STATE BOARD OF ADMINISTRATION
OF FLORIDA

ULRICKA S. FERDINAND,
Daughter of Ulrick Luc Ferdinand (deceased),

Petitioner,

vs. SBA Case No. 2026-0091

STATE BOARD OF ADMINISTRATION,

Respondent.
_______________________________________/

FINAL ORDER

On August 6, 2026, the Presiding Officer submitted his Recommended Order to the State Board of Administration of Florida (SBA) in this proceeding. The Recommended Order indicates that copies were served upon the *pro se* Petitioner, Ulricka S. Ferdinand, and upon counsel for the Respondent. A copy of the Recommended Order is attached hereto as Exhibit A. The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

ORDERED

The Recommended Order (Exhibit A) is hereby adopted in its entirety. Petitioner is the daughter of former Investment Plan member Ulrick Luc Ferdinand, Sr., who passed away on or about November 19, 2025. Petitioner requested that her father's Investment Plan account be distributed to her and her brother as they had been designated as the beneficiaries in 2003. The request was denied, however, because in 2016, Mr. Ferdinand married Rose Neige Pierre. He did not update his beneficiary designation after his marriage. He remained married at his death. Thus, pursuant to section 121.4501(20)(a), Florida Statutes, by law, his beneficiary is his wife. § 121.4501(20)(a), Fla. Stat. ("[F]or a member who dies prior to his or her effective date of retirement, the spouse at the time of death shall be the member's beneficiary unless the member designates a different beneficiary subsequent to the member's most recent marriage.").

The Hearing Officer correctly determined that in order for Mr. Ferdinand's children to remain the beneficiaries of his Investment Plan account after he married, he would have had to "re-designate" them after his marriage. He did not designate them as beneficiaries after his marriage; therefore, his spouse is the beneficiary pursuant to statute.

Regarding the FRS, the SBA only has the authority granted to it by the legislature and is not authorized to depart from the statute. *See Balezentis v. Dep't of Mgmt. Servs., Div. of Retirement*, Case No. 04-3263, ¶ 10 (DOAH Mar. 2, 2005; DMS Apr. 4, 2005). Accordingly, because the statute directs that the spouse is the beneficiary unless another beneficiary is designated <u>after</u> the marriage, Petitioner is not entitled to the relief requested.

Any party to this proceeding has the right to seek judicial review of the Final Order pursuant to section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the State Board of Administration of Florida in the Office of the General Counsel, State Board of Administration of Florida, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within thirty (30) days from the date the Final Order is filed with the Clerk of the State Board of Administration.

DONE AND ORDERED this 19th day of August, 2026, in Tallahassee, Florida.

STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION
OF FLORIDA

Daniel Beard

Daniel Beard
Chief of Defined Contributions Programs
State Board of Administration of Florida
1801 Hermitage Boulevard, Suite 100
Tallahassee, FL 32308
(850) 488-4406

FILED ON THIS DATE PURSUANT TO SECTION 120.52, FLORIDA STATUTES, WITH THE DESIGNATED CLERK OF THE STATE BOARD OF ADMINISTRATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

Hillary Eason

Hillary Eason
Agency Clerk

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Final Order was served this 19th day of August, 2026, by mail and electronic mail to the following:

Ulricka S. Ferdinand
[redacted]
Petitioner

And by electronic mail only to:

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STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION

ULRICKA S. FERDINAND,
Daughter of Ulrick Luc Ferdinand (deceased),

Petitioner,

vs. CASE NO. 2026-0091

STATE BOARD OF ADMINISTRATION,

Respondent.
_______________________________/

RECOMMENDED ORDER

This case was heard in an informal proceeding pursuant to Section 120.57(2), Florida Statutes, on May 19, 2026, with all parties appearing telephonically before the undersigned presiding officer for the State of Florida, State Board of Administration (SBA). The appearances were as follows:

APPEARANCES

For Petitioner: Ulricka S. Ferdinand, *pro se*
[redacted]

For Respondent: Ian C. White, Esq.
Ausley McMullen, P.A.
123 S. Calhoun Street
Tallahassee, Florida 32302

STATEMENT OF THE ISSUE

The issue is whether the Florida Retirement System ("FRS") Investment Plan account of deceased member, Ulrick Luc Ferdinand, should be distributed to his surviving children, who are the designated beneficiaries on the account, or to his surviving spouse.

PRELIMINARY STATEMENT

Petitioner testified on her own behalf and presented the testimony of her brother, Ulrick Ferdinand, Jr., as a witness. Petitioner's Exhibit P-1 was admitted into evidence without objection. Respondent presented the testimony of Lindy Still, SBA Director of Policy, Risk Management, and Compliance. Respondent's Exhibits R-1 through R-6 were admitted into evidence without objection.

A transcript of the hearing was made, filed with the agency, and provided to the parties on June 3, 2026. The parties were invited to submit proposed recommended orders within 30 days after the transcript was filed. The following recommendation is based on the undersigned's consideration of the complete record in this case and all materials submitted by the parties.

FINDINGS OF UNDISPUTED FACTS

1. Petitioner is the daughter of former FRS Investment Plan member, Ulrick Luc Ferdinand, Sr., who passed away on or about November 19, 2025. At the time of his death, Mr. Ferdinand was vested in the FRS Investment Plan.

2. In 2003, Mr. Ferdinand designated with FRS his two children, Petitioner and her brother, Ulrick Ferdinand, Jr., as his sole beneficiaries. That designation has not been changed since it was made by the deceased.

3. On September 17, 2016, Mr. Ferdinand (Sr.) married Rose Neige Pierre. However, he did not update his FRS beneficiary designation following the marriage. At the time of his death, Mr. Ferdinand (Sr.) was survived by his wife, as well as the Petitioner and her brother, who were children from a previous marriage.

4. On or about February 27, 2026, the SBA received an email from Petitioner, on behalf of her and her brother, as Mr. Ferdinand's beneficiaries, requesting a distribution of funds from Mr. Ferdinand's FRS retirement account.

5. On March 12, 2026, the SBA denied Petitioner's request. The SBA advised Petitioner that since her father was married at the time of his death, his FRS benefits must be distributed to his spouse, in accordance with section 121.4501(20)(a), Florida Statutes, notwithstanding the designation of Petitioner and her brother as beneficiaries on the retirement account.

6. On or about March 19, 2026, the SBA received a timely Request for Hearing from Ulricka S. Ferdinand requesting that her father's Investment Plan account be distributed to her and her brother in equal shares instead of to her father's wife.

7. In support of her claim, Petitioner submitted Mr. Ferdinand's Last Will and Testament dated April 25, 2016 ("Will"), Article IV of which purports to bequeath the remainder of his estate to his two children, Petitioner, and her brother Ulrick Ferdinand, Jr.

CONCLUSIONS OF LAW

8. The payment of benefits to beneficiaries under the FRS Investment Plan is governed by section 121.4501, Florida Statutes, which provides, in relevant part, as follows:

> Each member may ... designate a choice of one or more persons, named sequentially or jointly, as his or her beneficiary for receiving the benefits, if any, which may be payable pursuant to this chapter in the event of the member's death. If no beneficiary is named in this manner, or if no beneficiary designated by the member survives the member, the beneficiary shall be the spouse of the deceased, if living. If the member's spouse is not alive at the time of the member's death, the beneficiary shall be the living children of the member. If no children survive, the beneficiary shall be the member's father or mother, if living; otherwise, the beneficiary shall be the member's estate. The beneficiary most recently designated by a member shall be the beneficiary entitled to any benefits payable at the time of the member's death.

> **However, for a member who dies prior to his or her effective date of retirement, the spouse at the time of death shall be the member's beneficiary unless the member designates a different beneficiary subsequent to the member's most recent marriage.**

F.S. § 121.4501(20)(a) (emphasis added).

9. Since the emphasized language above applies to members who die prior to their effective date of retirement, it is necessary to consider whether this governing provision is applicable to Mr. Ferdinand. Under section 121.4501(2)(k), Florida Statutes, a former member of the investment plan is not considered "retired" unless he or she has terminated employment *and* taken a distribution of vested employee or employer contributions. As Mr. Ferdinand (Sr.) had not taken a distribution from his Investment Plan account prior to his death, his death occurred "prior to his effective date of retirement."

10. As Respondent has pointed out, based on the language in section 121.4501(20)(a), if Mr. Ferdinand intended his children to remain the beneficiaries of his retirement plan account, he was required to "re-designate" them as such, *after* his marriage. This is further supported under the applicable SBA Rules.

11. Rule 19-11.002(4)(b), Fla. Admin. Code Ann. (Beneficiary Designations and Distributions for FRS Investment Plan) Provides:

> If the member marries after designating a beneficiary, the member must file an updated beneficiary designation if the member wishes to name someone else other than the spouse as a beneficiary. If the member does not file an updated beneficiary designation, the member's spouse will be the beneficiary of the member's account. The spouse must provide a copy of the marriage certificate verifying that the marriage occurred after the most recent beneficiary designation. Example: John is married to Betty and has named her as his beneficiary. John divorces Betty and marries Carol. Carol will be John's beneficiary unless he files another beneficiary form and names, for example, his son, Bob.

12. Although he designated his children as beneficiaries in 2003, Mr. Ferdinand did not update his beneficiary designation following his 2016 marriage. The legal and practical effect of his remarriage, therefore, was the nullification of any prior beneficiary designation.

13. The rights of FRS members are contractual between the member and the State of Florida. § 121.011(3)(d), Fla. Stat.; *Demichael v. Dep't of Mgmt. Servs., Div. of Ret.*, 334 So. 3d 691 (Fla. 1st DCA 2022). A party to a contract is presumed to know and understand the contents, terms, and conditions of a contract before signing it, and any inquiries concerning the ramifications of the contract should be made before signing it. *See Semerena v. Dist. Bd. of Trs. of Miami Dade College*, 282 So. 3d 974, 977 (Fla. 3d DCA 2019).

14. Petitioner argues that her father's Will should govern the distribution of his FRS retirement account, as it provides evidence of her father's intent. In Florida, a will should typically be construed in a way that carries out the intent of the testator. *see, e.g., Adams v. Vidal*, 60 So.2d 545 (Fla.1952); *Vinson v. Johnson*, 931 So. 2d 245, 247–48 (Fla.1st DCA 2006). However, this rule is not absolute. It assumes that the testator's intended actions with respect to his property are lawful, and the intent expressed in a will can only be given full force and effect if it does not violate the law or public policy. *Cody v. Cody*, 127 So. 3d 753, 757 (Fla. 1st DCA 2013). Nothing in the law permits a member's Will to supersede the distribution provisions of Chapter 121, Florida Statutes.

15. Mr. Ferdinand is presumed to understand his obligations under Florida law with respect to the effectiveness of his beneficiary designation made prior to his remarriage. Florida law is clear that under the circumstances, his retirement account will be distributed to his spouse as his beneficiary by operation of law, in accordance with Section 121.4501(20)(a), Florida Statutes.

16. The Prenuptial Agreement submitted by Petitioner, dated April 25, 2016, is also of no effect. Payment to a non-spouse beneficiary over the surviving spouse would require a valid, post-marriage beneficiary designation. While Petitioner may have some course of action against her father's widow, following the distribution of his FRS Investment Plan account, the terms of the Prenuptial Agreement do not supersede SBA's statutorily mandated distribution obligations.

17. Petitioner carries the burden to demonstrate compliance with all applicable statutory requirements before being granted the relief requested. *Young v. Dep't of Community Affairs*, 625 So. 2d 831 (Fla. 1993); *Dep't of Transp. v. J.W.C.*, 396 So. 2d 778 (Fla. 1st DCA 1981).

18. Respondent is charged with implementing Chapter 121, Florida Statutes. It is not authorized to depart from the requirements of these statutes when exercising its jurisdiction. *Balezentis v. Dep't of Mgmt. Servs., Div. of Retirement*, Case No. 04-3263, 2005 WL 517476 (Fla. Div. Admin. Hrgs. March 2, 2005) (noting that agency "is not authorized to depart from the requirements of its organic statute when it exercises its jurisdiction"). Respondent's construction and application of Chapter 121 are entitled to great weight and will be followed unless proven to be clearly erroneous or amounting to an abuse of discretion. *Level 3 Communications v. C.V. Jacobs*, 841 So. 2d 447, 450 (Fla. 2002); *Okeechobee Health Care v. Collins*, 726 So. 2d 775, 778 (Fla. 1st DCA 1998).

19. Respondent, as an administrative entity of the State of Florida, has only those powers conferred upon it by the legislature. *See, e.g., Pesta v. Dep't of Corrections*, 63 So.3d 788 (Fla. 1st DCA 2011). The Florida Administrative Procedure Act expressly provides that statutory language describing the powers and functions of such an entity are to be construed to extend "no

further than...the specific powers and duties conferred by the enabling statute." §§ 120.52(8) and 120.536(1), Fla. Stat.

20. Respondent is required to administer the FRS Investment Plan in accordance with the governing laws and rules, and has no authority to waive the statutory provisions of Section 121.4501(20)(a), Florida Statutes.

RECOMMENDATION

Having considered the law and undisputed facts of record, I recommend that Respondent, State Board of Administration, issue a final order denying the relief requested by the Petitioner.

Dated this 6th day of August 2026.

Respectfully submitted,

/s/ Glenn E. Thomas
Glenn E. Thomas, Esquire
Presiding Officer
For the State Board of Administration
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