

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-3024

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,

Appellant,

v.

CHARLES PATTERSON KING,

Appellee.

On appeal from the Circuit Court for Leon County.
John C. Cooper, Judge.

November 30, 2020

PER CURIAM.

Christopher Patterson King sued the Florida Fish and Wildlife Conservation Commission (FWC), asserting two claims of discrimination. In one claim, he asserted that FWC discriminated against him based on his military status in violation of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

FWC moved for partial judgment on the pleadings, arguing that it was immune from private actions brought under USERRA. The trial court denied the motion after concluding that the State waived sovereign immunity for actions brought under USERRA when it enacted chapters 115 and 250, Florida Statutes.

FWC asserts that the trial court erred in denying its immunity claim. We agree. In this Court's recent decision in *Department of Highway Safety and Motor Vehicles v. Hightower*, 45 Fla. L. Weekly D2308 (Fla. 1st DCA Oct. 9, 2020), our Court held that sovereign immunity bars private actions brought under USERRA against a state agency. *See id.* And so, following *Hightower*, we reverse the trial court's order and remand for entry of partial judgment for FWC on the USERRA claim.

REVERSED and REMANDED.

RAY, C.J., and ROWE and TANENBAUM, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Ashley Moody, Attorney General; Renee S. Gordon and Kyesha Mapp, Assistant Attorneys General, Tallahassee, for Appellant.

Marie A. Mattox of Marie Mattox, P.A., Tallahassee; and Thomas L. Dickens III of Morgan & Morgan, Orlando, for Appellee.