



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

DATE: September 1, 2016 **TRANSMITTAL NO.:** P-16-09-0006

TO: Economic Self-Sufficiency Operations Managers
Economic Self-Sufficiency Program Offices

FROM: Susan Thomas, Interim Chief, Program Policy
Suzanne Poirier, Chief, Technology & Project Management
(Signatures on File)

SUBJECT: Achieving a Better Life Experience (ABLE) Accounts Exclusion

DATE: Upon Receipt

This memorandum provides policy about the Achieving a Better Life Experience (ABLE) Act that was passed by Congress in December 2014. The ABLE Act allows an individual to have an ABLE account in any state. ABLE United is Florida's qualified ABLE Program and is administered by the Florida Prepaid College Board.

What is an ABLE account?

An ABLE account is a tax sheltered account used for disability-related expenses of an individual entitled to Social Security benefits based on blindness or disability, or a certification of disability signed by a physician prior to age 26. Each state's ABLE Program will determine if the individual meets the qualifying factors to establish an ABLE account. The Florida Prepaid College Board will complete this determination for accounts established in Florida.

Policy

ABLE accounts not exceeding \$100,000 are excluded as an asset for all programs. Amounts over \$100,000 are counted in the asset determination. The current total annual limit for donations to an ABLE account is \$14,000 for 2015. The amount will be adjusted annually for inflation.

ABLE Account Verification:

- When an individual is not potentially over the asset limit based on the sum of all assets including the ABLE account, staff may accept client statement of the ABLE account and exclude it from the budget.
- When an individual is potentially over the asset limit based on the sum of all assets including an ABLE account, staff must request verification to confirm the account can be excluded as an ABLE account.

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- Florida residents will receive quarterly and annual statements as verification of their ABLE United account from the Florida Prepaid College Board. The individual may request an interim account statement by contacting the Florida Prepaid College Board at 888-524-ABLE (2253) or by logging into their online ABLE account.
- If the ABLE account was set up in a state other than Florida, the individual may contact that state's ABLE administrating entity to request verification.
- The application must not be denied if verification of an ABLE Account is the only outstanding verification needed to process the case. If the individual requires assistance with obtaining verification of an ABLE account, regional staff may contact their Region's Program Office staff to contact the Florida Prepaid College Board to obtain verification.

Deposits (Contributions) to an ABLE account are:

- Excluded as an asset
- Contributions by others to an ABLE account are excluded as income to the beneficiary of the account
- Income of the beneficiary is counted in the eligibility determination, even if subsequently deposited into an ABLE account
- Any interest, dividend or other earnings increase to an ABLE account is excluded as income

Withdrawals (Distributions) paid from an ABLE account are:

- Excluded as income to the individual
- If individual receives a distribution from their ABLE account but does not spend it, the ABLE funds remain excluded as an asset, even if co-mingled with other assets, as long as they are identifiable
 - Do not deny or terminate benefits without verification that the ABLE funds were identified and deducted from the total value of the asset

ABLE Accounts Funds for SSI Recipients:

- Funds accrued in an ABLE account up to \$100,000 are excluded as an asset with no effect on the individual's eligibility for Supplemental Security Income (SSI) payment and Medicaid coverage
- Funds accrued in an ABLE account in excess of \$100,000 continue to be excluded as an asset; however, the individual's SSI payment is suspended. They remain Medicaid eligible

FLORIDA Instructions

If the individual indicates the account is an ABLE account, or when the ABLE account verification is received, if needed, enter the account information on the "AALA" screen:

- Enter "**OT**" in the "TYP" field
- Enter "**ABLE Acct**" in the "ACCOUNT NBR" field
- For accounts under \$100,000:

- Enter the entire balance of ABLE account in the “TOTAL AMOUNT” field and enter an “N” in the “AV” field to code the account as unavailable to the individual.
- For account exceeding \$100,000:
 - Enter only the amount that exceeds \$100,000 in the “TOTAL AMOUNT” field and enter a “Y” in the “AV” field to code the funds in excess of \$100,000 as available to the individual.

If there are policy questions, region offices may contact Dianna Laffey at Dianna.Laffey@myflfamilies.com.

If there are system questions, region offices may contact Ron Hardcastle at Ron.Hardcastle@myflfamilies.com.

cc: Assistant Secretary for Economic Self-Sufficiency (Jeri Flora-Culley)
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