

**STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION**

JAMES HEATH,	)	
	)	
Petitioner,	)	
	)	
vs.	)	SBA Case No. 2018-0221
	)	
STATE BOARD OF ADMINISTRATION,	)	
	)	
Respondent.	)	
<hr style="width: 45%; margin-left: 0;"/>		

**FINAL ORDER OF DISMISSAL**

On December 13, 2018, the Presiding Officer submitted her Recommended Order of Dismissal on Respondent’s Motion to Dismiss as Moot (“Order”) to the State Board of Administration (“SBA”) in this proceeding. Petitioner had requested a hearing seeking a determination that he could return to work with his Florida Retirement System participating employer prior to November 1, 2018 without having to repay the distribution he took in April 2018 that made him a “retiree.” Petitioner did not return to work prior to November 1, 2018, so the prohibition on Petitioner’s return to work has now expired. As such, the issue Petitioner raised in his Petition for Hearing now is moot, as there is no controversy remaining to resolve. A copy of the Order, recommending that the matter be dismissed, is attached hereto as Exhibit A. The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

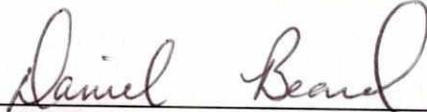
**ORDERED**

The Recommended Order of Dismissal (Exhibit A) is hereby adopted in its entirety. The Petitioner’s petition for a hearing hereby is dismissed with prejudice.

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 in the Office of the General Counsel, State Board of Administration, 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.

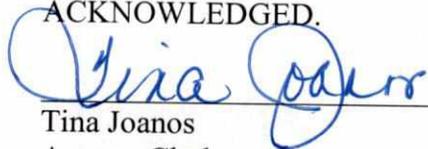
DONE AND ORDERED this 16<sup>th</sup> day of January, 2019, in Tallahassee, Florida.

**STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION**



**Daniel Beard**  
Chief of Defined Contribution Programs  
State Board of Administration  
1801 Hermitage Boulevard, Suite 100  
Tallahassee, Florida 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.



Tina Joanos  
Agency Clerk

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Final Order of Dismissal was sent to James Heath, pro se, both by email transmission, [REDACTED] and by email transmission to Brian Newman, Esq. ([brian@penningtonlaw.com](mailto:brian@penningtonlaw.com)) and Brandice Dickson, Esq., ([brandi@penningtonlaw.com](mailto:brandi@penningtonlaw.com)) at Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., P.O. Box 10095, Tallahassee, Florida 32302-2095, this 16<sup>th</sup> day of January, 2019.



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Ruth A. Smith  
Assistant General Counsel  
State Board of Administration of Florida  
1801 Hermitage Boulevard  
Suite 100  
Tallahassee, FL 32308

STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION

JAMES HEATH

Petitioner,

vs.

CASE NO. 2018-0221

STATE BOARD OF ADMINISTRATION,

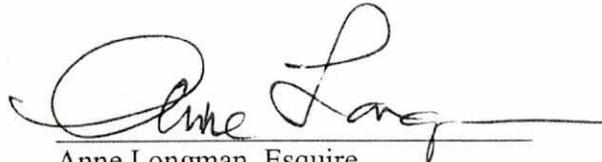
Respondent.

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**RECOMMENDED ORDER OF DISMISSAL**

In accordance with Respondent's Motion to Dismiss as Moot filed November 28, 2018, and there being no response from Petitioner, I recommend that the Petition for Hearing be dismissed as moot.

DONE AND ENTERED this 13<sup>th</sup> day of December, 2018 in Tallahassee, Leon County, Florida.



Anne Longman, Esquire  
Presiding Officer  
For the State Board of Administration  
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COPIES FURNISHED via mail and electronic mail to:

James Heath



Petitioner

and via electronic mail only to:

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Counsel for Respondent