contract or the participation agreement, respectively.

517 (q) Delineate the terms and conditions under which  
 518 payments may be withdrawn from the trust fund and impose  
 519 reasonable fees and charges for such withdrawal. Such terms and  
 520 conditions shall be specified within the advance payment

521 contract or the participation agreement.

522 (r) Provide for the receipt of contributions in lump sums  
523 or installment payments.

524 (s) Require that purchasers of advance payment contracts  
525 or benefactors of participation agreements verify, under oath,  
526 any requests for contract conversions, substitutions, transfers,  
527 cancellations, refund requests, or contract changes of any  
528 nature. Verification shall be accomplished as authorized and  
529 provided for in s. 92.525(1)(a).

530 (t) Delegate responsibility for administration of one or  
531 both of the comprehensive investment plans required in s.  
532 1009.973 to persons the board determines to be qualified. Such  
533 persons shall be compensated by the board.

534 (u) Endorse insurance coverage written exclusively for the  
535 purpose of protecting advance payment contracts, and  
536 participation agreements, and the purchasers, benefactors, and  
537 beneficiaries thereof, including group life policies and group  
538 disability policies, which are exempt from the provisions of  
539 part V of chapter 627.

540 (v) Form strategic alliances with public and private  
541 entities to provide benefits to the prepaid program, savings  
542 program, and participants of either or both programs.

543 (w) Solicit proposals and contract, pursuant to s.  
544 287.057, for the marketing of the prepaid program or the savings  
545 program, or both together. Any materials produced for the  
546 purpose of marketing the prepaid program or the savings program

547 shall be submitted to the board for review. No such materials  
548 shall be made available to the public before the materials are  
549 approved by the board. Any educational institution may  
550 distribute marketing materials produced for the prepaid program  
551 or the savings program; however, all such materials shall be  
552 approved by the board prior to distribution. Neither the state  
553 nor the board shall be liable for misrepresentation of the  
554 prepaid program or the savings program by a marketing agent.

555 (x) Establish other policies, procedures, and criteria to  
556 implement and administer the provisions of ss. 1009.97-1009.988  
557 ~~ss. 1009.97-1009.984.~~

558 (y) Adopt procedures to govern contract dispute  
559 proceedings between the board and its vendors.

560 (z) Amend board contracts to provide Florida ABLE, Inc.,  
561 or the Florida ABLE program with contractual services.

562 Section 5. This act shall take effect upon becoming a law.