

By Senator Benacquisto

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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          authorizing the organization to establish the Florida  
26          ABLE program; specifying requirements that must be met  
27          before implementation of the program; requiring that  
28          the organization develop a participation agreement  
29          that contains specified provisions; authorizing other

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30 provisions that may be included in the agreement;  
31 providing for the amendment of the agreement under  
32 certain circumstances; providing for the use of the  
33 balance of an abandoned ABLE account by the  
34 organization; providing that contracts and  
35 participation agreements entered into by the  
36 organization do not constitute a debt or obligation of  
37 the state; authorizing the organization to contract  
38 with other states for specified purposes; providing  
39 for termination of the program under certain  
40 circumstances and for the disposition of certain  
41 assets upon termination; prohibiting the state from  
42 limiting or altering the specified vested rights of  
43 designated beneficiaries except under specified  
44 circumstances; requiring the organization to establish  
45 a comprehensive investment plan for the program;  
46 exempting funds paid into the program's trust fund  
47 from the claims of specified creditors; providing for  
48 recovery by Medicaid of certain medical assistance  
49 provided to a deceased designated beneficiary;  
50 providing for the distribution of the balance of a  
51 deceased designated beneficiary's ABLE account;  
52 requiring the organization to provide specified data  
53 and files to the Agency for Health Care  
54 Administration; providing that specified payroll  
55 deduction authority applies to the Florida Prepaid  
56 College Board and the organization for the purpose of  
57 administering the program; requiring the organization  
58 to submit an annual report to specified entities;

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59 requiring the Florida Prepaid College Board to adopt  
60 rules; providing that the section is repealed on a  
61 specified date; amending s. 222.22, F.S.; providing  
62 that specified moneys, assets, and income of a  
63 qualified ABLE program, including the Florida ABLE  
64 program, are not subject to attachment, levy,  
65 garnishment, or certain legal process in favor of  
66 certain creditors or claimants; amending s. 1009.971,  
67 F.S.; conforming provisions to changes made by the  
68 act; providing an effective date.

69

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

71

72 Section 1. Section 1009.985, Florida Statutes, is created  
73 to read:

74 1009.985 Short title.—Sections 1009.985-1009.988 may be  
75 cited as the “Florida Achieving a Better Life Experience (ABLE)  
76 Act.”

77 Section 2. Section 1009.986, Florida Statutes, is created  
78 to read:

79 1009.986 Florida ABLE program.—

80 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
81 to establish a qualified ABLE program in this state which will  
82 encourage and assist the saving of private funds in tax-exempt  
83 accounts in order to pay for the qualified disability expenses  
84 of eligible individuals with disabilities. The Legislature  
85 intends that the qualified ABLE program be implemented in a  
86 manner that is consistent with federal law authorizing the  
87 program and that maximizes program efficiency and effectiveness.

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

90 (a) "ABLE account" means an account established by an  
91 eligible individual which is owned by the eligible individual  
92 and maintained under the Florida ABLE program.

93 (b) "Contracting state" means a state that does not have a  
94 qualified ABLE program and that has entered into a contract with  
95 Florida ABLE, Inc., to provide residents of the contracting  
96 state with access to the Florida ABLE program.

97 (c) "Designated beneficiary" means an eligible individual  
98 who established an ABLE account and is the owner of the account.

99 (d) "Disability certification" has the same meaning as  
100 provided in s. 529A of the Internal Revenue Code.

101 (e) "Eligible individual" means a resident of this state or  
102 a contracting state:

103 1. Who is entitled to benefits or disability under Title II  
104 or Title XVI of the Social Security Act for a taxable year and  
105 whose blindness or disability occurred before the date on which  
106 the individual attained the age of 26 years; or

107 2. For whom a disability certification is filed with the  
108 United States Department of Treasury for the taxable year.

109 (f) "Florida ABLE program" means the qualified ABLE program  
110 established and maintained under this section by Florida ABLE,  
111 Inc.

112 (g) "Internal Revenue Code" means the United States  
113 Internal Revenue Code of 1986, as defined in s. 220.03(1), and  
114 regulations adopted pursuant thereto.

115 (h) "Participation agreement" means the agreement between  
116 Florida ABLE, Inc., and a participant in the Florida ABLE

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117 program.

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

125 (j) "Qualified disability expense" has the meaning provided  
126 in s. 529A of the Internal Revenue Code.

127 (3) DIRECT-SUPPORT ORGANIZATION; FLORIDA ABLE, INC.—

128 (a) The Florida Prepaid College Board shall establish a  
129 direct-support organization to be known as "Florida ABLE, Inc.,"  
130 which is:

131 1. A Florida not-for-profit corporation registered,  
132 incorporated, organized, and operated in compliance with chapter  
133 617.

134 2. Organized and operated to receive, hold, invest, and  
135 administer property and to make expenditures for the benefit of  
136 the Florida ABLE program.

137 (b) Florida ABLE, Inc., shall operate under a written  
138 contract with the Florida Prepaid College Board. The contract  
139 must include, but is not limited to, provisions that:

140 1. Require the articles of incorporation and bylaws of  
141 Florida ABLE, Inc., to be approved by the Florida Prepaid  
142 College Board.

143 2. Require Florida ABLE, Inc., to submit an annual budget  
144 for approval by the Florida Prepaid College Board. The budget  
145 must comply with rules adopted by the Florida Prepaid College

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146 Board.

147 3. Require Florida ABLE, Inc., to pay reasonable  
148 consideration to the Florida Prepaid College Board for products  
149 or services provided directly or indirectly by the Florida  
150 Prepaid College Board.

151 4. Authorize the Florida Prepaid College Board to solicit  
152 proposals, contract or subcontract, or amend contractual service  
153 agreements of the Florida Prepaid College Board for the benefit  
154 of Florida ABLE, Inc.

155 5. Authorize the Florida Prepaid College Board to maintain  
156 the website of Florida ABLE, Inc.

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

163 7. Require the reversion of moneys and property to the  
164 Florida Prepaid College Board, or to the state if the Florida  
165 Prepaid College Board ceases to exist, which are held in trust  
166 by Florida ABLE, Inc., for the benefit of the Florida ABLE  
167 program if Florida ABLE, Inc., is no longer approved to operate.

168 8. Require the disclosure of material provisions in the  
169 contract and of the distinction between the Florida Prepaid  
170 College Board and Florida ABLE, Inc., to donors of gifts,  
171 contributions, or bequests, and the inclusion of such disclosure  
172 on all promotional and fundraising publications.

173 9. Require the fiscal year for Florida ABLE, Inc., to begin  
174 on July 1 and end on June 30 of the following year.

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

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

183 a. The chair and the executive director of the Florida  
184 Prepaid College Board and the director of the Agency for Persons  
185 with Disabilities. The chair of the Florida Prepaid College  
186 Board shall serve as the chair of the board of directors of  
187 Florida ABLE, Inc.

188 b. Two individuals who possess knowledge, skill, and  
189 experience in the areas of accounting, risk management, or  
190 investment management, one of whom shall be appointed by the  
191 President of the Senate and one of whom shall be appointed by  
192 the Speaker of the House of Representatives.

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

200 2. The term of the appointees under sub-subparagraphs 1.b.  
201 and c. shall be 3 years. An appointee may be reappointed for up  
202 to one consecutive term.

203 3. Unless authorized by the board of directors of Florida

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204 ABLE, Inc., an individual director has no authority to control  
205 or direct the operations of Florida ABLE, Inc., or the actions  
206 of its officers and employees.

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

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

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

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

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

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



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233 (4) FLORIDA ABLE PROGRAM.—

234 (a) Florida ABLE, Inc., is authorized to establish and  
235 administer the Florida ABLE program. Before implementing the  
236 program, Florida ABLE, Inc., must obtain a written opinion from  
237 counsel specializing in:

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

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

245 (b) Florida ABLE, Inc., must develop a participation  
246 agreement which must state that:

247 1. The participating agreement is only a debt or obligation  
248 of the Florida ABLE program and the Florida ABLE Trust Fund and,  
249 as provided under paragraph (f), is not a debt or obligation of  
250 the state.

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

256 3. The establishment of an ABLE account in violation of  
257 federal law is prohibited.

258 4. Contributions in excess of the limitations set forth in  
259 s. 529A of the Internal Revenue Code are prohibited.

260 5. The withdrawal of funds from an ABLE account must comply  
261 with the requirements and procedures established by Florida

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262 ABLE, Inc., for a withdrawal. In establishing the requirements  
263 and procedures, Florida ABLE, Inc., shall provide for  
264 distributions to be made in as efficient and expeditious manner  
265 as is prudent and possible, consistent with the requirements of  
266 s. 529A of the Internal Revenue Code.

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

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

278 (c) The participation agreement may include provisions  
279 specifying:

280 1. The requirements and applicable restrictions for opening  
281 an ABLE account.

282 2. The eligibility requirements for a party to a  
283 participation agreement and the rights of the party.

284 3. The requirements and applicable restrictions for making  
285 contributions to an ABLE account.

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

289 5. The administrative fee and other fees and penalties  
290 applicable to an ABLE account.

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

294 7. The disposition of abandoned ABLE accounts.

295 8. Other terms and conditions determined by Florida ABLE,  
296 Inc., to be necessary or proper.

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

303 (e) If an ABLE account is determined to be abandoned  
304 pursuant to rules adopted by the Florida Prepaid College Board,  
305 Florida ABLE, Inc., may use the balance of the account to  
306 operate the Florida ABLE program or may transfer the balance to  
307 the Florida Prepaid Tuition Scholarship Program to provide  
308 matching funds for prepaid tuition scholarships for economically  
309 disadvantaged youth under s. 1009.984.

310 (f) A contract or participation agreement entered into by  
311 or an obligation of Florida ABLE, Inc., on behalf of and for the  
312 benefit of the Florida ABLE program does not constitute a debt  
313 or obligation of the state but is the obligation of the Florida  
314 ABLE program. The state does not have an obligation to a  
315 designated beneficiary or any other person as a result of the  
316 Florida ABLE program. The obligation of the Florida ABLE program  
317 is limited solely to amounts in the Florida ABLE Trust Fund. All  
318 amounts obligated to be paid from the Florida ABLE Trust Fund  
319 are limited to the amounts available for such obligation. The

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320 amounts held in the Florida ABLE program may be disbursed only  
321 in accordance with this section.

322 (g) Florida ABLE, Inc., may contract with other states to  
323 participate under the rules of another state's qualified ABLE  
324 program or to authorize the participation of a contracting state  
325 in the Florida ABLE program.

326 (h) The Florida ABLE program shall continue in existence  
327 until terminated by law. If the state determines that the  
328 program is financially infeasible, the state may terminate the  
329 program. Upon termination, amounts in the Florida ABLE Trust  
330 Fund held for designated beneficiaries shall be returned in  
331 accordance with the participation agreement. Any unclaimed  
332 amounts remaining in the trust fund may be transferred to the  
333 Florida Prepaid Tuition Scholarship Program to provide matching  
334 funds for prepaid tuition scholarships for economically  
335 disadvantaged youth under s. 1009.984.

336 (i) The state pledges to the designated beneficiaries that  
337 the state will not limit or alter their rights under this  
338 section which are vested in the Florida ABLE program until the  
339 program's obligations are met and discharged. However, this  
340 paragraph does not preclude such limitation or alteration if  
341 adequate provision is made by law for the protection of the  
342 designated beneficiaries pursuant to the obligations of Florida  
343 ABLE, Inc., and does not preclude termination of the Florida  
344 ABLE program if the state or the Florida Prepaid College Board  
345 determines that the program is not financially feasible. Florida  
346 ABLE, Inc., on behalf of the state, may include this pledge and  
347 undertaking by the state in participation agreements.

348 (5) COMPREHENSIVE INVESTMENT PLAN.—Florida ABLE, Inc.,

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

366 (6) EXEMPTION FROM CLAIMS OF CREDITORS.—Moneys paid into or  
367 out of the Florida ABLE Trust Fund by or on behalf of a  
368 designated beneficiary are exempt, as provided by s. 222.22,  
369 from all claims of creditors of the designated beneficiary if  
370 the participation agreement has not been terminated. Moneys paid  
371 into the Florida ABLE program and benefits accrued through the  
372 program may not be pledged for the purpose of securing a loan.

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

374 (a) Upon the death of the designated beneficiary, the  
375 Agency for Health Care Administration or the state Medicaid  
376 program for a contracting state may file a claim with the  
377 Florida ABLE program for the total amount of medical assistance

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378 provided for the designated beneficiary under the Medicaid  
379 program, less any premiums paid by or on behalf of the  
380 designated beneficiary to a Medicaid buy-in program. Funds in  
381 the ABLE account of the deceased designated beneficiary must  
382 first be distributed for qualified disability expenses followed  
383 by distributions for the Medicaid claim authorized under this  
384 paragraph. Any remaining amount shall be distributed as provided  
385 in the participation agreement.

386 (b) Florida ABLE, Inc., shall provide to the Agency for  
387 Health Care Administration or the agency's contractor data  
388 files, layouts, data dictionaries, and any other necessary  
389 materials used by Florida ABLE, Inc., to carry out this section.  
390 The exchange of data must occur on a schedule mutually agreed  
391 upon by both parties.

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

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

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407 General.

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

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

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

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

426 (11) REPEAL.—In accordance with s. 20.058, this section is  
427 repealed October 1, 2020, unless reviewed and saved from repeal  
428 by the Legislature.

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

431 222.22 Exemption of assets in qualified tuition programs,  
432 medical savings accounts, Coverdell education savings accounts,  
433 and hurricane savings accounts from legal process.—

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

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436 529A of the Internal Revenue Code of 1986, as amended,  
 437 including, but not limited to, the Florida ABLE program  
 438 participation agreements under s. 1009.986, moneys paid into or  
 439 out of such a program, and the income and assets of such a  
 440 program, are not liable to attachment, levy, garnishment, or  
 441 legal process in this state in favor of any creditor of or  
 442 claimant against any designated beneficiary or other program  
 443 participant.

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

446 1009.971 Florida Prepaid College Board.—

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

459 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.—The  
 460 board shall have the powers and duties necessary or proper to  
 461 carry out the provisions of ss. 1009.97-1009.988 ~~ss. 1009.97-~~  
 462 ~~1009.984~~, including, but not limited to, the power and duty to:

463 (a) Appoint an executive director to serve as the chief  
 464 administrative and operational officer of the board and to



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465 perform other duties assigned to him or her by the board.

466 (b) Adopt an official seal and rules.

467 (c) Sue and be sued.

468 (d) Make and execute contracts and other necessary  
469 instruments.

470 (e) Establish agreements or other transactions with  
471 federal, state, and local agencies, including state universities  
472 and Florida College System institutions.

473 (f) Administer the trust fund in a manner that is  
474 sufficiently actuarially sound to defray the obligations of the  
475 prepaid program and the savings program, considering the  
476 separate purposes and objectives of each program. The board  
477 shall annually evaluate or cause to be evaluated the actuarial  
478 soundness of the prepaid fund. If the board perceives a need for  
479 additional assets in order to preserve actuarial soundness of  
480 the prepaid program, the board may adjust the terms of  
481 subsequent advance payment contracts to ensure such soundness.

482 (g) Invest funds not required for immediate disbursement.

483 (h) Appear in its own behalf before boards, commissions, or  
484 other governmental agencies.

485 (i) Hold, buy, and sell any instruments, obligations,  
486 securities, and property determined appropriate by the board.

487 (j) Require a reasonable length of state residence for  
488 qualified beneficiaries.

489 (k) Segregate contributions and payments to the trust fund  
490 into the appropriate fund.

491 (l) Procure and contract for goods and services, employ  
492 personnel, and engage the services of private consultants,  
493 actuaries, managers, legal counsel, and auditors in a manner

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494 determined to be necessary and appropriate by the board.

495 (m) Solicit and accept gifts, grants, loans, and other aids  
496 from any source or participate in any other way in any  
497 government program to carry out the purposes of ss. 1009.97-  
498 1009.988 ~~ss. 1009.97-1009.984~~.

499 (n) Require and collect administrative fees and charges in  
500 connection with any transaction and impose reasonable penalties,  
501 including default, for delinquent payments or for entering into  
502 an advance payment contract or a participation agreement on a  
503 fraudulent basis.

504 (o) Procure insurance against any loss in connection with  
505 the property, assets, and activities of the trust fund or the  
506 board.

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

511 (q) Delineate the terms and conditions under which payments  
512 may be withdrawn from the trust fund and impose reasonable fees  
513 and charges for such withdrawal. Such terms and conditions shall  
514 be specified within the advance payment contract or the  
515 participation agreement.

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

518 (s) Require that purchasers of advance payment contracts or  
519 benefactors of participation agreements verify, under oath, any  
520 requests for contract conversions, substitutions, transfers,  
521 cancellations, refund requests, or contract changes of any  
522 nature. Verification shall be accomplished as authorized and

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523 provided for in s. 92.525(1)(a).

524 (t) Delegate responsibility for administration of one or  
525 both of the comprehensive investment plans required in s.  
526 1009.973 to persons the board determines to be qualified. Such  
527 persons shall be compensated by the board.

528 (u) Endorse insurance coverage written exclusively for the  
529 purpose of protecting advance payment contracts, and  
530 participation agreements, and the purchasers, benefactors, and  
531 beneficiaries thereof, including group life policies and group  
532 disability policies, which are exempt from the provisions of  
533 part V of chapter 627.

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

537 (w) Solicit proposals and contract, pursuant to s. 287.057,  
538 for the marketing of the prepaid program or the savings program,  
539 or both together. Any materials produced for the purpose of  
540 marketing the prepaid program or the savings program shall be  
541 submitted to the board for review. No such materials shall be  
542 made available to the public before the materials are approved  
543 by the board. Any educational institution may distribute  
544 marketing materials produced for the prepaid program or the  
545 savings program; however, all such materials shall be approved  
546 by the board prior to distribution. Neither the state nor the  
547 board shall be liable for misrepresentation of the prepaid  
548 program or the savings program by a marketing agent.

549 (x) Establish other policies, procedures, and criteria to  
550 implement and administer the provisions of ss. 1009.97-1009.988  
551 ~~ss. 1009.97-1009.984~~.

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

554           Section 5. This act shall take effect October 1, 2015.