

By Senator Deutch

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1 A bill to be entitled

2 An act relating to the Florida Prepaid College Program;
3 amending s. 1009.98, F.S.; providing for the powers and
4 rights of purchasers and co-purchasers of advance payment
5 contracts; differentiating between contracts purchased
6 before February 1, 2009, and those purchases after that
7 date; providing for the rights of a purchaser to apply to
8 the co-purchaser for contracts purchased after that date
9 or following a one time election by the purchaser;
10 providing an effective date.

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

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14 Section 1. Present subsections (5), (6), (7), (8), and (9)
15 of section 1009.98, Florida Statutes, are renumbered as
16 subsections (6), (7), (8), (9), and (10), respectively, and a new
17 subsection (5) is added to that section, to read:

18 1009.98 Stanley G. Tate Florida Prepaid College Program.--

19 (5) CONTRACT PURCHASERS.--

20 (a) An individual, corporation, or organization may
21 purchase an advance payment contract for a qualified beneficiary.

22 1. Co-purchasers are allowed, but not required. If a co-
23 purchaser is designated on an advance payment contract, the
24 purchaser and co-purchaser shall each enjoy a right of
25 survivorship.

26 2. If an individual is named as the purchaser or co-
27 purchaser, the individual must be at least 18 years of age and
28 must be a United States citizen or a resident alien.

30-02765A-08

20082510__

29 (b) For advance payment contracts purchased before February
30 1, 2009:

31 1. The purchaser may execute all contract modifications,
32 conversions, transfers, terminations, and refund requests without
33 the consent or authorization of the co-purchaser if there is a
34 co-purchaser. A co-purchaser is entitled only to a right of
35 survivorship as provided in paragraph (a).

36 2. Any requests to change the purchaser designated on the
37 advance payment contract must be signed by the purchaser and
38 notarized.

39 3. If a purchaser authorized to terminate the contract
40 requests termination, a co-purchaser must be notified in writing
41 by the board at least 7 days before processing the request if the
42 co-purchaser's address is different from that of the purchaser.

43 4. Refunds are payable only to the purchaser.

44 (c) For advance payment contracts purchased on or after
45 February 1, 2009:

46 1. All requests for contract modifications, conversions,
47 transfers, terminations, and refund requests must be signed by
48 the purchaser and the co-purchaser and both signatures must be
49 notarized.

50 2. Refunds are jointly payable to the purchaser and the co-
51 purchaser.

52 (d) If an advance payment contract was purchased before
53 February 1, 2009, the purchaser may elect to make the rights of
54 the co-purchaser the same as those for a contract purchased on or
55 after February 1, 2009, by submitting a written request to the
56 board. The request must be signed by the purchaser and the co-
57 purchaser and both signatures must be notarized. If changed, the

30-02765A-08

20082510__

58 change is irrevocable, the provisions of subparagraph (b) no
59 longer apply, and the contract is subject to paragraph (c).

60 Section 2. This act shall take effect upon becoming a law.