

**STATE BOARD OF ADMINISTRATION  
OF FLORIDA**

BARBARA KNEIPP-CONROY,

Petitioner,

v.

SBA Case No. 2024-0244

STATE BOARD OF ADMINISTRATION,

Respondent.

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**FINAL ORDER**

On November 4, 2024,<sup>1</sup> the Presiding Officer submitted her 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, Barbara Kneipp-Conroy, and upon counsel for the Respondent. No exceptions to the Recommended Order, which were due by November 19, 2024, were filed by either party. 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 (other than the date it was signed as clarified in endnote i). Petitioner requests that the benefits from the Florida Retirement System (FRS) Investment Plan account for John Patrick

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<sup>1</sup> The Recommended Order has a date of October 4, 2024. This is a typographical error. The Recommended Order was filed with the Agency Clerk on November 4, 2024, and the Agency Clerk confirmed with the Presiding Officer's Office that it was signed on November 4, 2024.

“Pat” Basford be paid to Petitioner, a friend who was not a named beneficiary on Mr. Basford’s retirement account.

Petitioner was not related to Mr. Basford and was not his spouse. Petitioner was a close friend of Mr. Basford, and Mr. Basford resided with Petitioner at her residence for approximately five years until his death on January 7, 2024. Petitioner was not named as a beneficiary of Mr. Basford’s FRS Investment Plan account. Petitioner testified that she believed Mr. Basford would have wanted his retirement benefits to go to Petitioner. Mr. Basford did not name any beneficiary.

Section 121.4501(20)(a), Florida Statutes, governs how Investment Plan benefits are distributed when no beneficiary is named. If no beneficiary is named, the beneficiary shall be the spouse. If there is no spouse, the beneficiary is the member’s living children, and if there are no living children, then the beneficiary shall be the member’s mother and father. If the mother and father are not living, the beneficiary is the member’s estate. Here the beneficiary is the member’s estate.

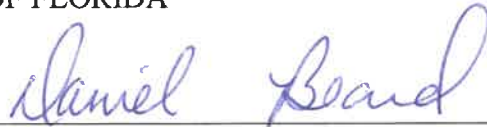
Regarding the FRS, the SBA has only the authority granted to it by the legislature and is not authorized to depart from the statute. *See Balezentis v. Dep’t of Mgmt. Servs.*, Case No. 04-3263, ¶ 10 (DOAH Mar. 2, 2005; DMS Apr. 4, 2005). Because the beneficiary is the estate under Florida law, Petitioner 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 8<sup>th</sup> day of January, 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

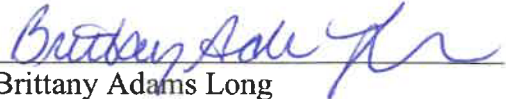
FILED ON THIS DATE PURSUANT TO SECTION 120.52, FLORIDA STATUTES, WITH THE DESIGNATED CLERK OF THE STATE BOARD OF ADMINISTRATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.



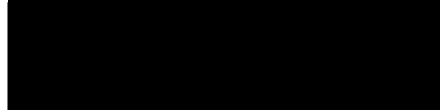
Hillary Eason  
Agency Clerk

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing Final Order was served this 5th day of January, 2025, by mail and electronic mail to the following:

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

Barbara Kneipp-Conroy



Petitioner

Deborah Minnis  
Ausley McMullen, P.A.  
P.O. Box 391  
Tallahassee, Florida 32301  
dminnis@ausley.com  
iwhite@ausley.com  
jmcvaney@ausley.com  
Counsel for Respondent

STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION

BARBARA KNEIPP-CONROY,

Petitioner,

v.

CASE NO. 2024-0244

STATE BOARD OF ADMINISTRATION,

Respondent.

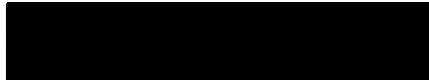
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**RECOMMENDED ORDER**

This case was heard in an informal proceeding pursuant to Section 120.57(2), Florida Statutes, on September 11, 2024. All parties appeared telephonically before the undersigned presiding officer for the State of Florida, State Board of Administration (SBA). The appearances were as follows:

**APPEARANCES**

For Petitioner: Barbara Kneipp-Conroy, *Pro Se*



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

**STATEMENT OF THE ISSUE**

The issue is whether the benefits from a Florida Retirement System (FRS) Investment Plan account for John Patrick “Pat” Basford, deceased, should be paid to Barbara Kneipp-Conroy, a friend who was not a named beneficiary on Mr. Basford’s retirement account.

### **PRELIMINARY STATEMENT**

Petitioner testified on her own behalf and called on her daughter, Nicole Alfarone, to make a statement regarding Mr. Basford. Respondent presented the testimony of Lindy Still, SBA Director of Policy, Risk Management, and Compliance. Respondent's Exhibits R-1 through R-3 were admitted into evidence without objection.

A transcript of the hearing was made, filed with the agency, and provided to the parties on October 10, 2024. The parties were invited to submit proposed recommended orders within two weeks after the transcript was filed. The following recommendation is based upon the undersigned's consideration of the complete record in this case and all materials submitted by the parties.

### **FINDINGS OF UNDISPUTED FACTS**

1. Petitioner was not related to Mr. Basford and was not his spouse. However, Petitioner was a close friend of Mr. Basford and had known him since the 1980's.
2. Petitioner allowed Mr. Basford to reside with her in her Florida home for approximately five years until his death on January 7, 2024.
3. As far as Petitioner knew, Mr. Basford was never married, had no children or siblings, his parents were deceased, and he had no other family members.
4. Petitioner helped Mr. Basford obtain employment with Pasco County Transportation, an FRS-participating employer, as a bus assistant.
5. During this employment and up to his date of death, Mr. Basford was a participant in the FRS Investment Plan.

6. When Mr. Basford passed away, Petitioner was not a beneficiary on Mr. Basford's Investment Plan account.

7. In fact, Mr. Basford did not have any beneficiary designated on his Investment Plan account.

8. Petitioner stated in her Request for Intervention that she believed Mr. Basford would have wanted his retirement benefits to go to her.

9. In response to Petitioner's Request for Intervention, the SBA sent Petitioner a letter denying the request to have Mr. Basford's retirement benefits paid to her.

10. On or about June 18, 2024, Petitioner filed a Petition for Hearing seeking to have Mr. Basford's retirement benefits paid to her.

#### **CONCLUSIONS OF LAW**

11. Section 121.4501(20)(a), Florida Statutes, sets out the law regarding beneficiaries in the FRS Investment Plan. Each member may designate a choice of one or more persons, named sequentially or jointly, as his or her beneficiary for receiving benefits in the event of a member's death. If no beneficiary is named or if the beneficiary designated does not survive the member, this statute lists the beneficiaries in the following order: first, the surviving spouse, next, children of the deceased, then, the decedent's parents. If no spouse, children, or parents survive the member, then the beneficiary becomes the member's estate. This statute further states that "[T]he beneficiary most recently designated by a member shall be the beneficiary entitled to any benefits payable at the time of the member's death."

12. Because Mr. Basford did not have a named beneficiary on his Investment Plan account at the time of his death based on Petitioner's testimony and the evidence admitted at the hearing, it appears that Mr. Basford's estate became the beneficiary.

13. Ms. Still confirmed on the record at the hearing that Mr. Basford's retirement benefits would be paid to his estate.

14. 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).

15. Respondent, as an administrative entity of the State of Florida, has only those powers conferred upon it by the legislature. *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.

16. 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).

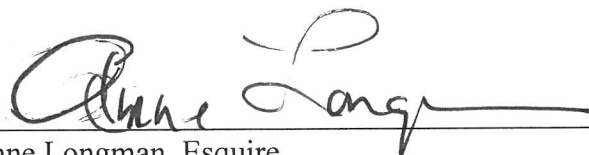


17. It is entirely possible that Mr. Basford would have wished Petitioner to receive the proceeds of his Investment Plan account or to at least be reimbursed for his burial expenses, but Respondent SBA has no authority and no jurisdiction to grant the relief Petitioner seeks here.

**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 Petitioner.

Dated this 4th day of October 2024.

A handwritten signature in black ink, appearing to read "Anne Longman", written over a horizontal line.

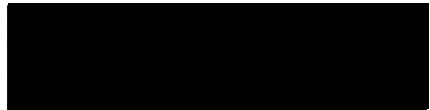
Anne Longman, Esquire  
Presiding Officer  
For the State Board of Administration  
Lewis, Longman & Walker, P.A.  
106 East College Avenue, Suite 1500  
Tallahassee, FL 32301-1872  
[alongman@llw-law.com](mailto:alongman@llw-law.com)

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS: THIS IS NOT A FINAL ORDER

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions must be filed with the Agency Clerk of the State Board of Administration and served on opposing counsel at the addresses shown below. The SBA then will enter a Final Order which will set out the final agency decision in this case.

Filed via electronic delivery with:  
Agency Clerk  
Office of the General Counsel  
Florida State Board of Administration  
1801 Hermitage Boulevard, Suite 100  
Tallahassee, FL 32308  
[Hillary.Eason@sbafla.com](mailto:Hillary.Eason@sbafla.com)  
[Nell.Bowers@sbafla.com](mailto:Nell.Bowers@sbafla.com)  
[Mini.watson@sbafla.com](mailto:Mini.watson@sbafla.com)  
[Ruthie.Bianco@sbafla.com](mailto:Ruthie.Bianco@sbafla.com)  
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(850) 488-4406

COPIES FURNISHED via mail and electronic mail to:  
Barbara Kneipp-Conroy



Petitioner

and via electronic mail only to:

Deborah Minnis, Esquire  
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Tallahassee, FL 32301  
[dminnis@ausley.com](mailto:dminnis@ausley.com)  
[iwhite@ausley.com](mailto:iwhite@ausley.com)  
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Counsel for Respondent