

MEMORANDUM

The Honorable John D. Rood
Chairman

Ander Crenshaw

Camille Gardiner
Co-Founder/Board Member Down
Syndrome Foundation of Florida

Patrick T. Hogan
Hogan Legal Services, P.A.

Representative Ray Rodrigues
Florida House of Representatives

Kevin Thompson
Executive Director

John Finch, Jr.
ABLE United Director

TO: Florida Prepaid College Board
FROM: Kevin Thompson, Executive Director
SUBJECT: Direct-Support Organization Disclosures
DATE: July 8, 2020

Pursuant to Section 20.058, Florida Statutes, please find annual disclosure information as required from a direct-support organization below.

- 1) By August 1 of each year, a citizen support organization or direct-support organization created, approved, or administered by an agency, shall submit the following to the appropriate agency:
 - a) The name, mailing address, telephone number, and website address of the organization.

Florida ABLE, Inc. (d/b/a ABLE United)
1801 Hermitage Boulevard, Suite 210
Tallahassee, FL 32308-7743
850.488.8514
www.ableunited.com
 - b) The statutory authority or executive order pursuant to which the organization was created.

1009.986(3), Florida Statutes; www.flsenate.gov/laws/statutes/2016/1009.986
 - b) A brief description of the mission of, and results obtained by, the organization.

The mission of ABLE United is to encourage and assist the saving of private funds to help persons with disabilities cover costs that support their health, independence and quality of life.
ABLE United has developed the ABLE United Program to be a qualified ABLE program pursuant to Section 529A of the Internal Revenue Code. The program launched on July 1, 2016. As of May 15, 2020, 4,724 persons with disabilities have an ABLE United account with an average account balance of \$5,474. A majority of individuals, 44%, have a developmental disability. Over 295,000 unique users have visited the ABLE United website and more than 2,000 different disability, legal, and financial organizations have been engaged.
 - c) A brief description of the plans of the organization for the next 3 fiscal years.

ABLE United has provided Floridians with a disability the opportunity to save money, tax-free, while maintaining federal disability benefits. With the ongoing needs to educate the Florida disability community, ABLE United will continue to seek engagement opportunities with disability organizations and the legal community. Webinars, events, virtual events, incentives and general promotional awareness will be used to educate individuals and entities. ABLE United will continually evaluate program enhancements to support program growth and improved customer experience.
 - d) A copy of the organization's code of ethics.

ABLE United has adopted the State Board of Administration's policy '10-040 Ethics' (enclosed).
 - e) A copy of the organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

The Internal Revenue Service determined Florida ABLE, Inc. to be exempt from filing Form 990 (enclosed determination letter).

10-040 Ethics

Previous Revision: February 14, 2019

First Issued: October 1, 1996


 Ash Williams
 Executive Director & CIO

Date

2/26/20

Applies to	This policy applies to all employees of the State Board of Administration (SBA), including Other Personal Services (OPS) employees and Interns.
Purpose	This policy sets forth the SBA's Code of Ethics and provides guidance and instruction to employees on how to comply. The policy includes standards of conduct and responsibilities and governs reporting requirements for outside employment and financial interests for SBA employees.
Policy	Employees will maintain the highest standards of honesty, integrity, impartiality, and conduct to ensure the proper discharge of the SBA's duties and completion of its mission. The avoidance of misconduct and conflicts of interest on the part of employees through use of informed judgment is vital to the success of these standards. The following is the SBA's formal Code of Ethics:

Code of Ethics

The trusteeship and investment management of public funds demands the highest degree of confidence from beneficiaries of the funds and the public in general. Employees of the SBA hold a public trust that obligates them to honesty and integrity in fulfilling the responsibilities to which they are appointed. Paramount in that trust is the principle that public employment may not be used for personal gain or private advantage. The citizens of the State of Florida expect SBA employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the SBA in a manner that advances the public's interest.

- *Employees will act with honor and integrity in all professional relationships and will be honest and objective in all SBA business transactions and negotiations.*
- *Employees will maintain a duty of loyalty to our beneficiaries and act in the best interests and for the exclusive benefit of our clients and beneficiaries.*
- *Employees will avoid personal, social, employment or business activities and relationships that reflect adversely on the individual's objectivity, create conflicts of interest (including those related to the proper execution and management of investment decisions), impair their ability to make impartial decisions, or otherwise interfere with the proper performance of official duties. Further, under SBA Policy 10-041, Personal Investment Activity, employees will refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the SBA.*
- *Employees have an affirmative duty to promptly disclose and cure conflicts of interest or ethical improprieties. Further, under SBA Policy 10-041, Personal Investment Activity, employees will disclose any material interest (i.e., \$20,000 or more or 5% or greater ownership interest) in Covered Securities (as defined*

in Policy 10-041) in financial institutions or investment organizations with which they conduct business on behalf of the SBA.

- *Employees will not use the prestige or influence of their position or SBA resources to obtain personal, financial or political gain or private advantage for themselves, their families or organizations with which they are associated.*
- *Employees will not seek or accept gifts, money, preferential treatment or property that would or could influence official duties.*
- *Employees will exercise prudence and integrity in the management of funds in their custody and in all financial transactions.*
- *Employees will use care and discretion in the handling of confidential information and will not disclose or use confidential information for personal gain or private advantage.*
- *Employees will be familiar with and comply with SBA policies and local, state and federal laws that affect the SBA and its employees and will not knowingly be a party to, or condone, any illegal or improper activity.*
- *Employees will not falsify or fail to record proper entries on any books or records of the SBA, or knowingly sign or permit the issuance of any statement or report which contains any misstatement or which omits any material fact.*
- *Employees will abide by approved practices and recommended standards set forth by professional associations and standard setting organizations.*
- *SBA management and staff have an affirmative duty to immediately escalate and report directly to either the Executive Director & CIO, the Inspector General, or the General Counsel, employee or contractual party fraud or misconduct (whether actual or suspected), employee or contractual party material error that adversely affects SBA or client assets or interests, misrepresentation or omission of material information in internal and external reporting and client communications, and violations of laws, rules or SBA policies. The Inspector General will investigate any report upon first being made aware of the alleged fraud, misconduct, misrepresentation, error or omission under this provision.*

This policy is intentionally more stringent than the statutory requirements of Chapter 112, Part III, Florida Statutes.

Governing Law

Code of Ethics for Public Officers and Employees
Chapter 112, Part III, Sections 112.311-326, Florida Statutes
Campaign Financing. Chapter 106, Florida Statutes
Governing Federal and/or State Law, Regulations or Rules
110.233, Florida Statutes and Rule 60L-36.002*

*The SBA uses the requirements contained within Section 110.233, Florida Statutes and Rule 60L-36.002, F.A.C., "Political Activities" as guidance but not all provisions may be included in the SBA policy.

Related Policies

10-041 Personal Investment Activity
10-250 Code of Conduct and Disciplinary Action
15-012 Trading Counterparty Management – Public Market Asset Classes

Definitions

Conflict or Conflict of Interest - A situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Employee - An employee of the SBA, including employees hired on a temporary basis as OPS employees and Interns.

Financial Interest - Any arrangement whereby an employee acquires an ownership or equity interest or the right to acquire an ownership or equity interest.

Gift - For purposes of ethics in government and financial disclosure required by law, a "gift" means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his/her benefit or by any other means, for which equal or greater consideration/payment is not given, including:

- Real property or the use of real property
- Tangible or intangible personal property or the use thereof
- Forgiveness of an indebtedness or a preferential rate or terms on a debt, loan, goods or services, which rate is below the customary rate (this does not include a government rate or other special rate which is available to all other similarly situated government employees or persons)
- Transportation
- Food or beverage, plants or flowers, membership dues, entrance fees, admission or registration fees, or tickets to events, performances, or facilities (e.g., golf green fees, tickets to sporting events, or skybox admission)
- Services for which a fee is normally charged and any other similar service or thing having attributable value not previously mentioned in this section

"Gift" does not include:

- Salary, benefits, services, fees, commissions, or expenses associated with the recipient's employment
- Contributions or expenditures reported pursuant to the campaign financing law (Chapter 106, Florida Statutes), campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party
- An honorarium or an expense related to an honorarium event paid on behalf of an SBA employee
- An award, plaque, certificate, or similar personalized item given in recognition of the recipient's public, civic, charitable, or professional service
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization
- The use of a public facility or public property, made available by a governmental entity, for a public purpose
- Transportation provided by a governmental entity in relation to officially approved government business

Honorarium - A payment of money or anything of value, directly or indirectly, to an SBA employee, or to any other person on his/her behalf, as consideration for:

- A speech, address, oration, or other oral presentation by the SBA employee regardless of whether presented in person, recorded, or broadcast over the media

- A writing by the SBA employee, other than a book, which has been or is intended to be published

The term "honorarium" does not include:

- Payment for services related to employment held outside an SBA employee's public position
- Ordinary payment or salary received in consideration for services related to the SBA employee's public duties
- Campaign contributions reported pursuant to Chapter 106, Florida Statutes
- Payment or provision of actual or reasonable transportation, lodging, and food/beverage expenses related to an honorarium event, including any event or meeting registration fee, for an SBA employee

Honorarium Event - A meeting, function or conference where an SBA employee has been invited to make a speech, address, oration, or other oral presentation.

Lobbyist - Any person who, for compensation or other economic consideration, is seeking to influence the decision making of the legislative or executive branches of Florida state government through oral or written communication, or who is encouraging the passage, defeat, or modification of any proposal or recommendation by the legislative or executive branches of Florida state government, or who is attempting to obtain the goodwill of any member of the legislative or executive branches of Florida state government. Seeking to influence decision making does not include:

- Purely informational requests about the SBA and its activities
- Casual or social contact with SBA employees on the topics listed above

Principal - Any person, firm, corporation, or other entity that has employed or retained a Lobbyist. *Note: The definition of Principal includes both current service providers and non-service providers to the SBA that have retained a lobbyist.*

Guidelines/Implementation

Gifts

All SBA employees are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that the SBA employee's decision making, official action or judgment would be influenced by such gift or thing of value.

All SBA employees are prohibited from soliciting any gift, food, beverage, or anything of value from service providers, principals, lobbyists (or partner, firm, employee, employer, or owner of such principal, lobbyist or service provider), political committee, or committee of continuous existence.

All SBA employees are prohibited from accepting any gift, food, beverage, or anything of value from lobbyists and principals unless they reimburse the lobbyist or principal for the full value of the gift, food, or beverage received individually, or their pro rata share in the case of multiple individuals receiving the gift, food, or beverage. Reimbursement must be made contemporaneously with the receipt of the gift, food, or beverage.

Gifts from non-principal, non-lobbyist service providers are subject to the following limitations:

- Gifts less than or equal to \$50.00 can be accepted. No reporting or recordkeeping required.
- Gifts greater than \$50.00 and less than or equal to \$100.00 can be accepted and (other than food or drink) must be reported to the Inspector General within five (5) working days of receipt. Records must be kept.
- Food and drink less than or equal to \$100.00 consumed at one sitting can be accepted from service providers. No reporting or record keeping required.
- Gifts, food and drink greater than \$100.00 cannot be accepted. However, the employee may elect to accept the gift if paid down to \$100.00 or less (i.e., the recipient pays a portion of the amount to lower the value of the gift). Such gifts must be reported to the Inspector General within five (5) working days and records must be kept.
- No employee will accept any gift (regardless of value) based on an understanding that the official acts or judgment of the employee will be influenced.

Note: Service providers include any partner, firm, employee, employer or owner of such provider and also include political committees and committees of continuous existence.

Gifts from non-principal, non-lobbyist non-service providers are generally acceptable, but may require filing a Commission on Ethics Form 9 (Quarterly Gift Disclosure Report) if the gift is valued greater than \$100.00 and received from a non-relative. Employees should consult with the Inspector General or see the Commission on Ethics website for reporting information and requirements.

Unsolicited donations of over \$100.00 made by non-principal, non-lobbyist service providers or others to a third party unassociated with or unrelated to any SBA employee, which is considered to be on the behalf of either the SBA or an employee of the SBA, must be reported to the Inspector General upon discovery.

A gift in excess of \$100.00 may be accepted on behalf of a governmental entity or charitable organization, provided the employee does not retain custody of the gift beyond a reasonable time necessary to arrange for transfer of custody and ownership of the gift.

Gifts donated by non-lobbyist, non-principal service providers or others where the intent is to donate the gift to multiple SBA employees or the SBA as a whole, regardless of the designation of the recipient are permissible so long as the pro rata share of the gift per consuming/participating SBA employee does not exceed the individual gift acceptance levels of this policy (i.e., value of gift divided by the number of consuming/participating employees = pro rata share). As examples, such permissible group gifts include, but are not limited to:

- Food donated during the holiday season where the invitation is extended to all employees of the SBA to consume the food
- A Christmas tree which is on display in the SBA's office
- A book which is available for loan to all SBA employees

The value of such group intended gift must not be such that its actual cost to the donor divided by the number of SBA employees exceeds \$100.00. While no reporting is required for food and drink, gifts other than food or drink valued greater than \$50 and less than or equal to \$100 must be reported to the Inspector General.

If an SBA employee accepts a prohibited gift from a person whom he/she did not know, nor reasonably should have known, was a principal, lobbyist or service provider to the SBA, upon discovery, the employee must immediately notify the Inspector General of the situation.

Principal or Lobbyist Status Search

The Lobbyist Registration Office maintains online directories that allow one to easily determine whether someone is a principal or a lobbyist. This information can be accessed at www.floralobbyist.gov.

Honorarium

SBA employees are prohibited from soliciting an honorarium which is related to their SBA duties.

All SBA employees are prohibited from knowingly accepting an honorarium from a political committee, committee of continuous existence, principal, lobbyist or service provider (or partner, firm, employee, employer, or owner of such principal, lobbyist or service provider).

The receipt of payment for, or the acceptance of, provisions for actual and reasonable transportation, lodging, or food and beverage expenses from a principal, lobbyist or service provider for an honorarium event is prohibited.

The receipt of payment for, or acceptance of, provisions for actual and reasonable transportation, lodging, or food and beverages from non-service providers, non-principals, and non-lobbyists is allowable, provided it is approved by the Inspector General prior to the event.

Lobbyists or Like Contacts and Activities

From time to time prospective service providers and vendors, with or without the complement of a lobbyist, will seek to establish contact with SBA staff. The purpose for such contact may include attempts to influence SBA policy or decision making, to engender goodwill, to acquaint SBA staff with their products or services, or to exchange or share information. Parties seeking purely informational contacts or visits will be encouraged to consult the SBA web site.

Florida Statutes provides that a person may not lobby an agency until such person has registered as a lobbyist with the Florida Commission on Ethics. The statutes also require agencies to be diligent to ascertain compliance in this area. As a result, SBA staff must make diligent and reasonable inquiry to parties with whom they are communicating or meeting to ascertain if they are lobbyist as defined in this policy. If SBA staff determines that an individual they are meeting or communicating with is a lobbyist, the Inspector General must be notified as soon as practicable.

Outside Employment and Other Activities

SBA employees will not engage in outside employment or other activities that are in conflict with the full and proper discharge and responsibilities of his/her employment with the SBA. Conflicting activities include but are not limited to:

- Acceptance of anything having monetary value (fees, compensations, gifts, payment of expenses, etc.) in circumstances in which acceptance may result in conflicts of interest or the use of non-public information gained through, or incidental to, his/her duties
- Outside employment which tends to impair the mental or physical capacity to perform one's duties and responsibilities in an acceptable manner

An employee will not engage in outside employment with persons who have, or are seeking to obtain, contractual or other business or financial relations with the SBA or who represent persons seeking such relationships.

SBA employees who desire to engage in any outside employment must provide their immediate supervisor

and the Inspector General with a written description of the work to be performed, name of employer, days/hours of work and anticipated duration of employment, and obtain approval from the Inspector General prior to commencing such employment.

SBA hiring authorities will ascertain whether a finalist candidate for a vacant position is engaged (and intends to remain engaged) in "outside employment" activities and communicate SBA policy provisions concerning outside employment. Finalist candidates who are already engaged in outside employment must provide the hiring authority with a written description of the work being performed, name of employer, days/hours of work and anticipated duration of employment. Hiring authorities are responsible for coordinating with the Inspector General to obtain approval of intended outside employment of a finalist candidate in advance of executing a Personnel Action Form. Human Resources is responsible for obtaining confirmation of outside employment status of finalist candidates for positions as part of processing new employee paperwork, including obtaining documentation of approval for outside employment from the Inspector General (if applicable).

An employee initiating a discussion or making application regarding employment or potential employment with a service provider must report that activity to the Inspector General within three (3) business days of such discussions or filing the application. The Inspector General will in turn immediately notify the Executive Director & CIO.

If an offer of employment would create a conflict between the employee's private interests and public duties, or would impede the full and faithful discharge of the employee's public duties, the offer must be reported in writing to the Inspector General within three (3) business days. The Inspector General will in turn immediately notify the Executive Director & CIO.

In an abundance of caution, all preliminary discussions with service providers regarding future employment (or hints of employment) must be reported within three (3) business days to the Inspector General, who will then review the matter and promptly make appropriate recommendations to the Executive Director & CIO to protect the best interests of the SBA.

This section does not preclude an employee from:

- Participation in the affairs of a charitable, religious, professional, social, fraternal, non-profit educational or recreational, public service, or civic organization, or acceptance of an award for a meritorious public contribution or achievement given by one of the aforementioned organizations
- Using information obtained as a result of SBA employment when that information has been made available to the general public or will be made available on request

Political Activities

No SBA employee may hold or be a candidate for public or political office while employed by the SBA.

No SBA employee may take an active part in any political campaign while on duty or within any period of time during which the employee is expected to perform service for which the employee receives compensation from the SBA.

SBA employees must submit a written request to the Inspector General before engaging in any campaign related activity, including fundraising. The written request must include the title and duties of the local political office, the hours of work involved, the affect the campaign duties will have on the employee's regular duties with the SBA, and the amount of remuneration for the position. The Inspector General will review the matter and make appropriate recommendations to the Executive Director & CIO to protect the best interests of the SBA.

Financial Interest

SBA employees will not have a direct or indirect financial interest that conflicts with his/her duties and responsibilities to the SBA.

SBA employees will not have a financial interest with any person or service provider who has sought or is seeking to obtain contractual or other business or financial relations with the SBA or who represents persons or service providers seeking such relationships. However, SBA employees are not precluded from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the SBA as long as such financial interests or transactions are not prohibited by law or prohibited by SBA Policy 10-041, Personal Investment Activity.

SBA employees with procurement influence or authority are prohibited from renting, leasing, buying or selling any realty, goods, or services for the SBA from a business entity for which the employee, his or her spouse, child(ren), or any combination of the aforementioned, owns a material (i.e., \$20,000 or more or >5%) interest.

Certain specified employees are required to make annual financial disclosure as set forth in Section 112.3145, Florida Statutes, and will be notified of this requirement by Human Resources at the time of hire, promotion, or transfer. The Florida Commission on Ethics sends Form 1 "Statement of Financial Interests" annually to all affected employees, and the form is required to be completed and returned to the Commission by July 1st of each year.

Counseling

The Inspector General of the SBA will be available to employees for counseling and guidance with respect to Florida Statutes and regulations affecting employee responsibility and conduct, including interpretations of the provisions of this policy.

Recusal

An SBA employee will not be in violation of this Policy where the SBA employee promptly discloses any conflict of interest, refrains from discussing any matters to which the conflict is related, and recuses himself or herself from acting on any matters where the conflict of interest exists.

Violations

Violations of the SBA's Code of Ethics and/or this policy are grounds for disciplinary action, up to and including termination, pursuant to the SBA Policy 10-250, Code of Conduct and Disciplinary Action.

Compliance

All SBA employees are required to complete ethics training on an annual basis as part of mandatory policy training. This training includes an Ethics Policy Acknowledgment that employees must complete to acknowledge that they have reviewed the policy and agree to abide by it.

Additionally, all Primary SBA Staff involved in the selection or disposition of an investment manager/investment fund or the direct acquisition or disposition of a private market real estate investment must execute the appropriate Conflict of Interest Certification in reasonable proximity to the point in time the SBA is legally obligated to commit funds or has executed an investment management agreement. Primary staff consists of the Asset Class Portfolio Manager, Senior Portfolio Manager (if applicable), Senior Investment Officer(s), Deputy Chief Investment Officer, Deputy Executive Director and Executive Director & CIO. For the FRS Investment Plan, the Primary Staff consists of those participating in the search, evaluation and final recommendation of the investment manager.

A Conflict of Interest Certification is also required for approval of a new counterparty and the annual renewal of the approved counterparty list referenced in Policy 15-012 Trading Counterparty Management–Public Market Asset Classes. Primary staff involved in the selection and approval of the counterparty as well as the authorized traders must execute the Conflict of Interest Certification.

The Inspector General is responsible for reviewing and assessing employee compliance with these policies and guidelines as deemed necessary.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 25 2017

FLORIDA ABLE INC
C/O GRAYROBINSON PA
WILLIAM A BOYLES
301 E PINE ST STE 1400
ORLANDO, FL 32801

Employer Identification Number:
47-4965582
DLN:
17053075316007
Contact Person:
GINGER L JONES ID# 31646
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
June 30
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
No
Effective Date of Exemption:
February 23, 2015
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 947

FLORIDA ABLE INC

We sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

Stephen a. martin

Director, Exempt Organizations
Rulings and Agreements