

By Senator Justice

16-00131A-09

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1                   A bill to be entitled  
2           An act relating to military affairs; amending s.  
3           250.82, F.S.; providing that a person who knowingly  
4           omits, neglects, or refuses to comply with any duty  
5           imposed upon him or her by ch. 250, F.S., is liable,  
6           in addition to any other penalty provided by law, for  
7           a civil penalty of up to \$1,000 per violation,  
8           attorney's fees, and court costs; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 250.82, Florida Statutes, is amended to  
14 read:

15           250.82 Applicability of state and federal law.—

16           (1) Florida law provides certain protections to members of  
17 the United States Armed Forces, the United States Reserve  
18 Forces, and the Florida National Guard in various legal  
19 proceedings and contractual relationships. In addition to these  
20 state provisions, federal law also contains protections, such as  
21 those provided in the Servicemembers Civil Relief Act (SCRA),  
22 Title 50, Appendix U.S.C. ss. 501 et seq., and the Uniformed  
23 Services Employment and Reemployment Rights Act (USERRA), Title  
24 38 United States Code, chapter 43, that are applicable to  
25 members in every state even though such provisions are not  
26 specifically identified under state law.

27           (2) To the extent allowed by federal law, the state courts  
28 ~~shall~~ have concurrent jurisdiction for enforcement over all  
29 causes of action arising from the ~~provisions of~~ federal law and

16-00131A-09

2009206\_\_

30 may award a remedy as provided therein.

31 (3) Any person who knowingly omits, neglects, or refuses to  
32 comply with any duty imposed upon him or her by this chapter;  
33 who knowingly omits, neglects, or refuses to do or cause to be  
34 done any of the things required by this chapter; or who does  
35 anything prohibited by this chapter, in addition to any other  
36 penalty provided by law, is liable for a civil penalty of up to  
37 \$1,000 per violation, attorney's fees, and court costs.

38 Section 2. This act shall take effect July 1, 2009.