

CHAPTER 19B-4
ADVANCE PAYMENT CONTRACT APPLICATION AND PAYMENTS

19B-4.001	Application
19B-4.002	Contract Prices
19B-4.003	Payment Options (Repealed)
19B-4.004	Default (Repealed)
19B-4.005	Maximum Account Balance Limit

19B-4.001 Application.

(1)(a) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to advance payment contracts for the prepayment of the Registration Fee, Local Fees, Tuition Differential Fees and/or Dormitory Fees under the Stanley G. Tate Florida Prepaid College Program. See the Master Contract, which is incorporated by reference in subsection (2), for defined terms.

(b) Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for Purchasers participating in employer participation programs or by Purchasers pursuant to a court order will be accepted by the Board at any time. The Board may permit other Purchasers of advance payment contracts to submit an Application to the Board outside the Open Enrollment Period to be processed for data collection and administrative purposes, but the Application will not be accepted by the Board until the beginning of the next succeeding open enrollment period.

(c) The Plan prices associated with Applications submitted to the Board during the Open Enrollment Period shall be the Plan prices applicable to advance payment contracts for the Open Enrollment Period. The Plan prices associated with Applications received by the Board outside the Open Enrollment Period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for Purchasers participating in employer participation programs or by Purchasers pursuant to a court order, shall be the Plan prices applicable to advance payment contracts for the next succeeding Open Enrollment Period.

(2) The Florida Prepaid College Plan Master Contract, Form No. FPCB 2016a-02, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07898>, is hereby incorporated by reference.

(3) The Board may only require that applicants provide the following information to enroll in the Program:

(a) For the Account Owner, Survivor, Parent and Beneficiary:

1. Full legal name and salutation;
2. Social Security Number;
3. Date of birth;
4. Full mailing address;
5. Two telephone numbers;
6. Two e-mail addresses.

(b) Age, grade, and projected enrollment year of the Beneficiary.

(c) The Plan type and payment option of Florida Prepaid College Plan(s) selected for enrollment.

(d) Proof of, or information used to verify proof of the Parent's or Beneficiary's Florida residency as defined in the Master Contract, which is incorporated by reference in subsection (2).

(e) Marketing information:

1. How did you hear about the Program?
2. Annual Family Income;
3. Purchaser's relationship to the Beneficiary;
4. Beneficiary gender;
5. Beneficiary race.

(f) A Florida 529 Savings Plan Account Number for the same Beneficiary to apply a discount on the Application Fee, if offered and applicable.

(g) Information required for the processing of a one-time and recurring automatic withdrawal authorization.

(4) A copy of the Master Contract and Application may be obtained from the Board by submitting a request to: P. O. Box 6448, Tallahassee, Florida 32314-6448.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10, 12-5-11, 11-5-12, 10-7-13, 8-24-14, 6-23-16, 2-14-17.

19B-4.002 Contract Prices.

The Board will approve Plan prices for each Open Enrollment Period. The value of the projected fees for the Florida College System or the State University System will be based primarily on Florida law and empirical data for national and Florida postsecondary tuition, required fees, and housing costs. Plan prices and the interest rate for installment payment plans for the current Open Enrollment Period will be published on the Board's website (www.MyFloridaPrepaid.com).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, 11-30-09, 10-18-10, 10-7-13, 8-24-14.

19B-4.003 Payment Options.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.975, 1009.98(4) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.003, Amended 6-20-96, 6-6-99, 11-27-02, 12-28-03, Repealed 8-24-14.

19B-4.004 Default.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.004, Repealed 8-24-14.

19B-4.005 Maximum Account Balance Limit.

The Maximum Account Balance shall be calculated by multiplying the Qualified Higher Education Expenses, including tuition fees, room and board, and supplies, at the most expensive Eligible Educational Institution, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. In determining the Qualified Higher Education Expenses at the most expensive Eligible Educational Institution, the Board will consult the figures compiled by the College Board and published in the annual College Handbook which is found at the College Board's website (www.CollegeBoard.com). The Maximum Account Balance shall not exceed the amount permitted pursuant to Section 529 of the Code.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History–New 11-27-02, Amended 12-28-03, 7-13-06, 12-17-07, 7-9-08, 10-18-10, 11-5-12, 10-7-13.

**CHAPTER 19B-5
ADVANCE PAYMENT CONTRACT BENEFITS**

19B-5.001	Plan Types (Repealed)
19B-5.002	Contract Benefits (Repealed)
19B-5.003	Contract Requirements
19B-5.004	Contract Purchasers (Repealed)
19B-5.005	Contract Exclusions (Repealed)
19B-5.006	Limitations on Plan Option Changes (Repealed)
19B-5.007	Scholarship Programs Operated by Non Profit Organizations

19B-5.001 Plan Types.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2), (10) FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, 12-17-07, 11-30-09, 10-18-10, 2-24-13, Repealed 8-24-14.

19B-5.002 Contract Benefits.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07, 11-30-09, 10-18-10, 10-7-13, Repealed 8-24-14.

19B-5.003 Contract Requirements.

(1) Notwithstanding the requirement to specify a Beneficiary at the time of purchase pursuant to the Master Contract, which is incorporated by reference in subsection 19B-4.001(2), F.A.C., the board's direct support organization and organizations operating scholarship programs pursuant to Rule 19B-5.007, F.A.C., shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) A Contract may be purchased for a qualified beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C.

(3)(a) The benefits of an advance payment contract may be received for up to a ten (10) year period after the matriculation date. The Account Owner or Beneficiary may submit a written request for an extension to the Board within one year of the benefit period expiring; however the Board does not guarantee approval of an extension request. Factors the Board considers for granting an extension of benefits for up to two years are time spent by the Beneficiary as an active duty member of the U.S. Armed Services, prior extensions, prior Beneficiary changes, recent plan usage, available alternatives, and financial and medical hardships. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all plans. The matriculation date is the projected college enrollment year of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application, or similar information received subsequently by the Board from the purchaser.

(b) When the benefits of an advance payment contract have not been used on December 31, nine (9) years after the matriculation date or one (1) year prior to the expiration of any extension of the expiration date for the use of the advance payment contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The procedure to extend the time period for the use of advance payment contract benefits or to obtain a refund for the contract;

2. That the right to use the advance payment contract benefits will expire on December 31, ten (10) years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

Such notice shall be mailed not later than 180 days prior to the expiration of the advance payment contract benefits. An alphabetical list of the names of purchasers of such advance payment contracts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with an advance payment contract for which the benefits have not been used by December 31, ten (10) years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, 12-17-07, 1-28-09, 10-18-10, 10-7-13, 8-24-14.

19B-5.004 Contract Purchasers.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98, 11-27-02, 1-28-09, 10-18-10, 10-7-13, Repealed 8-24-14.

19B-5.005 Contract Exclusions.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Formerly 4G-5.005, Amended 6-20-96, 1-3-01, Repealed 8-24-14.

19B-5.006 Limitations on Plan Option Changes.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 2-6-90, Formerly 4G-5.006, Amended 6-20-96, 3-20-97, 2-18-99, 12-17-07, 10-18-10, Repealed 8-24-14.

19B-5.007 Scholarship Programs Operated by Non Profit Organizations.

(1) During the open enrollment period, a nonprofit organization may purchase advance payment contracts for a scholarship program operated by the organization provided the Board has approved the scholarship program.

(2) The Board will approve scholarship programs operated by nonprofit organizations upon submission of a written application to the Board that contains:

- (a) Evidence that the organization is a nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code;
- (b) Evidence that the organization is exempt from taxation pursuant to Section 501(a) of the Internal Revenue Code;
- (c) Information describing the scholarship program and its purposes;
- (d) A statement that the nonprofit organization operates the scholarship program;
- (e) A statement that the nonprofit organization shall comply with the terms of the advance payment contract, Sections 1009.97-.98, 1009.982 and 1009.983, F.S., and the rules of the Board.

(3) An application for approval of a scholarship program may be submitted with an application to purchase one or more advance payment contracts.

(4) After an application is determined by the Executive Director to be complete, the Board will consider and approve the application for the scholarship program at its next meeting.

(5) Approval by the Board of a scholarship program is not and shall not be promoted by the nonprofit organization as, an endorsement by the Board of the scholarship program or the sponsoring nonprofit organization.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(9) FS. History—New 10-9-01.

**CHAPTER 19B-6
FEE SCHEDULE**

19B-6.001 Fee Schedule (Repealed)

19B-6.001 Fee Schedule.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02, 12-17-07, 10-18-10, 11-5-12, Repealed 10-7-13.

**CHAPTER 19B-7
ELIGIBILITY**

- 19B-7.001 Beneficiary Defined (Repealed)
- 19B-7.002 Residency (Repealed)
- 19B-7.003 Evidence of Residency (Repealed)

19B-7.001 Beneficiary Defined.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98 FS. History—New 3-29-89, Amended 2-6-90, Formerly 4G-7.001, Amended 11-27-02, 1-1-07, Repealed 8-24-14.

19B-7.002 Residency.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.97(3)(f), 1009.971, 1009.98 FS. History—New 3-29-89, Formerly 4G-7.002, Repealed 8-24-14.

19B-7.003 Evidence of Residency.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.97(3)(f), 1009.971, 1009.98 FS. History—New 3-29-89, Formerly 4G-7.003, Amended 6-20-96, Repealed 8-24-14.

CHAPTER 19B-8
SUBSTITUTION OF BENEFICIARY

19B-8.001	Qualified Individuals (Repealed)
19B-8.002	Age Limitations (Repealed)
19B-8.003	Fee. (Repealed)
19B-8.004	Scholarship Programs

19B-8.001 Qualified Individuals.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, 12-28-03, 3-15-06, 1-28-09, Repealed 8-24-14.

19B-8.002 Age Limitations.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98 FS. History—New 3-29-89, Formerly 4G-8.002, Amended 6-20-96, 3-18-12, Repealed 10-7-13.

19B-8.003 Fee.

Rulemaking Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Formerly 4G-8.003, Repealed 6-20-96.

19B-8.004 Scholarship Programs.

Advance payment contracts purchased through an approved non-profit organization as provided in Rule 19B-5.007, F.A.C., or the Florida Prepaid College Foundation, Inc., may transfer the Prepaid benefits to any qualified beneficiary who meets the residency requirements at the time of substitution. An authorized representative for the scholarship donor organization will be required to sign and notarize any request to substitute beneficiaries on advance payment contracts.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 1-1-07.

**CHAPTER 19B-9
TRANSFERABILITY**

- 19B-9.001 Flexibility (Repealed)
- 19B-9.002 Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools (Repealed)
- 19B-9.003 Transfer to Out-of-State Schools (Repealed)
- 19B-9.004 Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories (Repealed)
- 19B-9.005 Transfer to In-State Vocational-Technical Schools (Repealed)

19B-9.001 Flexibility.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(3) FS. History—New 3-29-89, Amended 3-19-92, Formerly 4G-9.001, Amended 6-20-96, 8-18-97, 12-17-07, 10-18-10, Repealed 8-24-14.

19B-9.002 Use of Benefits at In-State Private Colleges or Universities, Out-of-State Colleges and Universities and Vocational-Technical Schools.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01, 12-17-07, 11-30-09, 10-18-10, Repealed 8-24-14.

19B-9.003 Transfer to Out-of-State Schools.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History—New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-3-01, 10-9-01, 12-17-07, Repealed 11-30-09.

19B-9.004 Dormitory Transfer to Florida Colleges and State University-Held Residences Other than Dormitories.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History—New 10-20-96, Amended 1-28-09, 11-30-09, 10-18-10, 10-7-13, Repealed 8-24-14.

19B-9.005 Transfer to In-State Vocational-Technical Schools.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History—New 1-3-01, Amended 12-17-07, Repealed 11-30-09.

CHAPTER 19B-10
TERMINATION

- 19B-10.001 Involuntary Termination (Repealed)
- 19B-10.002 Voluntary Termination (Repealed)

19B-10.001 Involuntary Termination.

Rulemaking Authority 1009.971(1), (4), (6) Law Implemented 1009.971, 1009.98(4) FS. History—New 3-29-89, Formerly 4G-10.001, Amended 6-20-96, Repealed 8-24-14.

19B-10.002 Voluntary Termination.

Rulemaking Authority 1009.971(1), (4), (6) Law Implemented 1009.971, 1009.98(4) FS. History—New 3-29-89, Formerly 4G-10.002, Amended 6-20-96, 7-28-98, 1-28-09, Repealed 8-24-14.

CHAPTER 19B-11 REFUND

19B-11.001	General (Repealed)
19B-11.002	Conversion of a Plan to Another Plan of Lesser Value (Repealed)
19B-11.003	Conversion/Refund Requests (Repealed)
19B-11.004	Dormitory Refund (Repealed)
19B-11.005	Other Refunds (Repealed)
19B-11.006	Hold Harmless (Repealed)
19B-11.007	Unclaimed Refunds

19B-11.001 General.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5), (10) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, 1-28-09, 11-30-09, 10-18-10, Repealed 8-24-14.

19B-11.002 Conversion of a Plan to Another Plan of Lesser Value.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(5) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.002, Amended 8-18-97, Repealed 8-24-14.

19B-11.003 Conversion/Refund Requests.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(5) FS. History–New 3-29-89, Amended 3-19-92, Formerly 4G-11.003, Repealed 8-24-14.

19B-11.004 Dormitory Refund.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History–New 3-29-89, Amended 2-6-90, Formerly 4G-11.004, Amended 5-31-95, 2-18-99, 10-18-10, Repealed 8-24-14.

19B-11.005 Other Refunds.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.005, Amended 1-28-09, 10-18-10, Repealed 8-24-14.

19B-11.006 Hold Harmless.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 6-20-96, Repealed 8-24-14.

19B-11.007 Unclaimed Refunds.

(1) The Board will mail written notice to the purchaser of a terminated advance payment contract when a refund for the account has been available for six (6) years. Such refund will consist of any monies paid into the program minus any applicable fees due against the account. The notice will indicate the procedure which must be followed to obtain a refund of the monies held by the Board and that if a refund claim is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted on the Board's website on the Internet (www.myfloridaprepaid.com). Any refund which remains unclaimed seven (7) years after an account is terminated will escheat to the Florida Prepaid College Trust Fund.

(2) The Board will attempt to identify purchasers who have made inadvertent payments of fifty dollars or more into the Program and who are owed a refund of such payments. The Board will mail a written notice to persons who made such payments informing them that they are entitled to a refund of the inadvertent payments when such refunds have been unclaimed for six years. The notice will indicate the procedure which the person must follow to obtain a refund of the monies held by the Board and that if a claim for a refund is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted on the Board's website on the Internet. Any refund of an inadvertent payment

into the Program which remains unclaimed after seven years or on December 31, 2004, whichever is later, will escheat to the Florida Prepaid College Trust Fund.

(3) When the Board determines one or more additional methods for locating and notifying purchasers due an unclaimed refund or entitled to a refund of an inadvertent payment are available which are likely to increase the number and amounts of refunds provided to purchasers entitled to a refund or provided to purchasers who have made inadvertent payments, the Board will use such methods to locate and provide refunds to purchasers.

(4) The Board will annually review and approve the list of unclaimed refunds and inadvertent payments which have remained unclaimed for the periods required under this rule and have escheated to the Florida Prepaid College Trust Fund.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.972(5), 1009.98(5) FS. History—New 6-20-96, Amended 12-29-98, 4-15-04, 1-28-09, 10-18-10.

CHAPTER 19B-12 GRIEVANCE PETITIONS

19B-12.001	Special Petition
19B-12.002	Point of Entry
19B-12.003	Financial Hardship

19B-12.001 Special Petition.

(1) Any person who desires to petition the Board for relief from the procedures and policies within Chapters 19B-4 through 11, 19B-13 and 19B-16, F.A.C., may do so by filing a petition with the Executive Director of the Board or by filing a petition for a waiver or variance of a Board rule pursuant to Section 120.542, F.S.

(2) The petition shall contain the name and address of the person requesting relief; the specific nature of the relief requested; the name and address of any purchaser, benefactor, designated beneficiary or beneficiary on any disputed contract (if applicable); the prepaid college contract or participation agreement account numbers of the contract in question; the rule or policy from which the petitioner is requesting relief; the date of request; and the signature of the petitioner.

(3) The chairman has the authority to respond on behalf of the Board. The response must be in writing and must be made within 45 days of receipt of the petition from the person requesting relief.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 120.542, 1009.98, 1009.981 FS. History—New 2-6-90, Formerly 4G-12.001, Amended 6-20-96, 12-16-97, 5-30-02.

19B-12.002 Point of Entry.

Any person whose interests are substantially affected by a response to a special petition filed pursuant to Rule 19B-12.001, F.A.C., may seek relief pursuant to Section 120.569, F.S., or may seek a waiver or variance pursuant to Section 120.542, F.S. and Rule 28-104, F.A.C.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 120.542, 120.569, 1009.98, 1009.981 FS. History—New 2-6-90, Formerly 4G-12.002, Amended 12-16-97.

19B-12.003 Financial Hardship.

(1) In response to a demonstrated financial hardship, any contract purchaser as defined by Rule 19B-5.004, F.A.C., may file a petition with the Executive Director of the Board seeking to obtain the waiver of any late fees assessed against that purchaser pursuant to subsection 19B-6.001(5), F.A.C., or seeking to avoid the involuntary termination of a contract pursuant to Chapter 19B-10, F.A.C., or seeking to avoid the imposition of a termination fee.

(2) The Board will also entertain petitions to temporarily suspend a purchaser's participation in a contract plan due to a demonstrated financial hardship, when such a Petition is filed in order to avoid default as defined in Rule 19B-4.004, F.A.C. However, in no event will the Board permit any contract purchaser to suspend payments on any plan for a period of longer than 180 days, as specified in Rule 19B-4.004, F.A.C. At the end of any period of suspension authorized by the Board pursuant to a demonstrated financial hardship, the contract purchaser must bring his account into good standing within a period of thirty (30) days.

(3) For purposes of this chapter, the term "financial hardship" shall be defined to include any loss of employment or income by a contract purchaser or the spouse of a contract purchaser which limits or otherwise impairs the ability of the contract purchaser to make timely payments on a contract with the Board. A financial hardship will also be found to exist whenever a contract purchaser can demonstrate to the Board that medical circumstances, such as hospitalization of the purchaser or the spouse of the purchaser, that limit or otherwise impair the contract purchaser's ability to make timely payments on a contract with the Board. Proof of loss of employment or income or proof of medical circumstances cited in any Petition will be required by the Board only when circumstances are not clearly cited.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 5-17-92, Formerly 4G-12.003, Amended 6-20-96, 3-18-12.