

**STATE BOARD OF ADMINISTRATION
OF FLORIDA**

JENNIFER M. BROWN,

Petitioner,

vs.

SBA Case No. 2025-0239

STATE BOARD OF ADMINISTRATION,

Respondent.

FINAL ORDER

On June 4, Petitioner filed her Petition for a Hearing. A Notice of Hearing was issued and served upon the Petitioner on June 25, 2025. An informal telephonic hearing was set for August 4, 2025, at 10:00 a.m. before the Presiding Officer. Petitioner failed to attend the hearing, and indicated to counsel for the State Board of Administration (SBA) in a text message that the SBA did not need to reschedule the hearing. *See Attachment A*. The matter is now pending before the Chief of Defined Contribution Programs for final agency action.

ORDERED

An informal hearing is held when there are no disputed issues of material fact. *See* § 120.569(1), Fla. Stat. In the Petition for Hearing, Petitioner asked only that “an exception be granted to me to access funds from my F[R]S Investment Plan due to my current financial hardship.” Petitioner was employed with an FRS employer when making this request. No disputed facts are at issue: the outcome in this case is determined by the explicit language in the statute.

Section 121.591(1), Florida Statutes, dictates how and when benefits can be distributed from an investment plan account. In pertinent part, this section states:

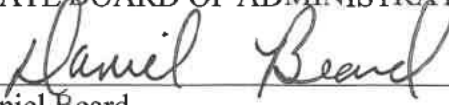
Benefits may not be paid under the Florida Retirement System Investment Plan unless the member has terminated employment as provided in s. 121.021(39)(a) or is deceased and a proper application has been filed as prescribed by the state board or the department. **Benefits, including employee contributions, are not payable under the investment plan for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence,** or any other reason except a requested distribution for retirement, a mandatory de minimis distribution authorized by the administrator, or a required minimum distribution provided pursuant to the Internal Revenue Code.

Petitioner did not raise any other issue in the Petition other than a request for a hardship distribution. Because the statute does not permit a distribution for a hardship while a member is employed with an FRS employer, Petitioner is not entitled to the relief requested. The SBA has no authority to deviate from the statutory requirements. *See Balezentis v. Dep't of Mgmt. Servs., Div. of Retirement*, Case No. 04-3263 (DOAH Mar. 2, 2005) (Recommended Order). The Petition is denied.

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 23rd day of October, 2025, in Tallahassee, Florida.

STATE OF FLORIDA
STATE BOARD OF ADMINISTRATION OF FLORIDA



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.

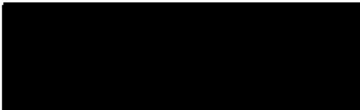


Hillary Eason
Agency Clerk

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Final Order was served
this 23rd day of October, 2025, by mail and electronic mail to the following:

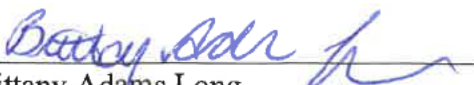
Jennifer M. Brown



Petitioner

and via electronic mail only to:

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Ian White, Esquire
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Counsel for Respondent



Brittany Adams Long
Assistant General Counsel
State Board of Administration of Florida
1801 Hermitage Boulevard, Suite 100
Tallahassee, FL 32308

Ms Brown - this is Janet McVaney and our firm represents State Board of Administration. We have your hearing scheduled this morning at 10am. Will you be calling in?

Hello I'm sorry I won't be calling I meant to cancel this meeting I'm sorry please forgive me had a lot going on

Would you like to reschedule the hearing or are you no longer interested in having a hearing?
Thank you. Janet

Delivered

No ma'am no need to reschedule