

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

LAVONNE BRIGHT,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D07-0779

DEPARTMENT OF EDUCATION,
STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 30, 2007.

An appeal from the Circuit Court for Leon County.

Terry P. Lewis, Judge.

Marie A. Mattox of Marie A. Mattox, P.A., Tallahassee, for Appellant.

Brian C. Keri, Tallahassee, for Appellee.

PER CURIAM.

We find the Family Medical Leave Act (FMLA), 29 U.S.C. §§ 2601-2654 does not preempt the award of attorney's fees to a defendant pursuant to section 768.79, Florida Statutes (2006), and Florida Rule of Civil Procedure 1.442. See Marcy v. DaimlerChrysler Corp., 921 So. 2d 781 (Fla. 5th DCA 2006). AFFIRMED.

BARFIELD, WOLF, and HAWKES, JJ., CONCUR.