

Statement of Organization and Operation

1. The Agency.

(1) The Florida Prepaid College Board is the agency head and administers the Stanley G. Tate Florida Prepaid College Program (also known as the Florida Prepaid College Plan) and the Florida College Savings Program (also known as the Florida 529 Savings Plan), pursuant to the provisions of Part IV, Chapter 1009, Florida Statutes. The Board exercises the powers granted to it pursuant to s. 1009.971(1) and (3) – (6), Florida Statutes.

(2) The Board has seven members. Three members of the Board are appointed by the Governor and subject to confirmation by the Florida Senate. Four members of the Board are designated in s. 1009.971(2), Florida Statutes. These members are the Attorney General, Chief Financial Officer, Chancellor of the State University System, and Chancellor of the Florida College System, or their respective designees.

2. General Description of Agency Organization and Operation

The Board staff is composed of the following positions:

- (1) The Executive Director serves at the pleasure of the Board.
- (2) Support Staff. Other support staff may be hired as needed. The creation of positions for support staff must be approved by the Board.

3. Location of Agency Offices.

The Florida Prepaid College Board's headquarters are located at: Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210 Tallahassee, Florida 32308, and telephone number (850) 488-8514. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Persons may obtain forms, publications and documents by telephoning, writing, or visiting the Board at its offices or visiting the Board's website at myfloridaprepaid.com

4. Statutory Provisions and Rules.

The primary statutory provisions affecting the operation of the Florida Prepaid College Board are in Part IV, chapter 1009, Florida Statutes, and any additional provisions enacted by the Legislature specifically regarding the Board, Florida Prepaid College Plan and the Florida 529 Savings Plan.

The administrative rules of the Board are designated by Title Number 19B of the Florida Administrative Code.

5. Public Information and Inspection of Records.

Public records in the custody of the Florida Prepaid College Board are available for public inspection pursuant to Chapter 119, Florida Statutes, except those specifically exempted by sections 119.07, 1009.98(6) and 1009.981(6), Florida Statutes, and other applicable statutes. Any person wishing to examine public records of the Board may do so during normal business hours.

6. Designation of Agency Clerk; Duties.

The Board designates as clerk the position of Executive Director. The clerk is responsible for filing of orders pursuant to Section 120.53, Florida Statutes, entered by the Board, and orders entered pursuant to administrative appeal. The clerk is responsible for the receipt and certification of all notices of appeal pursuant to the Florida Rules of Appellate Procedure. The agency clerk of the Florida Prepaid College Board is:

*Kevin Thompson, Executive Director
1801 Hermitage Boulevard, Suite 210
Tallahassee, Florida 32308
Telephone: 850-488-8514*

7. Public Access to the Florida Prepaid College Board.

All meetings and workshops of the Board shall be held under Section 286.011, Florida Statutes, and all public hearings shall be open for public access, except those required or permitted by statute to be closed.

8. Executive Director.

(1) The Executive Director performs the duties assigned or delegated by the Board. In making any delegation of authority to the Executive Director, the Board has expressly reserved its existing statutory authority. The Board has delegated authority to act in the following areas to the Executive Director or his designee, and the Executive Director must report to the Board at each Board meeting on his activities to:

- (a) Take final agency action in all personnel matters, including discipline, involving Board employees.
- (b) Add, delete, reclassify, and transfer authorized salaried positions so long as the total approved and budgeted positions are not exceeded.
- (c) Authorize and pay membership dues or travel expenses and per diem under Section 216.345 or 112.061, Florida Statutes, respectively. Membership dues shall be paid only when such membership is essential to the statutory duties and responsibilities of the Board.
- (d) Act as the secretary-treasurer to the Board, and act as custodian of the records and property of the Board.
- (e) Act as agent for service of process, as representative to organizations in which the Board is a member or officer and as official liaison with agencies of the State, other states, the Federal Government and the public.
- (f) Initiate all rulemaking and adopt internal procedures and guidelines.
- (g) Perform such other functions as may be necessary to supervise, direct, conduct and administer the day-to-day duties of the Florida Prepaid College Board as authorized by law or by rules and policies adopted by the Board.
- (h) Transfer funds between categories of approved funds provided no category is increased or decreased by more than five percent of the total approved budget by all action taken.
- (i) Transfer funds between object codes of a category of approved funds without limitation.

(2) The Executive Director must immediately bring to the Board, in writing, and secure the Board's approval of any proposed legal action to be taken by or on behalf of the Board, except in defense of litigation instituted against the Board. However, where the emergent nature of the matter requires immediate action and it is not possible to

present the matter to a regular or special meeting of the Board, then the Executive Director may take appropriate legal action subject to ratification at the next regular or special meeting of the Board.

(3) The Executive Director must keep each member of the Board advised of controversial or major policy issues arising in the Florida Prepaid College Board and must place such matters upon the agenda when directed by any member of the Board.

(4) Subject to such limitations and restrictions as may be prescribed by the Board from time to time, the Executive Director is also responsible for the following duties:

- (a) Controlling and disbursing funds to carry out the constitutional and statutory duties of the Board.
- (b) Managing and executing the investment and debt responsibilities of the Board.
- (c) Negotiating, entering into and executing purchases, contracts, leases, lease-purchases, licenses and agreements relating to real, personal and mixed property, services, commodities and capital outlay items required for the day-to-day operations of the Board.
- (d) Negotiating, entering into and executing contracts and agreements to carry out the administrative, investment and debt functions of the Board.

9. Board Policy on the Conduct of Business via Electronic E-Mail or Facsimile.

The Board does not accept any formal documents for filing by e-mail or facsimile transmission. "Formal documents" include, but are not limited to, advance payment contract applications, documents associated with the Florida Prepaid College Plan, requests from purchasers for changes to advance payment contract, Florida 529 Savings Plan applications, documents associated with accounts in the Florida 529 Savings Plan, requests for proposals, invitations to negotiate or requests for information, notices of appeals pursuant to the Florida Rules of Appellate Procedure, documents required under the rules of the Board, or documents required under the Uniform Rules of Procedure. Applications for the Florida Prepaid College Plan may be submitted through the Board's website during the annual open enrollment period for the Florida Prepaid College Plan. Applications for the Florida 529 Savings Plan may be submitted through the Board's website. The Board's web address is myfloridaprepaid.com

10. Petitions for Variances and Waivers.

Petitions for variances and waivers may be filed with the Agency Clerk in accordance with the requirements of s. 120.542, Florida Statutes, and Rule Chapter 28-104, Florida Administrative Code.