

**FIRST AMENDMENT
TO THE
FLORIDA INSTITUTE FOR HUMAN & MACHINE COGNITION
403(B) TAX DEFERRED ANNUITY PLAN**

FLORIDA INSTITUTE FOR HUMAN & MACHINE COGNITION 403(B) TAX DEFERRED ANNUITY PLAN (the "Plan") is hereby amended as follows:

1. **EXCLUSIONS – ELECTIVE DEFERRALS.** Effective March 1, 2020, Item B1 of the Plan's Adoption Agreement is hereby amended to deselect Item B1f and to read as follows:

Exclusions - Elective Deferrals

1. For purposes of Elective Deferrals, the term "Eligible Employee" will not include (select all that apply):
 - a. ☐ Employees whose maximum Elective Deferrals would not exceed \$200.
 - b. ☐ Employees who are eligible to participate in an eligible governmental plan under section 457(b) that permits contributions or deferrals at the election of the employee.
 - c. ☐ Employees who are eligible to participate in a plan of the Employer offering a qualified cash or deferred election under Code section 401(k) or a contract described in Code section 403(b).
 - d. ☐ Employees who are non-resident aliens described in Code section 410(b)(3)(C).
 - e. ☐ Employees who are students performing services described in Code section 3121(b)(10).
 - f. ☐ Employees who normally work fewer than 20 hours per week.

2. **EXCLUSIONS – OTHER CONTRIBUTIONS.** Effective March 1, 2020, Item B5 of the Plan's Adoption Agreement is hereby amended to read as follows:

Exclusions - Other Contributions

For purposes of the contributions specified below, the term "Eligible Employee" will not include:

5. Other Employees

☒ Other Employees, as defined below, will be excluded from the Plan for the following purposes (e.g., Employees paid on a salary basis):

- a. ☐ Voluntary Contributions
- b. ☐ Mandatory After-Tax Contributions

c. ☐ Mandatory Pre-Tax Contributions

d. ☐ Matching Contributions

e. ☒ Non-Elective Contributions

(i) Employees who normally work fewer than 30 hours per week other than any such Employee if (1) on July 1, 2018, such Employee was jointly employed by the Employer and another employer that is not a member of a controlled group or an affiliated service group of which the Employer is a member (the “**Unrelated Employer**”), (2) such Employee’s joint employment is pursuant to written agreements with the Employer and the Unrelated Employer and (3) such Employee’s joint employment with the Employer and the Unrelated Employer regularly exceeds 30 hours per week.

(ii) Employees who normally work fewer than 20 hours per week.

3. **EFFECTIVE DATE.** The effective date of this Amendment is _____, 2020.

DATED: _____, 2020

FLORIDA INSTITUTE FOR HUMAN
AND MACHINE COGNITION, INC.

By: _____

Name: _____

Title: _____