

**STATE BOARD OF ADMINISTRATION  
OF FLORIDA**

Luandra Lucas,

Petitioner,

vs.

DOAH Case No. 25-3294

SBA Case No. 2025-0192

STATE BOARD OF ADMINISTRATION,

Respondent.

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**FINAL ORDER**

On September 17, 2025, the Administrative Law Judge (ALJ) 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, Luandra Lucas, and upon counsel for the Respondent. Exceptions were due on October 2, 2025. No exceptions were filed. 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.

**STATEMENT OF THE ISSUE**

The Statement of the Issue as set forth in the ALJ's Recommended Order is adopted in its entirety.

**PRELIMINARY STATEMENT**

The Preliminary Statement as set forth in the ALJ's Recommended Order is adopted in its entirety.

**STANDARDS OF AGENCY REVIEW OF RECOMMENDED ORDERS**

An agency may not reject or modify the findings of fact in a recommended order in a

final order “unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings were not based upon competent substantial evidence . . . .” § 120.57(1)(I), Fla. Stat. *See also Dunham v. Highlands Cty. Sch. Bd.*, 652 So. 2d 894, 896 (Fla. 2d DCA 1995); *Dietz v. Fla. Unemployment Appeals Comm’n*, 634 So. 2d 272, 273 (Fla. 4th DCA 1994); *Fla. Dep’t of Corr. v. Bradley*, 510 So. 2d 1122, 1123 (Fla. 1st DCA 1987). The Florida Supreme Court has defined “competent substantial evidence” to mean “such evidence sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.” *De Groot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957). An agency reviewing a recommended order may not “weigh the evidence presented, judge credibility of witnesses, or otherwise interpret the evidence.” *Walker v. Bd. of Prof’l Eng’rs*, 946 So. 2d 604, 605 (Fla. 1st DCA 2006) (quoting *Heifetz v. Dep’t of Bus. & Prof’l Regulation*, 475 So. 2d 1277, 1281 (Fla. 1st DCA 1985)). Thus, if the record discloses any competent substantial evidence supporting a finding of fact in the Recommended Order, the Final Order will be bound by such factual finding.

Pursuant to section 120.57(1)(I), Florida Statutes, however, a reviewing agency has the general authority to “reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction.” When rejecting or modifying any conclusion of law, the reviewing agency must state with particularity its reasons for the rejection or modification and further must make a finding that the substituted conclusion of law is as reasonable, or more reasonable, than that which was rejected or modified. § 120.57(1)(I), Fla. Stat.

### **FINDINGS OF FACT**

The State Board of Administration adopts and incorporates in this Final Order the Findings of Fact set forth in the Recommended Order as if fully set forth herein.

### **CONCLUSIONS OF LAW**

The State Board of Administration adopts and incorporates in this Final Order the Conclusions of Law set forth in the Recommended Order as if fully set forth herein.

### **ORDERED**

The Recommended Order (Exhibit A) is hereby adopted in its entirety. Petitioner was not earning a salary or earning service credit when her one-time, second election to move from the Pension Plan to the Investment Plan was received by the Florida Retirement System (FRS) Plan Administrator. Therefore, pursuant to section 121.4501(4)(f), Florida Statutes, (“Eligible employees may elect to move between plans only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b) . . .”), Petitioner’s second election was not valid. This does not, however, preclude Petitioner from returning to employment with an FRS employer and making a second election when she is earning service credit. Accordingly, 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 21<sup>st</sup> day of November, 2025, in Tallahassee, Florida.

STATE OF FLORIDA  
STATE BOARD OF ADMINISTRATION  
OF FLORIDA

A handwritten signature in blue ink, reading "Daniel Beard", written over a horizontal line.

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.

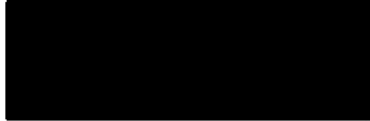
A handwritten signature in blue ink, reading "Hillary Eason", written over a horizontal line.

Hillary Eason  
Agency Clerk

**CERTIFICATE OF SERVICE**

I **CERTIFY** that a true and correct copy of the foregoing Final Order was served this 21<sup>st</sup> day of November, 2025, by mail and electronic mail to the following:

Luandra Lucas




*Petitioner*

Add by email only to:

Rex D. Ware, Esquire  
3500 Financial Plaza, Suite 330  
Tallahassee, Florida 32312  
[rexware@floridasalestax.com](mailto:rexware@floridasalestax.com)

Jonathan W. Taylor, Esquire  
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Trade Center South, Suite 930  
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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

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

LUANDRA LUCAS,

Petitioner,

vs.

Case No. 25-3294

STATE BOARD OF ADMINISTRATION,

Respondent.

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RECOMMENDED ORDER

Pursuant to notice, a final hearing was held in this case on August 13, 2025, via Zoom teleconference, before Suzanne Van Wyk, Administrative Law Judge with the Division of Administrative Hearings ("Division").

APPEARANCES

For Petitioner: Luandra Lucas, pro se



For Respondent: Rex D. Ware, Esquire  
3500 Financial Plaza, Suite 330  
Tallahassee, Florida 32312

Jonathan W. Taylor, Esquire  
100 West Cypress Creek Road  
Trade Center South, Suite 930  
Fort Lauderdale, Florida 33309

## STATEMENT OF THE ISSUE

Whether Luandra Lucas (“Petitioner”) made a valid “second election” to transfer from the Florida Retirement System (“FRS”) Pension Plan to the FRS Investment Plan, pursuant to section 121.4501, Florida Statutes (2024).

## PRELIMINARY STATEMENT

In a letter dated May 27, 2025, the State Board of Administration (“SBA”) informed Petitioner that her request to elect into the FRS Investment Plan had been denied. Petitioner timely filed a Petition requesting a hearing to contest SBA’s decision.

The petition was referred to the Division on June 18, 2025, and assigned to the undersigned. The final hearing was scheduled for August 13, 2025, and commenced as scheduled.

At the final hearing, Petitioner testified on her own behalf, but did not offer any witnesses.<sup>1</sup> Petitioner offered exhibits into evidence, which were not admitted.<sup>2</sup>

Respondent presented the testimony of Christine Dunaway, Operations Manager for Alight Solutions, the plan administrator for the FRS Investment Plan; and Lindy Still, SBA’s Director of Policy, Risk Management, and Compliance, Office of Defined Contributions. Respondent introduced Exhibits R1 through R12, which were admitted in evidence.

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<sup>1</sup> Petitioner stated that she intended to call one witness, Carol Ditmore, and inquired at the beginning of the final hearing whether she could call Ms. Ditmore on the telephone. The undersigned denied the request because Petitioner failed to comply with the undersigned’s Order of Pre-hearing Instructions by notifying Respondent of the names and addresses of prospective witnesses at least seven days prior to the final hearing.

<sup>2</sup> Petitioner’s exhibits were also excluded for failure to comply with the undersigned’s Order of Pre-hearing Instructions. However, having reviewed the proposed exhibits, it appears they are all duplicates of exhibits entered into evidence by Respondent.

A one-volume Transcript of the proceedings was filed on September 3, 2025. The parties timely filed Proposed Recommended Orders, which have been considered by the undersigned in preparing this Recommended Order.

Unless otherwise noted, all references to the Florida Statutes herein are to the 2024 version.

### FINDINGS OF FACT

1. Petitioner, Luandra Lucas, was previously employed by the Okaloosa County School District (“District”) and enrolled as a member of the FRS Pension Plan.

2. Respondent, SBA, is the state agency tasked with administering the FRS Investment Plan. § 121.4501(8), Fla. Stat.

3. Petitioner was employed by the District from approximately December 2012 through February 24, 2025.

4. On February 18, 2025, Petitioner met with Carol Ditmore, retirement specialist for the District, and completed forms to affect her separation from employment with the District.

5. One of the forms she completed that day was the “2nd Election EZ Retirement Plan Enrollment Form,” requesting to transfer from the FRS Pension Plan to the FRS Investment Plan.

6. Petitioner relied upon Ms. Ditmore to transmit her EZ Retirement Plan Enrollment form to the appropriate FRS plan administrator via facsimile (“fax”).<sup>3</sup> Petitioner did not observe Ms. Ditmore fax the form to the plan administrator. Nor did she request or receive a fax confirmation report showing that her form was faxed on either February 18 or 19, 2025.

7. Alright Solutions is the FRS Investment Plan Administrator. Alight Solutions did not receive Petitioner’s enrollment form on either February 18 or 19, 2025.

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<sup>3</sup> The enrollment form provides that it can be submitted to the plan administrator either via fax or by mail and includes the address to which to mail the completed form.



8. Alright Solutions received Petitioner's enrollment form on April 10, 2025, when Petitioner faxed it from a UPS Store in Pensacola, Florida. Petitioner was not earning either salary or service credit in the FRS on April 10, 2025.

9. Petitioner's last day of employment with the District was February 24, 2025.

### CONCLUSIONS OF LAW

10. The Division has jurisdiction over the parties and subject matter of this proceeding. *See* §§ 120.569 and 120.57(1), Fla. Stat. (2025).

11. Petitioner bears the burden of proving the validity of her election into the FRS Investment Plan by a preponderance of the evidence. *See* § 120.57(1)(j), Fla. Stat.; *Dep't of Transp. v. J.W.C., Inc.*, 396 So. 2d 778 (Fla. 1st DCA 1981).

12. FRS offers two retirement plans: the Pension Plan, a defined benefit plan; and the Investment Plan, a defined contribution plan. *See* §§ 121.051 and 121.4501, Fla. Stat.

13. Members of the FRS have two opportunities to move, or "elect," between plans.

14. The first election must be made within the 90 days of employment. *See* § 121.4501(4), Fla. Stat.

15. The second election process is controlled by section 121.4501(4)(f), which provides:

After the period during which an eligible employee had the choice to elect the pension plan or the investment plan, or the month following the receipt of the eligible employee's plan election, if sooner, the employee shall have one opportunity, at the employee's discretion, to choose to move from the pension plan to the investment plan or from the investment plan to the pension plan. *Eligible employees may elect to move between plans only if they are earning service credit in an employer-employee relationship consistent with s. 121.021(17)(b), excluding leaves of absence without pay.*

(emphasis added).

16. Second elections are further controlled by Florida Administrative Code Rule 19-11.007(2), which provides:

A member may make a valid election only if the election is made and processed by the Plan Choice Administrator during the month in which the member is actively employed and earning salary and service credit in an employer-employee relationship consistent with the requirements of section 121.021(17)(b), F.S. Members on an unpaid leave of absence or terminated members cannot use their election until they return to FRS-covered employment and are earning salary and service credit. ... In general terms, this means that the election can only be made and processed during the month in which the member is actively working and being paid for that work. ... *It is the responsibility of the member to assure that the election is received by the Plan Choice Administrator no later than 4:00 p.m. (Eastern Time) on the last business day of the month the member is actively employed and earning salary and service credit.*

(emphasis added).

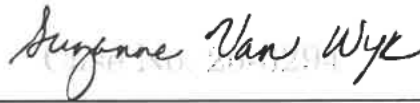
17. Petitioner was neither earning a salary nor earning service credit when her second election was received by the FRS Investment Plan Administrator on April 10, 2025.

18. Petitioner failed to meet her burden to demonstrate that she made a valid election to join the FRS Investment Plan.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that Respondent, State Board of Administration, issue a final order denying Petitioner's request to transfer from the FRS Pension Plan to the FRS Investment Plan.

DONE AND ENTERED this 17th day of September, 2025, in Tallahassee, Leon County, Florida.



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SUZANNE VAN WYK  
Administrative Law Judge  
DOAH Tallahassee Office

Division of Administrative Hearings  
2001 Drayton Drive  
Tallahassee, Florida 32311  
(850) 488-9675  
[www.doah.state.fl.us](http://www.doah.state.fl.us)

Filed with the Clerk of the  
Division of Administrative Hearings  
This 17th day of September, 2025.

COPIES FURNISHED:

Rex D. Ware, Esquire  
(eServed)

Luandra Lucas  
(Address of Record)

Jonathan W. Taylor, Esquire  
(eServed)

Chris Spencer, Executive Director  
(eServed)

NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.