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1 A bill to be entitled

2 An act relating to military affairs; amending s. 250.01,
3 F.S.; providing definitions; amending s. 250.02, F.S.;
4 providing editorial changes in provisions which specify
5 the composition of the militia; amending s. 250.03, F.S.;
6 providing clarifying language and editorial changes in
7 provisions relating to the military law of the state;
8 amending s. 250.04, F.S.; providing clarifying language
9 and editorial changes in provisions relating to the
10 organization of a naval militia and marine corps; amending
11 s. 250.05, F.S.; providing clarifying language and
12 editorial changes in provisions relating to the Department
13 of Military Affairs; designating the Adjutant General as
14 the head of the Department of Military Affairs; amending
15 s. 250.06, F.S.; providing additional authority of the
16 Governor as commander in chief of the militia of the
17 state; authorizing the Governor to delegate to the
18 Adjutant General the authority to convene a general
19 courts-martial; providing clarifying language and
20 editorial changes; amending s. 250.07, F.S.; providing
21 that persons declaring an intention to become citizens may
22 be members of the Florida National Guard; specifying
23 qualifications for general officers of the Florida
24 National Guard; revising provisions relating to the
25 organization of the Florida National Guard; amending s.
26 250.08, F.S.; providing clarifying language and editorial
27 changes in provisions relating to the organization of the
28 Florida National Guard; amending s. 250.09, F.S.;
29 providing clarifying language and editorial changes in
30 provisions relating to appropriations, property, and



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31 equipment of the Florida National Guard; amending s.
32 250.10, F.S.; revising the qualifications and duties of
33 the Adjutant General; authorizing the Adjutant General to
34 order troops to state active duty under certain
35 circumstances; specifying qualifications for Assistant
36 Adjutant Generals of the Florida National Guard;
37 specifying requirements for education assistance programs
38 and a tuition exemption program for members of the Florida
39 National Guard; providing penalties for failure to comply
40 with program requirements; providing clarifying language
41 and editorial changes; amending s. 250.115, F.S.;
42 requiring the Adjutant General to appoint a president of
43 the board of directors of the direct-support organization
44 of the Department of Military Affairs; providing for the
45 appointment of a specified number of members of the board
46 of directors by the president of the board; specifying the
47 duties of the Department of Military Affairs with respect
48 to the organization; amending s. 250.12, F.S., relating to
49 appointment of commissioned and warrant officers;
50 providing editorial changes; amending s. 250.16, F.S.,
51 relating to the authority to incur a charge against the
52 state; providing editorial changes; renaming the Armory
53 Board Trust Fund within the Department of Military Affairs
54 as the Cooperative Agreement Trust Fund; providing
55 legislative intent to codify specified existing trust
56 funds within s. 250.175, F.S.; amending s. 250.175, F.S.;
57 revising provisions relating to funds deposited within the
58 Federal Law Enforcement Trust Fund and the uses thereof;
59 removing an exemption from specified service charges;
60 consolidating specified existing trust funds within the



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61 provisions of the section; clarifying language with
62 respect to the Emergency Response Trust Fund; providing
63 for the source and use of funds deposited within the Camp
64 Blanding Management Trust Fund; providing for the source
65 and use of funds deposited within the Cooperative
66 Agreement Trust Fund; amending s. 250.18, F.S.; revising
67 provisions with respect to equipment and uniforms of
68 commissioned officers and warrant officers; amending s.
69 250.19, F.S., relating to expenses for travel on military
70 business; providing editorial changes; amending s. 250.20,
71 F.S.; revising provisions with respect to armory
72 operations allowances; eliminating necessary expenses of
73 units located at an armory as an allowance category;
74 providing for deposit of funds; providing responsibility
75 of the post commander with respect to receipt and
76 distribution of the post armory operations allowance;
77 providing editorial changes; amending s. 250.23, F.S.,
78 relating to pay for state active duty; providing editorial
79 changes; amending s. 250.24, F.S., relating to pay and
80 expenses for troops on state active duty; providing for
81 deposit of moneys for pay and allowances of troops ordered
82 to state active duty in the Emergency Response Trust Fund;
83 providing editorial changes; amending s. 250.25, F.S.,
84 relating to the authority of the Governor and the Chief
85 Financial Officer to borrow money; providing editorial
86 changes; amending s. 250.26, F.S., relating to transfer of
87 funds; providing editorial changes; amending s. 250.28,
88 F.S.; specifying additional circumstances under which the
89 Adjutant General may activate troops; amending s. 250.29,
90 F.S., relating to the duty of an officer receiving an



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91 order to provide emergency aid to a civil authority;
92 increasing the penalty for failure to comply with such an
93 order; providing editorial changes; amending s. 250.30,
94 F.S., relating to orders of civil authorities, tactical
95 direction of troops, and efforts to disperse attack;
96 providing editorial changes; amending s. 250.31, F.S.,
97 relating to liability of members of the Florida National
98 Guard; providing editorial changes; amending s. 250.32,
99 F.S., relating to a commanding officer's control of arms
100 sales and intoxicating liquors; providing editorial
101 changes; amending s. 250.33, F.S., relating to powers of
102 commanding officers on state active duty; conforming
103 provisions to changes made by the act; amending s. 250.34
104 F.S., relating to injury or death on state active duty;
105 clarifying that injuries resulting from a preexisting
106 condition are not compensable; providing for coverage
107 under the Workers' Compensation Law under certain
108 circumstances; providing requirements of the Division of
109 Risk Management of the Department of Financial Services
110 and the Department of Military Affairs with respect to
111 specified payments and legal costs; providing editorial
112 changes; amending s. 250.341, F.S.; providing requirements
113 for the continuation or reinstatement of health insurance
114 upon call to active duty or state active duty; providing
115 exceptions to specified notice requirements to an
116 employer; providing editorial changes; amending s. 250.35,
117 F.S., relating to courts-martial; prohibiting the trial of
118 a warrant officer or cadet by a summary court-martial;
119 revising provisions relating to the convening of general
120 courts-martial and punishments adjudged with respect



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121 thereto; limiting punishments of special courts-martial
122 with bad conduct discharge authority; revising provisions
123 relating to the convening of special courts-martial and
124 punishments adjudged with respect thereto; revising
125 provisions relating to punishments adjudged pursuant to
126 summary courts-martial; limiting certain nonjudicial
127 punishments; revising provisions relating to the appeal of
128 a finding of guilt and the sentence of a court-martial and
129 the dismissal of a general or special court-martial;
130 providing editorial changes; creating s. 250.351, F.S.;
131 providing for applicability of ch. 250, F.S., and the
132 Uniform Code of Military Justice; providing for
133 jurisdiction of a court-martial or court of inquiry;
134 amending s. 250.36, F.S., relating to mandates and
135 process; authorizing the Adjutant General and certain
136 other military officers to issue pretrial confinement
137 warrants and subpoenas and enforce the attendance of
138 witnesses and the production of documents; providing
139 editorial changes; amending s. 250.37, F.S., relating to
140 expenses of courts-martial; providing editorial changes;
141 amending s. 250.375, F.S., relating to the authority of
142 medical officers to practice medicine on military
143 personnel or civilians under certain circumstances;
144 providing editorial changes; amending s. 250.38, F.S.,
145 which prohibits actions or proceedings against a member of
146 a military court or person acting under the military
147 court's authority; providing editorial changes; amending
148 s. 250.39, F.S.; revising penalties imposed for contempt;
149 providing editorial changes; amending s. 250.40, F.S.,
150 relating to the Armory Board; revising provisions with



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151 respect to the membership, organization, duties, and
152 responsibilities of the Armory Board; providing additional
153 duties; providing duties and requirements of the state
154 quartermaster; revising provisions relating to receipt of
155 funds and donations by the Armory Board and the use and
156 deposit of funds; providing editorial changes; amending s.
157 250.43, F.S.; increasing the penalties for violations
158 involving wearing a uniform or insignia of rank without
159 authorization; amending s. 250.44, F.S.; revising
160 provisions which provide penalties for actions which
161 constitute theft of military clothing, arms, outfits, or
162 property; providing editorial changes; amending s. 250.45,
163 F.S.; increasing the penalty for discriminating against
164 military personnel; amending s. 250.46, F.S., relating to
165 entitlement of specified military personnel to additional
166 pay; providing editorial changes; amending s. 250.47,
167 F.S., relating to the required permission of the Governor
168 for a unit of the Florida National Guard to leave the
169 state; providing editorial changes; amending s. 250.48,
170 F.S.; including officers and employees of school districts
171 within provisions which provide entitlement to leave of
172 absence; qualifying time limitations for leaves of
173 absence; amending s. 250.481, F.S., relating to the
174 prohibition of discrimination against a person due to any
175 obligation as a reservist; incorporating by reference
176 specified federal law with respect to reservists serving
177 on active duty; amending s. 250.482, F.S.; including
178 school districts and vocational and technical schools
179 within entities that may not penalize a member of the
180 Florida National Guard ordered into state active duty;



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181 amending s. 250.49, F.S., which provides for rations and
182 payment of expenses for officers and enlisted personnel
183 under certain circumstances; providing editorial changes;
184 amending s. 250.51, F.S.; increasing the penalty for
185 making an insulting remark or gesture toward the Florida
186 National Guard; providing editorial changes; amending s.
187 250.52, F.S.; increasing the penalty for unlawfully
188 persuading a person not to enlist in the United States
189 Armed Forces; providing editorial changes; amending s.
190 250.5201, F.S., relating to stay of civil action or
191 proceedings involving a person called into state active
192 duty or active duty; providing editorial changes; amending
193 s. 250.5202, F.S., relating to actions for rent or
194 possession by a landlord against a service member called
195 into state active duty or active duty; providing editorial
196 changes; amending s. 250.5204, F.S., relating to
197 restrictions on creditors with respect to installment
198 contracts with Florida National Guard members called into
199 state active duty or active duty; providing editorial
200 changes; amending s. 250.5205, F.S., relating to stay of
201 proceedings to enforce obligations secured by mortgage,
202 trust deed, or other security upon certain real or
203 personal property commenced during a period of state
204 active duty or active duty; providing editorial changes;
205 requiring the Florida National Guard to provide training,
206 training support, and facilities for the state's drug
207 interdiction efforts, subject to annual appropriation;
208 repealing s. 250.13, F.S., relating to appointment of
209 general officers of the Florida National Guard; repealing
210 s. 250.21, F.S., relating to the retired list of the



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211 Florida National Guard; repealing s. 250.27, F.S.,
 212 relating to the definition of "active service" and
 213 required specifications in orders; repealing s. 250.41,
 214 F.S., relating to the definition of "armory," the control
 215 and management of state military properties, and a
 216 required annual report of the Armory Board; repealing s.
 217 250.42, F.S., relating to the authority of the Armory
 218 Board to convey, lease, or release certain lands or to
 219 acquire, renovate, or construct certain facilities;
 220 amending s. 932.7055, F.S.; correcting a reference, to
 221 conform; providing an effective date.

222

223 Be It Enacted by the Legislature of the State of Florida:

224

225 Section 1. Section 250.01, Florida Statutes, is amended to
 226 read:

227 (Substantial rewording of section. See
 228 s. 250.01, F.S., for present text.)

229 250.01 Definitions.--As used in this chapter, the term:

230 (1) "Active duty" means full-time duty in the active
 231 military service of the United States. The term includes federal
 232 duty such as full-time training, annual training, and attendance
 233 while a person is in the active military service attending a
 234 school designated as a service school by law or by the secretary
 235 of the applicable military department. The term does not mean
 236 full-time duty in the National Guard.

237 (2) "Air National Guard" means that part of the National
 238 Guard of a state or territory of the United States, Puerto Rico,
 239 or the District of Columbia, whether active or inactive, which
 240 is:



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- 241 (a) An air force.
- 242 (b) Trained, and has its officers appointed, under the
243 United States Constitution.
- 244 (c) Organized, armed, and equipped wholly or partially at
245 federal expense.
- 246 (d) Federally recognized.
- 247 (3) "Air National Guard of the United States" means the
248 reserve component of the Air Force, the membership of which
249 consists of members of the Air National Guard.
- 250 (4) "Armed forces" means the United States Army, Navy, Air
251 Force, Marine Corps, and Coast Guard.
- 252 (5) "Armory" means a building or group of buildings used
253 primarily for housing and training troops or for storing
254 military property, supplies, or records.
- 255 (6) "Army National Guard" means that part of the National
256 Guard of a state or territory of the United States, Puerto Rico,
257 or the District of Columbia, whether active or inactive, which
258 is:
- 259 (a) A land force.
- 260 (b) Trained, and has its officers appointed, under the
261 United States Constitution.
- 262 (c) Organized, armed, and equipped wholly or partially at
263 federal expense.
- 264 (d) Federally recognized.
- 265 (7) "Army National Guard of the United States" means the
266 reserve component of the Army, the membership of which consists
267 of members of the Army National Guard.
- 268 (8) "Convening authority" means a commissioned officer in
269 command and his or her successors in command.



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270 (9) "Enlisted personnel" means a person enlisted,
271 inducted, called, or conscripted into a branch of the United
272 States Armed Forces in an enlisted grade.

273 (10) "Grade" means a step or degree in a graduated scale
274 of office or military rank which is established and designated
275 as a grade by law or rule.

276 (11) "Military judge" means the presiding officer of a
277 general or special court-martial. Except as otherwise expressly
278 provided, in the context of a summary court-martial, "military
279 judge" includes the summary court-martial officer.

280 (12) "Military post" means any armory, facility,
281 installation, or real property under the supervision or control
282 of the Armory Board which is used primarily for housing and
283 training troops; performing administrative duties; or storing
284 military property, supplies, or records.

285 (13) "National Guard" means the Army National Guard
286 and the Air National Guard.

287 (14) "National Guard Bureau" means the Joint Bureau of the
288 Department of the Army and the Department of the Air Force
289 within the Department of Defense, as defined in 10 U.S.C. s.
290 10501.

291 (15) "Offense" means a criminal charge under the
292 Uniform Code of Military Justice (2002 Edition).

293 (16) "Officer" means a commissioned officer or warrant
294 officer.

295 (17) "Post commander" means the officer in charge of
296 a military post or training site, a National Guard armory, or a
297 portion of a National Guard armory when colocated in an Armed
298 Forces Reserve Center.



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299 (18) "Rank" means the order of precedence among members of
 300 the United States Armed Forces.

301 (19) "State active duty" means full-time duty in the
 302 active military service of the State of Florida when
 303 ordered by the Governor or Adjutant General in accordance
 304 with s. 250.06, s. 250.10, or s. 250.28 to preserve the
 305 public peace, execute the laws of the state, suppress
 306 insurrection, repel invasion, enhance domestic security and
 307 respond to terrorist threats or attacks, respond to an
 308 emergency as defined in s. 252.34 or imminent danger of an
 309 emergency, enforce the laws, carry out counter-drug
 310 operations, provide training, provide for the security of
 311 the rights or lives of the public, protect property, or
 312 conduct ceremonies. The term includes the duties of
 313 officers or enlisted personnel who are employed under the
 314 order of the Governor in recruiting; making tours of
 315 instruction; inspecting troops, armories, storehouses,
 316 campsites, rifle ranges, or military property; sitting on
 317 general or special courts-martial, boards of examination,
 318 courts of inquiry, or boards of officers; and making or
 319 assisting in physical examinations.

320 (20) "Troops" includes personnel of the Army National
 321 Guard and the Air National Guard.

322 Section 2. Section 250.02, Florida Statutes, is amended to
 323 read:

324 250.02 Militia.--

325 (1) The militia consists ~~shall consist~~ of all able-bodied
 326 citizens of this state, and all other able-bodied persons who
 327 ~~shall~~ have declared their intention to become citizens.



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328 (2) The organized militia is ~~shall be~~ composed of the
 329 National Guard and any ~~such~~ other organized military forces that
 330 ~~as are now or may be~~ authorized by law.

331 (3) The unorganized militia is ~~shall be~~ composed of all
 332 persons who are subject to military duty but who are not members
 333 of units of the organized militia.

334 (4) Only persons exempt from military duty by the terms of
 335 federal law ~~the National Defense Act~~ shall be exempt from
 336 military duty in this state.

337 Section 3. Section 250.03, Florida Statutes, is amended to
 338 read:

339 250.03 Military law of the state ~~National Defense~~
 340 Act.--Federal laws that ~~All provisions of the National Defense~~
 341 ~~Act and all laws amendatory thereof and supplemental thereto~~
 342 ~~insofar as they~~ relate to the Florida National Guard, and that
 343 are not inconsistent with the State Constitution, or state law,
 344 are ~~declared to be a~~ part of the military laws of the state. and
 345 The Governor of Florida, as commander in chief, may ~~do and~~
 346 perform all acts and make and publish ~~such rules and regulations~~
 347 to raise and keep the Florida National Guard at ~~in every respect~~
 348 ~~up to~~ the standard required by the laws of the United States and
 349 the rules and regulations of the Secretary of Defense governing
 350 the National Guard, ~~now existing or which may hereafter be~~
 351 ~~enacted or promulgated for the National Guard.~~

352 Section 4. Section 250.04, Florida Statutes, is amended to
 353 read:

354 250.04 Naval militia; marine corps.--The Governor may ~~is~~
 355 ~~authorized in his or her discretion to~~ organize a naval militia
 356 and a marine corps in accordance with federal law ~~the laws now~~
 357 ~~existing or which may hereafter be enacted by the Congress~~



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358 governing the Naval Militia or Marine Corps of the United
 359 States, and regulations issued by the Secretary of the Navy for
 360 the governing ~~government~~ of the United States Navy, Naval
 361 Militia, and Marine Corps.

362 Section 5. Section 250.05, Florida Statutes, is amended to
 363 read:

364 250.05 Department of Military Affairs.--

365 (1) The agency of the state government heretofore known as
 366 the Military Department shall henceforth be known as the
 367 Department of Military Affairs ~~of the State~~, which shall be
 368 organized ~~composed of the military forces~~ as provided in the
 369 laws of this state.

370 (2) "Military personnel of the Department of Military
 371 Affairs" includes any person who is required to wear a military
 372 uniform in performing ~~the performance of~~ his or her official
 373 duties, and who is required to serve in the Florida National
 374 Guard as a condition of his or her employment by the department.

375 (3) The head of the Department of Military Affairs is the
 376 Adjutant General.

377 Section 6. Section 250.06, Florida Statutes, is amended to
 378 read:

379 250.06 Commander in chief.--

380 (1) The Governor of Florida is ~~shall be~~ the commander in
 381 chief of all the militia of the state.

382 (2) The Governor of Florida, as commander in chief, may
 383 alter, increase, divide, annex, consolidate, disband, organize,
 384 or reorganize an organization, department, corps, or staff, so
 385 as to conform as far as practicable to any organization, system,
 386 drill, instruction, corps or staff, uniform or equipment, or
 387 period of enlistment, ~~now or hereafter~~ prescribed by the laws of



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388 the United States, ~~and the rules and regulations adopted~~
 389 ~~promulgated thereunder~~ by the Department of Defense, for the
 390 organization, armament, training, and discipline of the Florida
 391 National Guard ~~organized militia~~.

392 (3) The Governor ~~may shall have the power~~, in order to
 393 preserve the public peace, execute the laws of the state,
 394 suppress insurrection, repel invasion, respond to an emergency
 395 as defined in s. 252.34(3) or imminent danger thereof, or in
 396 case of the calling of all or any portion of the militia of
 397 Florida into the services of the United States, ~~may to~~ increase
 398 the Florida National Guard ~~organized militia of this state~~ and
 399 organize it ~~the same~~ in accordance with ~~the existing~~ rules and
 400 regulations governing the Armed Forces of the United States, ~~or~~
 401 ~~in accordance with such other system as the Governor may~~
 402 ~~consider the exigency to require; and~~ Such organization and
 403 increase may be ~~either~~ pursuant to or in advance of any call
 404 made by the President of the United States. If the Florida
 405 National Guard is activated into service of the United States,
 406 another organization may not be designated as the Florida
 407 National Guard.

408 (4) The Governor ~~may shall have the power~~, in order to
 409 preserve the public peace, execute the laws of the state,
 410 enhance domestic security, respond to terrorist threats or
 411 attacks, ~~or~~ respond to an emergency as defined in s. 252.34(3)
 412 or imminent danger thereof, or respond to any need for emergency
 413 aid to civil authorities as specified in s. 250.28, ~~to~~ order
 414 into state active duty ~~active service of the state~~ all or any
 415 part of the militia which ~~that~~ he or she deems ~~may deem~~ proper.
 416 ~~During the absence of any organization in the service of the~~



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417 ~~United States, its state designation shall not be given to any~~
 418 ~~new organization.~~

419 (5)(4) The Governor may authorize all or any part of the
 420 Florida National Guard ~~organized militia~~ to participate in any
 421 parade, review, inspection, ceremony, or other public exercise;
 422 ~~or~~ to serve for escort duty; to participate in training; to
 423 provide extraordinary support to law enforcement upon request;
 424 and to provide humanitarian relief in situations for which it is
 425 uniquely qualified. ~~and~~ Such expenses incidental thereto and
 426 authorized by ~~as~~ the Governor ~~may authorize~~ may be paid as
 427 ~~hereinafter~~ provided for state active duty ~~active service~~.

428 (6) The Governor may convene general courts-martial and
 429 may delegate the authority to convene general courts-martial to
 430 the Adjutant General.

431 Section 7. Section 250.07, Florida Statutes, is amended to
 432 read:

433 250.07 Florida National Guard; composition; departmental
 434 organization.--

435 (1) The Florida National Guard shall consist of ~~members of~~
 436 ~~the militia~~ enlisted personnel, ~~therein and of~~ commissioned
 437 officers, and warrant officers who are citizens of the United
 438 States or have declared their intention to become citizens of
 439 the United States, organized, armed, equipped, and federally
 440 recognized, in accordance with the laws of the state and the
 441 laws and regulations of the Department of the Army and the
 442 Department of the Air Force. ~~The state headquarters of the~~
 443 Florida National Guard shall include separate components for the
 444 Army and Air Force.

445 (2) All general officers of the Florida National Guard
 446 must be federally recognized and appointed by the Governor,



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447 subject to confirmation by the Senate ~~be organized so as to~~
448 ~~establish a department for army and a department for air. The~~
449 ~~state headquarters will be under the administration of the state~~
450 ~~Adjutant General, who shall hold the rank of major general or~~
451 ~~such higher rank as may be authorized by applicable tables of~~
452 ~~organization of the Department of the Army. There shall be an~~
453 ~~Assistant Adjutant General for Army who shall hold rank, not~~
454 ~~higher than brigadier general, and who shall assist and advise~~
455 ~~the Adjutant General in the supervision and operation of the~~
456 ~~Florida Army National Guard, and an Assistant Adjutant General~~
457 ~~for Air who shall hold rank, not higher than brigadier general,~~
458 ~~and who shall assist and advise the Adjutant General in the~~
459 ~~supervision and operation of the Florida Air National Guard.~~
460 ~~Each of the three aforementioned officers shall be a federally~~
461 ~~recognized officer of the Florida National Guard, who shall have~~
462 ~~served therein as such for at least 5 years and has attained the~~
463 ~~rank of major or higher.~~

464 Section 8. Section 250.08, Florida Statutes, is amended to
465 read:

466 250.08 Florida National Guard organized.--The Governor of
467 Florida may perform ~~any and~~ all acts, and make and publish all
468 ~~such rules and regulations,~~ as he or she considers ~~may deem~~
469 necessary to organize ~~effect the organization or reorganize~~
470 ~~reorganization of~~ the Florida National Guard, in conformity to
471 federal law ~~the terms of the National Defense Act,~~ and the
472 rules, regulations, and proclamations of ~~promulgated by~~ the
473 President of the United States or the Department of Defense,
474 relating to the National Guard of this state or the United
475 States ~~several states.~~



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476 Section 9. Section 250.09, Florida Statutes, is amended to
477 read:

478 250.09 Appropriations, property and equipment.--The
479 Governor of Florida may take all necessary steps to obtain all
480 appropriations, property, and equipment, ~~now or hereafter~~
481 provided by the United States or authorized by law for the use,
482 aid, equipment, benefit, or instruction of the Florida National
483 Guard.

484 Section 10. Section 250.10, Florida Statutes, is amended
485 to read:

486 250.10 Appointment and duties of the Adjutant General.--

487 (1) In case of a vacancy, the Governor shall, subject to
488 confirmation by the Senate, appoint a federally recognized
489 officer of the Florida National Guard, who has ~~shall have~~ served
490 in the Florida National Guard ~~therein as such~~ for the preceding
491 5 years and attained the rank of colonel or higher, to be the
492 Adjutant General of the state with the rank of not less than
493 brigadier general or such higher rank as may be authorized by
494 applicable tables of organization of the Department of the Army
495 or the Department of the Air Force. The Adjutant General and all
496 other military personnel ~~officers~~ of the Florida National Guard
497 on full-time military ~~permanent~~ duty with the Department of
498 Military Affairs, except military police and firefighters, ~~and~~
499 who are paid from state funds shall receive the pay and
500 allowances of their respective grade as prescribed by applicable
501 pay tables of the national military establishment for similar
502 grade and period of service of personnel, unless a different
503 rate of pay and allowances is ~~be~~ specified in an ~~the~~
504 appropriation act of the Legislature ~~bill,~~ ~~in which event such~~
505 ~~pay shall be the amount therein specified~~. An officer, with his



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506 or her consent, may be ordered to state active duty ~~active state~~
 507 ~~service~~ for administrative duty with the Department of Military
 508 Affairs at a grade lower than the officer currently holds.

509 (2) The Adjutant General ~~of the state shall be the Chief~~
 510 ~~of the Department of Military Affairs. He or she shall:~~

511 (a) Supervise the receipt, preservation, repair,
 512 distribution, issue, and collection of all arms and military
 513 equipment ~~stores~~ of the state.

514 (b) Supervise all troops, ~~arms,~~ and branches of the
 515 Florida National Guard, including militia, ~~such supervisory~~
 516 ~~powers covering primarily all duties pertaining to their~~
 517 organization, armament, discipline, training, recruiting,
 518 inspection, instruction, pay, subsistence, and supplies.

519 (c) Maintain records of all military personnel of the
 520 Florida National Guard and maintain ~~officers and men and women~~
 521 ~~of the organized militia, and keep on file in the Adjutant~~
 522 ~~General's office,~~ copies of all orders, reports, and
 523 communications received and issued by him or her.

524 (d) Cause the law and orders relating to the Florida
 525 National Guard ~~militia of Florida~~ to be indexed, printed, and
 526 bound, and prepare and publish blank books, forms, and
 527 stationery when necessary, and furnish them at the expense of
 528 the state.

529 (e)1. Prepare and publish by order of the Governor ~~such~~
 530 orders, rules, and regulations, consistent with law, ~~as are~~
 531 ~~necessary~~ to bring the organization, armament, equipment,
 532 training, and discipline of the Florida National Guard to a
 533 state of efficiency as nearly as possible to that of the regular
 534 United States Army and Air Force, and the Adjutant General shall



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535 attest all orders of the commander in chief relating to the
 536 Florida National Guard ~~militia~~.

537 2. Establish by directive an organized and supervised
 538 physical fitness program for military ~~state active duty~~
 539 personnel of the Department of Military Affairs, provided that
 540 the program does not exceed 1 hour per day, for a maximum of 3
 541 hours per week, and originates and terminates at the normal work
 542 site. All fees, membership dues, equipment, and clothing
 543 relating to such physical fitness program shall be at no cost to
 544 the state. Administrative leave, not to exceed 3 hours per week,
 545 shall be provided by the department to all ~~state active duty~~
 546 personnel authorized to participate ~~participating~~ in the
 547 physical fitness program.

548 3. Establish by directive a post exchange store for
 549 members of the Florida National Guard, their families, guests,
 550 and other authorized users. The post exchange store shall be
 551 located at the Camp Blanding Training Site. The primary purpose
 552 of the store is to provide for the morale, recreation, and
 553 welfare of all service members training at the Camp Blanding
 554 Training Site. The operation of the post exchange store must be
 555 in accordance with state and federal laws, rules, and
 556 regulations. Profits of the post exchange store, if any, shall
 557 be deposited in the Camp Blanding Management Trust Fund and
 558 shall be used to enhance the facilities and services provided by
 559 the Camp Blanding Training Site. ~~The Camp Blanding Management~~
 560 ~~Trust Fund may be used to initiate and support the initial~~
 561 ~~operations of the Camp Blanding post exchange store.~~ The
 562 Adjutant General may establish an account with a federally
 563 insured financial institution in the state to facilitate the
 564 operations of the post exchange store.



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565 (f) Prepare ~~such~~ reports required by ~~and returns~~ as the
566 Secretary of Defense ~~may prescribe and require~~.

567 ~~(g) Provide military police or security guards to secure~~
568 ~~or guard any state military reservation or armory that the~~
569 ~~Adjutant General finds necessary to secure or guard.~~

570 ~~(g)(h)~~ Perform ~~such~~ other duties ~~as may be~~ required of the
571 Adjutant General by the commander in chief.

572 ~~(h)(i)~~ The ~~Adjutant General may~~ Employ personnel ~~such~~
573 ~~clerical help~~ as is necessary for the proper conduct of the
574 Department of Military Affairs. The Adjutant General may, ~~and he~~
575 ~~or she is authorized to accept~~ personnel ~~such~~ clerical,
576 ~~technical, or other assistants as may be~~ provided by the Federal
577 Government.

578 ~~(i)(j)~~ Establish and maintain as part of the Adjutant
579 General's office a repository of records of the services of
580 Florida troops, ~~including Florida officers and enlisted~~
581 ~~personnel,~~ during all wars, and ~~shall~~ be the custodian of all
582 records, relics, trophies, colors, and histories relating to
583 such wars which are possessed or, ~~now in possession of or which~~
584 ~~may be~~ acquired by the state.

585 ~~(j)(k)~~ Maintain the ~~Adjutant General shall have a~~ seal of
586 office, ~~to be~~ approved by the commander in chief, and all copies
587 of papers in his or her office, duly certified and authenticated
588 under the ~~said~~ seal, which are ~~shall be~~ admissible in evidence
589 in all cases in like manner as if the original were produced.

590 ~~(k)(l)~~ Provide ~~The Adjutant General shall,~~ upon request,
591 ~~provide~~ a summary to the Governor on the number and condition of
592 the Florida National Guard ~~organized militia,~~ and the number and
593 condition of the arms and property ~~accouterments~~ in the custody
594 of the state, and ~~shall~~ transmit to the Governor at that said



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595 time a detailed report of all funds and moneys received and
 596 disbursed by the Department of Military Affairs. The Adjutant
 597 General may also recommend ~~make such recommendations as to~~
 598 needed legislation as he or she deems ~~may deem~~ proper.

599 (1)(m) Subject to annual appropriations, administer youth
 600 About Face programs and adult Forward March programs at sites to
 601 be selected by the Adjutant General.

602 ~~1. About Face shall establish a summer and a year-round~~
 603 ~~after-school life-preparation program for economically~~
 604 ~~disadvantaged and at-risk youths from 13 through 17 years of~~
 605 ~~age. Both programs must provide schoolwork assistance, focusing~~
 606 ~~on the skills needed to master basic high school competencies~~
 607 ~~and pass the high school competency test, and also focus on~~
 608 functional life skills, including teaching students to work
 609 effectively in groups; providing basic instruction in computer
 610 skills; teaching basic problem-solving, decision making, and
 611 reasoning skills; teaching how the business world and free
 612 enterprise work through computer simulations; and teaching home
 613 finance and budgeting and other daily living skills.

614 1. About Face is a summer and a year-round after-school
 615 life-preparation program for economically disadvantaged and at-
 616 risk youths from 13 through 17 years of age. The program must
 617 provide training ~~In the after-school program, students must~~
 618 ~~train~~ in academic study skills, and the basic skills that
 619 businesses require for employment consideration.

620 2. Forward March is a job-readiness program for
 621 economically disadvantaged participants who are directed to
 622 Forward March by the local regional workforce development boards
 623 ~~The Adjutant General shall provide job-readiness services in the~~
 624 ~~Forward March program for WAGES Program participants who are~~



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625 ~~directed to Forward March by local WAGES coalitions.~~ The Forward
 626 March program shall provide training on topics that directly
 627 relate to the skills required for real-world success. The
 628 program shall emphasize functional life skills, computer
 629 literacy, interpersonal relationships, critical-thinking skills,
 630 business skills, preemployment and work maturity skills, job-
 631 search skills, exploring careers activities, how to be a
 632 successful and effective employee, and some job-specific skills.
 633 The program also shall provide extensive opportunities for
 634 participants to practice generic job skills in a supervised work
 635 setting. Upon completion of the program, Forward March shall
 636 return participants to the local regional workforce development
 637 board ~~WAGES coalition~~ for placement in a job placement pool.

638 (m) Order troops to state active duty for training,
 639 subject to approved appropriations or grants.

640 (3) The Adjutant General ~~There shall furnish~~ be furnished
 641 suitable buildings for conducting the business of the Department
 642 of Military Affairs and for the proper storage, repair, and
 643 issuance of military property.

644 (4) The Adjutant General shall employ, subject to
 645 confirmation by the Senate, a federally recognized officer of
 646 the Florida National Guard, who has ~~shall have~~ served in the
 647 Florida Army National Guard ~~therein as such~~ for the preceding 5
 648 years and attained ~~have obtained~~ the rank of colonel or higher
 649 at the time of appointment, to be the Assistant Adjutant General
 650 for Army. The officer ~~who~~ shall perform the ~~such~~ duties as
 651 required by the Adjutant General ~~may require.~~

652 (5) The Adjutant General shall employ, subject to
 653 confirmation by the Senate, a federally recognized officer of
 654 the Florida National Guard, who has served in the Florida Air



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655 National Guard for the preceding 5 years and attained the rank
 656 of colonel or higher at the time of appointment, to be the
 657 Assistant Adjutant General for Air. The officer shall perform
 658 the duties as required by the Adjutant General.

659 (6)(5) The Adjutant General shall employ a federally
 660 recognized officer of the Florida National Guard as the state
 661 quartermaster who under the direction of the Adjutant General
 662 shall account ~~is accountable~~ for all funds accruing to the
 663 Department of Military Affairs; ~~and~~ shall receive, preserve,
 664 repair, issue, distribute, and account for all Department of
 665 Military Affairs property, including real estate pertaining to
 666 the State Armory Board; ~~7~~ and may ~~shall~~ construct, maintain,
 667 improve, and repair facilities pertaining to the Department of
 668 Military Affairs and the armory board. The state quartermaster
 669 shall ~~will~~ be the recorder of the armory board and ~~will~~ perform
 670 any ~~such~~ other duties as ~~may~~ be required of him or her by the
 671 Adjutant General.

672 ~~(6) The Adjutant General shall employ a federally~~
 673 ~~recognized officer of the Florida National Guard, who shall have~~
 674 ~~served therein as such for the preceding 5 years and have~~
 675 ~~attained the rank of colonel or higher, to be the Assistant~~
 676 ~~Adjutant General for Air who shall perform such duties as the~~
 677 ~~Adjutant General may require.~~

678 (7) The Adjutant General ~~and representatives of the Board~~
 679 ~~of Regents, the State Board of Community Colleges, and the State~~
 680 ~~Board of Education shall~~ design and develop education assistance
 681 programs ~~a tuition assistance program~~ for members in good
 682 standing of the active Florida National Guard who enroll in a
 683 public institution of higher learning in the state ~~in accordance~~
 684 ~~with the provisions of subsection (8).~~



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685 (a) The programs ~~program~~ shall set forth application
 686 requirements, including ~~which include~~, but are not limited to,
 687 requirements that the applicant shall:

- 688 1. Be 17 years of age or older.
- 689 2. Be presently domiciled in the state.
- 690 3. Be a member in good standing in the active Florida
 691 National Guard at the beginning of and throughout the entire
 692 academic term for which benefits are received.

693 4. Maintain continuous satisfactory participation in the
 694 active Florida National Guard for any school term for which
 695 exemption benefits are received.

696 5. Upon enrollment in a program specified in subsection
 697 (8) or subsection (9), complete a memorandum of agreement to
 698 comply with the rules of the program and ~~Agree in writing to~~
 699 serve in the active Florida National Guard for 3 years after
 700 completion of the studies for which an exemption is granted or
 701 tuition and fees are paid.

702 ~~(b) The program shall include, but not be limited to, the~~
 703 ~~following penalties:~~

704 1. ~~When a member of the active Florida National Guard~~
 705 ~~receives an exemption from tuition and fees for any academic~~
 706 ~~term and fails to maintain satisfactory participation in the~~
 707 ~~Florida National Guard during such academic term, the exemption~~
 708 ~~shall immediately be forfeited and the member shall be required~~
 709 ~~to pay to the institution all tuition charges and student fees~~
 710 ~~for the current academic term for which the exemption has been~~
 711 ~~granted.~~

712 2. ~~When a member of the active Florida National Guard~~
 713 ~~leaves the Florida National Guard during the 3-year period such~~
 714 ~~member had agreed to serve after completing the courses for~~



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715 ~~which exemptions were granted, the member shall be required to~~
 716 ~~reimburse the state for all tuition charges and student fees for~~
 717 ~~which such member received exemptions, unless the Adjutant~~
 718 ~~General determines there are justifiable extenuating~~
 719 ~~circumstances.~~

720 ~~3. If the service of a member of the active Florida~~
 721 ~~National Guard is terminated or the member is placed on~~
 722 ~~scholastic probation while receiving exemption benefits, the~~
 723 ~~exemption shall be immediately forfeited and the member shall~~
 724 ~~pay to the institution all tuition charges and student fees for~~
 725 ~~the current academic term for which the member has received an~~
 726 ~~exemption.~~

727 (b)(e) The programs ~~program~~ shall define those members of
 728 the active Florida National Guard who are ineligible to
 729 participate in the programs ~~program~~ and those courses of study
 730 which are not authorized for the programs ~~program~~.

731 1. Such members ~~shall~~ include, but are not ~~be~~ limited to:

732 a. Any member, commissioned officer, ~~or~~ warrant officer,
 733 or enlisted person, who has a baccalaureate degree.

734 b. Any member who has 15 years or more of total military
 735 service creditable toward retirement.

736 c. Any member who has not completed basic military
 737 training.

738 2. Courses not authorized include noncredit courses,
 739 courses that ~~which~~ do not meet degree requirements, or courses
 740 that ~~which~~ do not meet requirements for completion of
 741 vocational-technical training.

742 (c)(d) The Adjutant General, together with ~~the Board of~~
 743 ~~Regents, the State Board of Community Colleges, and the State~~
 744 Board of Education, shall adopt ~~promulgate~~ rules for the overall



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745 policy, guidance, administration, implementation, and proper
 746 utilization of the programs ~~program~~. Such rules must ~~shall~~
 747 include, but not be limited to, guidelines for certification by
 748 the Adjutant General of a guard member's eligibility, procedures
 749 for notification to an institution of a guard member's
 750 termination of eligibility, and procedures for restitution when
 751 a guard member fails to comply with the penalties described in
 752 this section ~~paragraph (b)~~.

753 (8) The Department of Military Affairs may ~~is authorized~~
 754 ~~to~~ administer a tuition exemption ~~an educational tuition~~
 755 ~~assistance~~ program, known as the State Tuition Exemption Program
 756 (STEP), for members of the Florida National Guard who qualify
 757 pursuant to subsection (7).

758 (a) Members of the Florida National Guard are ~~shall be~~
 759 exempt from payment of one-half of tuition and fees subject to
 760 the following limitations:

761 1. A member may not participate ~~Participation~~ in the STEP
 762 program for more than ~~shall not exceed a period of~~ 10 years
 763 following ~~from~~ the date of enrollment in the tuition exemption
 764 ~~assistance~~ program, ~~or shall continue until graduation or~~
 765 ~~termination of the full-time or part-time student, whichever~~
 766 ~~occurs earlier~~.

767 2. Florida National Guard members shall be admitted on a
 768 space-available basis.

769 (b) Notwithstanding paragraph (a) and subject to
 770 appropriations, the Department of Military Affairs may pay one-
 771 half ~~the full cost~~ of tuition and fees for required courses for
 772 members of the Florida National Guard if a member is unable to
 773 obtain admittance on a space-available basis and, at least on



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774 one previous occasion, the member was denied admission to the
775 required course.

776 (c) Courses not authorized include noncredit courses,
777 courses that do not meet degree requirements, and courses that
778 do not meet requirements for completion of vocational-technical
779 training.

780 (d) Program penalties include, but are not limited to:

781 1. If a member of the active Florida National Guard
782 receives an exemption from tuition and fees for any academic
783 term and fails to maintain satisfactory participation in the
784 Florida National Guard during that academic term, the member
785 forfeits his or her exemption and shall pay the institution
786 granting the exemption all tuition charges and student fees for
787 the academic term for which the exemption was granted.

788 2. If a member of the active Florida National Guard leaves
789 the Florida National Guard during the 3-year period in which the
790 member has agreed to serve after completing the courses for
791 which an exemption was granted, the member shall reimburse the
792 institution granting the exemption for all tuition charges and
793 student fees for which the member received an exemption, unless
794 the Adjutant General finds there are justifiable extenuating
795 circumstances.

796 3. If the service of a member of the active Florida
797 National Guard is terminated or the member is placed on
798 scholastic probation while receiving the exemption, the
799 exemption shall be immediately forfeited and the member shall
800 pay the institution granting the exemption all tuition charges
801 and student fees for the academic term for which the exemption
802 was granted.



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803 4. If a member defaults on any repayment made under this
804 paragraph, the institution may charge the member the maximum
805 interest rate authorized by law.

806 (9)(e) Subject to appropriations, the Department of
807 Military Affairs may pay the full cost of tuition and fees for
808 required courses for members of the Florida National Guard who
809 enlist after June 30, 1997. This program shall be known as the
810 Education Dollars for Duty Program (EDD), and shall be the
811 primary program for members of the Florida National Guard.

812 (a) A member may not participate in the Education Dollars
813 for Duty Program (EDD) for more than 5 years following the date
814 of eligibility for the program.

815 (b) Courses not authorized include noncredit courses,
816 courses that do not meet degree requirements, or courses that do
817 not meet requirements for completing vocational-technical
818 training.

819 (c) College-preparatory classes are authorized courses.

820 (d) Penalties for noncompliance with program requirements
821 include, but are not limited to:

822 1. Reimbursement to the Department of Military Affairs of
823 all tuition charges and student fees for an academic term for
824 which a member received payment if the member of the active
825 Florida National Guard received payment of tuition and fees for
826 any academic term and failed to maintain satisfactory
827 participation in the Florida National Guard during that academic
828 term.

829 2. Reimbursement to the Department of Military Affairs of
830 all tuition charges and student fees for which a member received
831 payments, unless the Adjutant General finds that there are
832 justifiable extenuating circumstances, if the member of the



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833 active Florida National Guard leaves the Florida National Guard
834 during the 3-year period in which the member has agreed to serve
835 after completing the courses for which payments were made.

836 3. Reimbursement to the Department of Military Affairs of
837 all tuition charges and student fees for an academic term for
838 which a member received a payment if the service of the member
839 of the active Florida National Guard is terminated or the member
840 is placed on scholastic probation while receiving payments.

841
842 If a member defaults on any reimbursement made under this
843 paragraph, the department may charge the member the maximum
844 interest rate authorized by law.

845 Section 11. Section 250.115, Florida Statutes, is amended
846 to read:

847 250.115 Department of Military Affairs direct-support
848 organization.--

849 (1) DEFINITIONS.--As used in this section, the term ~~For~~
850 ~~the purposes of this section:~~

851 (a) "Direct-support organization" means an organization
852 that is:

853 1. A Florida corporation not for profit, incorporated
854 under ~~the provisions of~~ chapter 617 and approved by the
855 Department of State.

856 2. Organized and operated exclusively to raise funds;
857 request and receive grants, gifts, and bequests of moneys;
858 acquire, receive, hold, invest, and administer in its own name
859 securities, funds, or property; and make expenditures to or for
860 the direct or indirect benefit of the Department of Military
861 Affairs or the Florida National Guard.



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862 3. Determined by the Department of Military Affairs to be
 863 operating in a manner consistent with the goals of the
 864 Department of Military Affairs and the Florida National Guard
 865 and in the best interest of the state. Any organization that is
 866 denied certification by the Adjutant General may not use the
 867 name of the Florida National Guard or the Department of Military
 868 Affairs in any part of its name or its publications.

869 (b) "Personal services" includes full-time or part-time
 870 personnel as well as payroll processing.

871 (2) BOARD OF DIRECTORS.--The organization shall be
 872 governed by a board of directors. The Adjutant General, or his
 873 or her designee, shall appoint a ~~serve as~~ president of the
 874 board. The board of directors shall consist of up to 15 members
 875 appointed by the president of the board ~~Adjutant General~~. Up to
 876 15 additional members may ~~shall~~ be appointed by the board of
 877 directors. The terms of office of the members shall be 3 years.
 878 Members must be residents of the state and highly knowledgeable
 879 about the United States military, its service personnel, and its
 880 missions. In making appointments, the board must consider a
 881 potential member's background in community service. The board
 882 ~~Adjutant General~~ may remove any member for cause and shall fill
 883 vacancies that occur.

884 (3) USE OF PROPERTY.--

885 (a) The Department of Military Affairs ~~may Adjutant~~
 886 ~~General is authorized to~~ permit the use of departmental
 887 property, facilities, and personal services ~~of the Department of~~
 888 ~~Military Affairs~~ by the direct-support organization, subject to
 889 the provisions of this section.

890 (b) The Department of Military Affairs ~~Adjutant General~~
 891 may prescribe by rule any condition with which a direct-support



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892 organization organized under this section must comply in order
 893 to use departmental property, facilities, ~~or personal services~~
 894 ~~of the Department of Military Affairs.~~

895 (c) The Department of Military Affairs ~~Adjutant General~~
 896 may not permit the use of departmental property, facilities, or
 897 personal services ~~of the Department of Military Affairs~~ by any
 898 direct-support organization organized under this section that
 899 does not provide equal employment opportunities to all persons
 900 regardless of race, color, national origin, gender ~~sex~~, age, or
 901 religion.

902 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or
 903 agreement between the direct-support organization organized
 904 pursuant to this section and another direct-support organization
 905 or center of technology innovation designated under s. 1004.77
 906 must be approved by the Department of Military Affairs ~~Adjutant~~
 907 ~~General.~~

908 (5) ANNUAL BUDGETS AND REPORTS.--The direct-support
 909 organization shall submit to the Department of Military Affairs
 910 ~~Adjutant General~~ its federal Internal Revenue Service
 911 Application for Recognition of Exemption form (Form 1023) and
 912 its federal Internal Revenue Service Return of Organization
 913 Exempt from Income Tax form (Form 990).

914 (6) ANNUAL AUDIT.--The direct-support organization shall
 915 provide for an annual financial audit in accordance with s.
 916 215.981.

917 Section 12. Section 250.12, Florida Statutes, is amended
 918 to read:

919 250.12 Appointment of commissioned and warrant
 920 officers.--The appointment of commissioned officers and warrant
 921 officers shall conform in number, rank, and designation, and



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922 shall be based upon and made in conformity with tables of
 923 organization for the National Guard as prescribed in National
 924 Guard regulations published by the National Guard Bureau. The
 925 appointees shall hold their appointments subject to continuance
 926 of federal recognition, or attainment of age 64 years, unless
 927 relieved by reason of resignation or~~7~~ disability~~7~~, or for a cause
 928 to be determined by a court-martial or efficiency board, legally
 929 convened for that purpose. Vacancies shall, when practicable, be
 930 filled by appointment from personnel of the Florida National
 931 Guard ~~of this state~~.

932 Section 13. Section 250.16, Florida Statutes, is amended
 933 to read:

934 250.16 Authority to incur charge against state.--An ~~No~~
 935 officer of the militia or Florida National Guard may not ~~shall~~
 936 make any purchases or enter into any contract or agreement for
 937 purchases or services as a charge against the state without the
 938 authority of the Adjutant General.

939 Section 14. The Armory Board Trust Fund within the
 940 Department of Military Affairs, FLAIR number 62-2-039, is
 941 renamed the Cooperative Agreement Trust Fund.

942 Section 15. It is the intent of the Legislature through
 943 this act to codify s. 250.601, Florida Statutes, the Emergency
 944 Response Trust Fund within the Department of Military Affairs,
 945 as s. 250.175(2), Florida Statutes; to codify the Camp Blanding
 946 Management Trust Fund within the Department of Military Affairs,
 947 FLAIR number 62-2-069, as s. 250.175(3), Florida Statutes; and
 948 to codify the Armory Board Trust Fund within the Department of
 949 Military Affairs, FLAIR number 62-2-039, renamed the Cooperative
 950 Agreement Trust Fund by this act, as s. 250.175(4), Florida
 951 Statutes. It is the purpose and intent of the Legislature



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952 through this act in revising pt. II of chapter 250, Florida
 953 Statutes, the Military Code, to rearrange, renumber, reword,
 954 reorder, streamline, consolidate, and update the Military Code
 955 consistent with current law. The provisions of this act do not
 956 create, re-create, or terminate any trust fund and are merely a
 957 consolidation of provisions relating to the department's trust
 958 funds into a single section.

959 Section 16. Section 250.175, Florida Statutes, is amended,
 960 section 250.601, Florida Statutes, is renumbered as subsection
 961 (2) of said section, and new subsections (3) and (4) are added
 962 to said section, to read:

963 250.175 Trust funds; authorization; purpose ~~Federal Law~~
 964 ~~Enforcement Trust Fund.~~--

965 (1)(a) The Federal Law Enforcement Trust Fund is created
 966 within the Department of Military Affairs. The department shall
 967 ~~may~~ deposit into the trust fund moneys received from the
 968 forfeiture of assets obtained through illegal drug activities,
 969 which shall be used to support law enforcement and counter-drug
 970 activities and drug interdiction programs of the Florida
 971 National Guard ~~receipts and revenues received as a result of~~
 972 ~~federal criminal, administrative, or civil forfeiture~~
 973 ~~proceedings and receipts and revenues received from federal~~
 974 ~~asset sharing programs. The trust fund is exempt from the~~
 975 ~~service charges imposed by s. 215.20.~~

976 (b)(2) Notwithstanding ~~the provisions of~~ s. 216.301 and
 977 pursuant to s. 216.351, any balance in the trust fund at the end
 978 of any fiscal year shall remain in the trust fund ~~at the end of~~
 979 ~~the year~~ and is ~~shall be~~ available for carrying out the purposes
 980 of the trust fund. The trust fund is exempt from the service
 981 charges imposed by s. 215.20.



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982 ~~250.601 Emergency Response Trust Fund.~~

983 (2)(a)(1) The Emergency Response Trust Fund is created
 984 within the Department of Military Affairs.

985 ~~(2) Funds to be credited to the trust fund shall consist~~
 986 ~~of Reimbursements from the Federal Emergency Management Agency~~
 987 ~~for the costs of activating the Florida National Guard and~~
 988 ~~transfers of state funds approved by budget amendments processed~~
 989 ~~under as provided in chapter 216 shall be deposited into the~~
 990 ~~trust fund. The trust fund~~ Such funds shall be used to pay all
 991 operational costs incurred by the Florida National Guard when
 992 called to active duty.

993 ~~(3)(a) The trust fund is exempt from the service charges~~
 994 ~~imposed by s. 215.20.~~

995 (b)(4) In accordance with s. 19(f)(2), Art. III of the
 996 State Constitution, the Emergency Response Trust Fund shall,
 997 unless terminated sooner, be terminated on July 1, 2006. Before
 998 its scheduled termination, the trust fund shall be reviewed as
 999 provided in s. 215.3206(1) and (2).

1000 (c)(b) Notwithstanding s. 216.301~~7~~ and pursuant to s.
 1001 216.351, any balance in the trust fund at the end of any the
 1002 fiscal year shall remain in the trust fund and is shall be
 1003 available for carrying out the purposes of the trust fund. The
 1004 trust fund is exempt from the service charges imposed by s.
 1005 215.20.

1006 (3)(a) The Camp Blanding Management Trust Fund is created
 1007 within the Department of Military Affairs. The department shall
 1008 deposit funds generated by revenue producing activities on the
 1009 Camp Blanding Military Reservation into the trust fund, which
 1010 shall be used to support required training of the Florida
 1011 National Guard.



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1012 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 1013 any balance in the trust fund at the end of any fiscal year
 1014 shall remain in the trust fund and is available for carrying out
 1015 the purposes of the trust fund. The trust fund is exempt from
 1016 the service charges imposed by s. 215.20.

1017 (4)(a) The Cooperative Agreement Trust Fund is created
 1018 within the Department of Military Affairs. The department shall
 1019 deposit into the trust fund federal funds received by the
 1020 department under cooperative agreements between the federal and
 1021 state governments, which shall be used to perform the functions
 1022 and tasks as specified in the agreements. The department shall
 1023 also deposit into the trust fund other funds received by the
 1024 department.

1025 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
 1026 any balance in the trust fund at the end of any fiscal year
 1027 shall remain in the trust fund and is available for carrying out
 1028 the purposes of the trust fund.

1029 Section 17. Section 250.18, Florida Statutes, is amended
 1030 to read:

1031 250.18 Commissioned officers and warrant officers,
 1032 clothing and uniforms ~~uniform allowance~~.--Each commissioned
 1033 officer and warrant officer of the Florida National Guard must
 1034 provide his or her own uniforms

1035 ~~(1) Acceptance of appointment as a commissioned or warrant~~
 1036 ~~officer in the National Guard of Florida shall involve an~~
 1037 ~~obligation upon the part of the appointee to immediately supply~~
 1038 ~~such arms, uniform, and articles of personal military equipment~~
 1039 ~~as are prescribed under Department of the Army and Department of~~
 1040 ~~the Air Force regulations for commissioned or warrant officers~~



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1041 of the National Guard or officers of the Army or Air Force of
 1042 the United States, of like grade and office.

1043 ~~(2) There shall be paid, upon appointment, to each~~
 1044 ~~federally recognized commissioned and warrant officer in the~~
 1045 ~~Florida National Guard, upon the officer's requisition, approved~~
 1046 ~~by the Adjutant General, the sum of \$100 as a uniform allowance.~~

1047 Section 18. Section 250.19, Florida Statutes, is amended
 1048 to read:

1049 250.19 Expenses for travel on military business.--Any
 1050 officer or enlisted person of the Florida National Guard,
 1051 traveling on military business not with troops, in obedience to
 1052 the orders of the Governor, must ~~shall~~ be reimbursed for
 1053 expenses incurred in the performance of such duties as
 1054 prescribed by law for state officers and employees.

1055 Section 19. Section 250.20, Florida Statutes, is amended
 1056 to read:

1057 250.20 Armory operations; Maintenance allowances.--

1058 (1) A monetary allowance ~~There~~ shall be paid quarterly to
 1059 the post commander of each Florida National Guard armory from
 1060 funds appropriated to the Department of Military Affairs, upon
 1061 the approval of the Adjutant General, ~~a monetary allowance~~ based
 1062 on a calculation of need ~~as~~ determined by the Adjutant General,
 1063 exclusive of any space utilized and maintained by a federally
 1064 funded activity of the Florida National Guard. The allowance
 1065 shall cover costs for the operation, maintenance, and repair of
 1066 the armory facilities, ~~and for necessary expenses of the units~~
 1067 ~~located at the armory~~. The amount of the allowance shall be
 1068 computed by the Adjutant General as of June 30 of each year for
 1069 purposes of determining the total amounts payable for inclusion
 1070 in his or her budget request to the Legislature.



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1071 (2) Payment of all allowances authorized under this
 1072 section are ~~shall be~~ subject to ~~such~~ rules as ~~may be~~ prescribed
 1073 by the Adjutant General and all moneys so paid are ~~shall be~~
 1074 ~~treated as~~ public moneys and must be accounted for as prescribed
 1075 by rules. All funds must be deposited into a federal depository
 1076 approved by the Department of Military Affairs.

1077 (3) ~~If In the event~~ an insufficient appropriation is ~~be~~
 1078 made to the Department of Military Affairs to pay the allowances
 1079 ~~hereinabove~~ set forth in subsection (1), or if for other
 1080 sufficient reason the ~~said~~ amounts require redistribution among
 1081 the National Guard armories, ~~then~~ the amount to be paid to such
 1082 armories shall be adjusted as ~~may be~~ administratively determined
 1083 by the Adjutant General. Each post commander is responsible for
 1084 the proper receipt and distribution of the post armory
 1085 operations allowance as directed by the Department of Military
 1086 Affairs.

1087 Section 20. Section 250.23, Florida Statutes, is amended
 1088 to read:

1089 250.23 Pay for state active duty ~~active service in~~
 1090 ~~state.--~~

1091 (1) Officers and enlisted personnel of the Florida
 1092 National Guard, when ordered to state active duty ~~active service~~
 1093 ~~by the state, as now defined by law,~~ shall receive the pay and
 1094 allowance as prescribed in the applicable pay tables for similar
 1095 grades and periods of service of personnel in the United States
 1096 Army or Air Force. All ~~Enlisted~~ personnel shall be provided
 1097 subsistence in kind or commutation therefor in the ~~such~~ amount
 1098 ~~as may be~~ prescribed by the Adjutant General.

1099 (2) Enlisted personnel of the Florida National Guard who
 1100 are ordered to state active duty ~~active service by the state, as~~



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1101 ~~now defined by law,~~ shall be paid \$20 per day in addition to any
 1102 and all other compensation provided.

1103 Section 21. Section 250.24, Florida Statutes, is amended
 1104 to read:

1105 250.24 Pay and expenses; appropriation; procedures.--

1106 (1) The pay and expenses of troops ordered to state active
 1107 duty ~~out in active service of the state~~ shall be paid from any
 1108 appropriation for preserving the public peace or from the pay
 1109 and expenses of troops ordered out in aid of civil authorities.
 1110 Payments shall be made upon prescribed forms of payrolls and
 1111 vouchers, accompanied by copies of the order under which troops
 1112 were acting, certified by the Adjutant General and approved by
 1113 the Governor. In those instances where the payment will be made
 1114 from the Department of Military Affairs annual appropriation,
 1115 the payroll need not be approved by the Governor. The Adjutant
 1116 General shall be the sole authority of ~~said~~ pay for state active
 1117 duty.

1118 (2) An estimated cost for pay, allowances, and expenses
 1119 shall be calculated by the Adjutant General as soon as possible
 1120 after the troops are ordered to state active duty, ~~out in active~~
 1121 ~~service of the state;~~ and the Adjutant General shall request a
 1122 release of moneys for such purpose.

1123 (3) Notwithstanding ~~the provision of~~ s. 216.271, moneys
 1124 for pay and allowances of the troops ordered to state active
 1125 duty ~~out in active service of the state~~ shall be deposited in
 1126 the Emergency Response Trust Fund ~~a separate revolving fund,~~
 1127 which must ~~shall~~ be approved by the Chief Financial Officer
 1128 ~~Comptroller~~ and is ~~shall be~~ subject to the provisions of s.
 1129 18.101(2). The Department of Military Affairs shall administer
 1130 the fund. Frequency of payments to such troops shall be at the



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1131 discretion of the Adjutant General. The Department of Military
 1132 Affairs shall present to the Chief Financial Officer ~~Comptroller~~
 1133 audit documentation of such payments. The Department of Military
 1134 Affairs shall maintain all employee records relating to payments
 1135 made pursuant to this subsection and shall furnish to the Chief
 1136 Financial Officer ~~Comptroller~~ the information necessary to
 1137 update the payroll master record of each employee.

1138 (4) The fund balance remaining in the Emergency Response
 1139 Trust Fund ~~this separate revolving fund~~ after a final accounting
 1140 of all expenditures for pay and allowances of the troops shall
 1141 be returned for deposit to the State Treasury within 45 days
 1142 after the termination of state active duty of the troops, except
 1143 that an operating balance in an amount mutually agreed upon by
 1144 the Chief Financial Officer ~~Comptroller~~ and the Department of
 1145 Military Affairs shall be retained in the fund.

1146 (5) Vouchers for expenditures other than such pay and
 1147 allowances shall be presented to the Chief Financial Officer
 1148 ~~Comptroller~~ for approval and payment as prescribed by law.

1149 Section 22. Section 250.25, Florida Statutes, is amended
 1150 to read:

1151 250.25 Governor and Chief Financial Officer ~~Comptroller~~
 1152 authorized to borrow money.--When a ~~there is no~~ state
 1153 appropriation is not available for the pay and expenses of
 1154 troops called to state active duty ~~out in active service~~ to
 1155 preserve the peace or in aid of civil authorities, and funds are
 1156 not immediately available for this purpose, the Governor and the
 1157 Chief Financial Officer ~~Comptroller~~ may borrow money to make
 1158 such payments, in the ~~such~~ sum ~~or sums as may from time to time~~
 1159 ~~be~~ required, and any such loans, ~~so obtained,~~ shall be promptly



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1160 repaid out of the first funds that become available for that
 1161 ~~such~~ use.

1162 Section 23. Section 250.26, Florida Statutes, is amended
 1163 to read:

1164 250.26 Transfer of funds.--Where the available funds are
 1165 not sufficient for the purposes specified in ss. 250.23, 250.24,
 1166 and 250.34, the Governor and the Chief Financial Officer
 1167 ~~Comptroller~~ may transfer from any available fund in the State
 1168 Treasury the, ~~such~~ sum ~~as may be~~ necessary to meet the ~~such~~
 1169 emergency, and the ~~said~~ moneys must, ~~so transferred, shall~~ be
 1170 repaid to the fund from which transferred when moneys become
 1171 available for that purpose by legislative appropriation or
 1172 otherwise.

1173 Section 24. Section 250.28, Florida Statutes, is amended
 1174 to read:

1175 250.28 Military support to civil authority ~~Order for~~
 1176 ~~troops to aid civil authorities~~.--When an invasion or
 1177 insurrection in the state is made or threatened, or whenever
 1178 there exists a threat to security, a terrorist threat or attack,
 1179 a riot, a mob, an unlawful assembly, a breach of the peace, or
 1180 resistance to the execution of the laws of the state, or ~~there~~
 1181 ~~is~~ imminent danger thereof, which ~~and the~~ civil authorities are
 1182 unable to suppress ~~the same~~, the Governor, or in case the
 1183 Governor cannot be reached and the emergency will not permit ~~of~~
 1184 awaiting his or her orders, the Adjutant General, shall issue an
 1185 order to the officer in command of the body of troops best
 1186 suited for the duty for which a military force is required,
 1187 directing the officer to proceed with the troops, or as many
 1188 ~~thereof~~ as ~~may be~~ necessary, with all possible promptness, to
 1189 respond to suppress the invasion, insurrection, threat to



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1190 security, terrorist threat or attack, riot, mob, unlawful
 1191 assembly, breach of the peace, or resistance to the execution of
 1192 the laws of the state, or imminent danger thereof same.

1193 Section 25. Section 250.29, Florida Statutes, is amended
 1194 to read:

1195 250.29 Duty of officer receiving order to provide
 1196 emergency aid to civil authority; penalty for failure to
 1197 comply.--Any officer receiving an order to provide emergency aid
 1198 to a civil authority must ~~such orders shall~~ immediately notify
 1199 the ~~officers and enlisted~~ personnel under his or her command,
 1200 and as soon as the ~~officer's~~ troops can be assembled, proceed to
 1201 the duty site. If responding to a civil disturbance, ~~place where~~
 1202 ~~such mob or body of riotous persons assembled to break the law~~
 1203 ~~may be,~~ and the officer or the sheriff of the county or other
 1204 law enforcement ~~peace~~ officer accompanying the officer, shall
 1205 warn all such persons to desist and disperse, and shall use the
 1206 ~~such~~ force as ~~may be~~ necessary to restore peace and overcome
 1207 resistance. Any officer who fails ~~failing~~ to comply with the
 1208 ~~provisions of~~ this section and any officer or enlisted person
 1209 who is so notified by his or her commanding officer, and who
 1210 fails ~~shall fail~~ to obey such order, unless prevented by
 1211 physical disability, commits a misdemeanor of the first ~~second~~
 1212 degree, punishable as provided in s. 775.082 or s. 775.083, and
 1213 may also be punished as a court-martial directs ~~dismissed or~~
 1214 ~~dishonorably discharged by sentence of court-martial.~~

1215 Section 26. Section 250.30, Florida Statutes, is amended
 1216 to read:

1217 250.30 Orders of civil authorities; tactical direction of
 1218 troops; efforts to disperse before attack.--When an armed force
 1219 is called out in aid of the civil authorities, the orders of the



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1220 civil officer or officers may extend to a direction of the
 1221 general or specific objects to be accomplished and the duration
 1222 of service by the Florida National Guard ~~active militia~~, but the
 1223 tactical direction of the troops, the kind and extent of force
 1224 to be used, and the particular means to be employed to
 1225 accomplish the objects specified by the civil officers, are left
 1226 solely to the officers of the Florida National Guard ~~active~~
 1227 ~~militia~~. Every endeavor consistent with the preservation of life
 1228 and property must be made, both by the civil officers and
 1229 officers commanding the troops, to induce rioters or persons
 1230 lawlessly assembled to disperse before an attack is made upon
 1231 them by which their lives may be endangered.

1232 Section 27. Section 250.31, Florida Statutes, is amended
 1233 to read:

1234 250.31 Liability of members of the Florida National Guard
 1235 ~~organized militia~~; defense of actions or proceedings.--

1236 (1) Members of the Florida National Guard ~~organized~~
 1237 ~~militia~~ ordered into state active duty, full-time National Guard
 1238 duty, the active service of the state or ordered into federal
 1239 training or duty are ~~shall~~ not be liable, civilly or criminally,
 1240 for any lawful act ~~or acts~~ done by them in the performance of
 1241 their duty, while acting in good faith and while acting in the
 1242 scope of either state or federal duty. For purposes of this
 1243 section, Florida National Guard personnel serving in any drug
 1244 interdiction program under the authority of the Governor are on
 1245 state active duty ~~shall be considered to be in the active~~
 1246 ~~service of the state~~.

1247 (2) In any action or proceeding of any nature, civil or
 1248 criminal, commenced in any court by any person or by the state
 1249 against any member of the Florida National Guard ~~organized~~



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1250 ~~militia~~ because of any ~~such~~ act done or caused, ordered, or
 1251 directed to be done, the defendant in such action or proceeding,
 1252 upon his or her request, shall be defended at the expense of the
 1253 state by a qualified attorney ~~or attorneys~~ designated by the
 1254 Department of Legal Affairs. However, ~~nothing in~~ this section
 1255 does not ~~shall~~ prohibit ~~any~~ such defendant from employing his or
 1256 her own private counsel at the defendant's own expense.

1257 (3) A ~~Such~~ defendant may be ordered to state active duty
 1258 with full pay and allowances for the ~~such~~ time ~~as~~ his or her
 1259 presence is required in defense of such actions or proceedings.

1260 (4) In any such action or proceeding, if ~~in the event that~~
 1261 the plaintiff dismisses ~~shall dismiss~~ his or her suit, or a
 1262 verdict or judgment in favor of the defendant ~~or defendants~~ is
 1263 entered, the court shall award costs and reasonable attorney's
 1264 fees incurred by the state and the defendant in the defense of
 1265 such action or proceeding.

1266 Section 28. Section 250.32, Florida Statutes, is amended
 1267 to read:

1268 250.32 Commanding officer's control of arms sales.--When
 1269 any part of the militia of Florida is on state active duty ~~is in~~
 1270 ~~active service~~ by the order of the Governor to aid in the
 1271 enforcement of the laws, the commanding officer of such troops
 1272 may order the closing of any places where arms, ammunition,
 1273 dynamite, explosives, or intoxicating liquors, are sold, and may
 1274 forbid the selling, bartering, lending, or giving away of any of
 1275 those ~~said~~ commodities in the city, town, or village where the
 1276 troops are on duty, or in the vicinity of such place, for so
 1277 long as any of the troops remain on duty in the ~~said~~ vicinity.
 1278 Such orders shall take effect whether any civil officer has
 1279 issued a similar order; and the commanding officer of the ~~such~~



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1280 troops may continue to enforce the said prohibition ~~in force~~
 1281 until the departure of the troops, although the sheriff, mayor,
 1282 or intendant of the county, city, town, or village may have
 1283 prescribed an earlier or different date after which such
 1284 selling, bartering, lending, or giving away of those commodities
 1285 may shall be carried on.

1286 Section 29. Section 250.33, Florida Statutes, is amended
 1287 to read:

1288 250.33 Powers of commanding officer on state active duty
 1289 ~~in active service~~.--The commanding officer of troops on state
 1290 active duty in camp, garrison, or other active service may
 1291 incarcerate and detain until such person can be turned over to
 1292 the civil authorities, any person guilty of drunkenness, breach
 1293 of the peace, or disorderly conduct, within 1 mile of a ~~such~~
 1294 camp, garrison, or station. The Such commanding officer may also
 1295 abate any menace to the health or safety of his or her command,
 1296 camp, garrison, or station.

1297 Section 30. Section 250.34, Florida Statutes, is amended
 1298 to read:

1299 250.34 Injury or death on state active duty ~~in active~~
 1300 ~~service~~.--

1301 (1) Every member of the Florida National Guard ~~organized~~
 1302 ~~militia~~ who is shall be injured or disabled while on state
 1303 active duty in the active military service of the state under
 1304 ~~competent orders~~ must shall be furnished medical attention and
 1305 necessary hospitalization at the expense of the state, and must
 1306 ~~shall~~ be continued in a pay status on state active duty ~~in the~~
 1307 ~~active service of the state~~ until ~~such time as~~ a board of
 1308 inquiry, appointed by the Adjutant General, determines may
 1309 ~~determine~~ that the disability no longer justifies such pay,



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1310 hospitalization, or medical attention. However, ~~; provided that~~
 1311 ~~in no instance will~~ such pay, hospitalization, or medical
 1312 attention may not be provided for a ~~period extending~~ more than 1
 1313 year after ~~from~~ the date that the ~~such~~ injury or disability was
 1314 incurred, ~~; and the provided further, that such injury or~~
 1315 disability must have been ~~was~~ incurred in the line of duty, may
 1316 ~~and not have been~~ due to the misconduct of the ~~such~~ individual
 1317 who was ~~so~~ injured or disabled, and may not be a preexisting
 1318 condition as determined by a line of duty board appointed by the
 1319 Adjutant General.

1320 (2) The pay such individual is ~~shall be~~ entitled to
 1321 receive up to ~~during the period of~~ 1 year after ~~from~~ the date of
 1322 injury or disability shall be either the full military pay and
 1323 allowances to which the ~~such~~ individual would be entitled if on
 1324 full-time state active duty ~~service~~ or the amount of
 1325 compensation provided under ss. 440.14 ~~{F. S. 1973}~~ and 440.15
 1326 ~~{F. S. 1973}~~, based on the ~~such~~ individual's average weekly
 1327 wages in his or her civilian occupation or employment at the
 1328 time of entry into state active duty ~~active service of the state~~
 1329 during which such injury arose, whichever amount is greater. If
 1330 a person receiving pay under this subsection obtains gainful
 1331 employment, whether part time or full time, the pay that he or
 1332 she is entitled to under this subsection shall be reduced during
 1333 the duration of that gainful employment by an amount equal to
 1334 the amount earned from that gainful employment.

1335 (3) After the expiration of 1 year following ~~from~~ the date
 1336 of injury or disability, such individual shall be provided
 1337 hospitalization, medical services and supplies, and compensation
 1338 for wages and compensation for disability based on the average
 1339 weekly wages of such injured individual on pay status on state



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1340 active duty ~~in the active service of the state~~ or in his or her
 1341 civilian occupation or employment, whichever is greater, in
 1342 amounts provided under chapter 440 ~~{F. S. 1973}~~, as if such
 1343 individual were covered under the Workers' Compensation Law,
 1344 except that payments made during the first year after the ~~such~~
 1345 injury shall not be duplicated after the expiration of that
 1346 year. The Division of Risk Management of the Department of
 1347 Insurance shall process ~~is responsible for processing all claims~~
 1348 ~~for~~ benefits under this subsection. The Division of Risk
 1349 Management shall forward each January, to the Department of
 1350 Military Affairs, an invoice of the payments and associated
 1351 legal costs made under this subsection during the prior calendar
 1352 year. The Department of Military Affairs shall incorporate the
 1353 amount of the invoice in its fiscal year legislative budget
 1354 request that begins the following July. The Department of
 1355 Military Affairs shall reimburse the Division of Risk Management
 1356 for the invoiced amount upon receipt of the funds.

1357 (4) Each ~~Every~~ member of the Florida National Guard
 1358 ~~organized militia~~ who is ~~shall be~~ killed, or who dies ~~shall die~~
 1359 as the result of injuries incurred, while on state active duty
 1360 ~~in active military service of the state~~ under competent orders
 1361 qualifies ~~shall qualify~~ for benefits as a law enforcement
 1362 officer pursuant to ~~the provisions of~~ s. 112.19 or any successor
 1363 statute providing for death benefits for law enforcement
 1364 officers, and the decedent's survivors or estate are ~~shall be~~
 1365 entitled to the death benefits provided in s. 112.19 ~~therein~~.
 1366 However, ~~nothing in~~ this section does not ~~shall~~ prohibit
 1367 survivors or the estate of the ~~any such~~ decedent from presenting
 1368 a claim bill for approval by ~~of~~ the Legislature in addition to
 1369 the death benefits provided in this section.



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1370 (5) Benefits may not be provided under this section for
 1371 any injury or disability incurred by a member of the Florida
 1372 National Guard ~~organized militia~~ during the period when the
 1373 member was continued in a pay status on state active duty ~~in the~~
 1374 ~~active service of the state~~ pursuant to subsection (1).

1375 Section 31. Section 250.341, Florida Statutes, is amended
 1376 to read:

1377 250.341 Cancellation of health insurance.--

1378 (1) Any health insurance policy, certificate, or evidence
 1379 of health coverage, which ~~was in effect on April 30, 1991, or~~
 1380 ~~which is issued or renewed after such date that~~ provides
 1381 coverage to a member of the Florida National Guard, or a member
 1382 of any branch of the United States military reserves who is a
 1383 resident of this state, called to active ~~military~~ duty or state
 1384 active duty, must:

1385 (a)(1) Continue all coverages that ~~which~~ were in effect
 1386 for the person, or the person's dependents covered by the same
 1387 policy, at the premium in effect for all insured under the same
 1388 contract, unless the employee or insured requests coverage
 1389 changes that ~~which~~ might alter the premium he or she was paying
 1390 prior to such activation during the time he or she serves on
 1391 active duty.

1392 (b)(2) Reinstate the coverage for any such person who
 1393 elects not to continue it while on active duty or state active
 1394 duty, at the person's request upon return from active duty or
 1395 state active duty, without a waiting period or disqualification
 1396 for any condition that ~~which~~ existed at the time he or she was
 1397 called to active duty or state active duty. Such reinstatement
 1398 must be requested within 30 days after returning to work with



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1399 the same employer or within 60 days if the policy is an
1400 individual policy.

1401 ~~(2)(3)~~ Any coverage available to the insured employee's
1402 dependents dependent under any insurance sponsored by the
1403 Department of Defense must ~~the CHAMPUS program will~~ be
1404 considered in the payment of any benefits.

1405 ~~(3)(4)~~ The employee or other appropriate military
1406 authority shall ~~must~~ notify his or her employer of his or her
1407 reserve or National Guard status and the employee's intent to
1408 invoke the provisions of subsection (1) ~~subsections (1) and (2)~~
1409 prior to leaving his or her employer to report for active
1410 ~~military~~ duty or state active duty. Prior notice to the employer
1411 is not required if such notice is precluded by military
1412 necessity or if such notice is impossible or unreasonable.

1413 ~~(4)(5)~~ ~~Nothing in This section does not is intended to~~
1414 require an employee group health insurance policy to provide
1415 coverage to a person serving on state active duty ~~active~~
1416 ~~military duty~~.

1417 Section 32. Section 250.35, Florida Statutes, is amended
1418 to read:

1419 250.35 Courts-martial.--

1420 (1) The Uniform Code of Military Justice, 10 U.S.C. ss.
1421 801 et seq., and the ~~1984~~ Manual for Courts-Martial (2002
1422 Edition), ~~as amended to January 1, 1992,~~ are ~~hereby~~ adopted for
1423 use by the ~~organized militia and the~~ Florida National Guard,
1424 except as otherwise provided by this chapter.

1425 (2) Courts-martial may try any member of the ~~organized~~
1426 ~~militia or the~~ Florida National Guard for any crime or offense
1427 made punishable by the Uniform Code of Military Justice (2002
1428 Edition) ~~as of January 1, 1992,~~ except that a commissioned



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1429 officer, warrant officer, or cadet may not be tried by summary
1430 courts-martial.

1431 (3) Courts-martial in the state shall be of three kinds,
1432 namely: general courts-martial, special courts-martial, and
1433 summary courts-martial. General courts-martial and special
1434 courts-martial shall be tried by a military judge and a panel of
1435 officers ~~and noncommissioned officers~~ as designated in
1436 applicable National Guard regulations. However, a panel may
1437 include enlisted members, at the request of an enlisted
1438 defendant. The military judge must ~~shall~~ be qualified by
1439 attendance at appropriate Judge Advocate General schools and
1440 must ~~shall~~ be certified as qualified by the Adjutant General of
1441 Florida. In a general and special court-martial, the defendant
1442 may waive trial by panel and request trial by military judge
1443 alone. The granting of such waiver shall be in the military
1444 judge's discretion.

1445 (4) General courts-martial in the Florida National Guard
1446 may be convened by order of the President of the United States,
1447 the Governor, or the Adjutant General as delegated by the
1448 Governor, and such courts may ~~shall have the power to~~ adjudge a
1449 fine not exceeding \$500, confinement not in excess of 200 days,
1450 forfeiture of all pay and allowances, reprimand, dismissal or
1451 dishonorable discharge from the service, and reduction to the
1452 lowest enlisted grade or any intermediate grade for enlisted
1453 personnel. Any two or more of such punishments may be combined
1454 in the sentence ~~herein~~ authorized in this section ~~to be adjudged~~
1455 ~~by such courts.~~

1456 (5) When not in the active service of the United States,
1457 the commanding officer of each major command of the Florida
1458 National Guard or his or her superior commander may convene a



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1459 special courts-martial ~~court-martial~~ empowered to adjudicate a
 1460 bad conduct discharge from the service for that command, subject
 1461 to the procedural protections provided in 10 U.S.C. s. 819.
 1462 Special courts-martial with bad conduct discharge authority
 1463 ~~shall~~ have the same powers of punishment as do general courts-
 1464 martial, except that fines adjudged by ~~such~~ special courts-
 1465 martial may ~~shall~~ not exceed \$300 and confinement may not exceed
 1466 100 days. Special courts-martial with bad conduct discharge
 1467 authority may ~~shall specifically have the authority to~~
 1468 adjudicate ~~dismissal or~~ a bad conduct discharge from the
 1469 service, but may not adjudicate a dismissal or dishonorable
 1470 discharge from the service.

1471 (6) When not in the active service of the United States,
 1472 the commanding officer of each garrison, fort, post, camp, air
 1473 base, auxiliary air base, or any other place where troops are on
 1474 duty, division, brigade, group, regiment, battalion, wing, or
 1475 squadron may convene special courts-martial for his or her
 1476 command, ~~+~~ but such special courts-martial may ~~in any case~~ be
 1477 convened by superior commanders when ~~by the latter~~ deemed
 1478 advisable. Special courts-martial ~~shall~~ have the same powers of
 1479 punishment as do general courts-martial, except that fines
 1480 adjudged by ~~such~~ special courts-martial may ~~shall~~ not exceed
 1481 \$300, ~~and~~ confinement may not exceed 100 days, and dismissal or
 1482 discharge from the service may not be adjudicated.

1483 (7) When not in the active service of the United States,
 1484 the commanding officer of each battalion, higher headquarters,
 1485 or similar type unit may convene summary courts-martial for such
 1486 place or command. Any person who may convene a general court-
 1487 martial or special court-martial may convene a summary court-
 1488 martial. A Summary courts-martial may ~~court~~ ~~shall have the power~~



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1489 ~~to~~ adjudge a fine not in excess of \$200 per offense, confinement
 1490 not in excess of 25 days ~~per court-martial~~, forfeiture of pay
 1491 and allowances, and reduction by one grade ~~per court-martial~~ of
 1492 members whom the convening authority had the authority to
 1493 promote to their present grade. Any two or more of such
 1494 punishments may be combined in the sentence authorized to be
 1495 imposed by such courts, except that confinement may not be
 1496 combined with a fine.

1497 (8) When not in the active service of the United States,
 1498 commanders may impose nonjudicial punishment in accordance with
 1499 10 U.S.C. s. 815, except that punishment may not exceed:

- 1500 (a) Oral or written reprimand.
- 1501 (b) Extra duty for 14 days.
- 1502 (c) Restriction for 14 days.
- 1503 (d) Fines of \$200.

1504 (e) Reduction by one grade of a member whom the commander
 1505 had the authority to promote.

1506 (f) Any combination of paragraphs (a)-(e), except that a
 1507 combination of punishments imposed under paragraphs (b) and (c)
 1508 may not exceed 14 days.

1509 (9) A finding of guilt and the sentence of a summary
 1510 court-martial may be appealed to the convening authority. If a
 1511 sentence of imprisonment has been adjudged, the findings and
 1512 sentence may be appealed to the Adjutant General.

1513 (10)-(9)(a) A finding of guilt and the sentence of a court-
 1514 martial convened under this chapter, as approved by the
 1515 convening authority, and the Adjutant General if a sentence of
 1516 imprisonment has been adjudged, may be appealed to the First
 1517 District Court of Appeal for the district in which the court-
 1518 martial was held.



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1519 (b) Any dismissal of a general or special court-martial by
1520 the military judge that does not violate the defendant's
1521 constitutional rights may be appealed by the Florida National
1522 Guard to the First District Court of Appeal ~~for the district in~~
1523 ~~which said court-martial was held.~~

1524 ~~(10) A finding of guilt and the sentence of a summary~~
1525 ~~court-martial may be appealed to the convening authority. In~~
1526 ~~cases where a sentence of imprisonment has been adjudged the~~
1527 ~~findings and sentence may be appealed to the Adjutant General.~~

1528 (11) When the Florida National Guard is not in the active
1529 service of the United States, a sentence of dismissal from the
1530 service or dishonorable discharge from the service same, imposed
1531 by court-martial, may ~~shall~~ not be executed until approved by
1532 the Governor.

1533 Section 33. Section 250.351, Florida Statutes, is created
1534 to read:

1535 250.351 Courts-martial; jurisdiction.--

1536 (1) Members of the Florida National Guard are subject to
1537 this chapter and the Uniform Code of Military Justice (2002
1538 Edition) at all times during their enlistment or appointment,
1539 whether serving in this state or outside the state.

1540 (2) A court-martial or court of inquiry may be convened
1541 and held in a unit of the Florida National Guard serving outside
1542 the state, and the court has the same jurisdiction and powers as
1543 if the court-martial or court of inquiry were held within the
1544 state. An offense committed outside the state may be tried and
1545 punished outside the state or within the state.

1546 Section 34. Section 250.36, Florida Statutes, is amended
1547 to read:

1548 250.36 Mandates and process.--



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1549 (1) Military courts may issue all process and mandates,
1550 including writs, warrants, and subpoenas, necessary ~~and proper~~
1551 to carry out ~~into full effect~~ the powers vested in the ~~said~~
1552 courts. Such mandates and process may be directed to the sheriff
1553 of any county and must ~~shall~~ be in the ~~such~~ form ~~as may, from~~
1554 ~~time to time,~~ be prescribed ~~and published~~ by the Adjutant
1555 General in the rules ~~and regulations~~ issued by him or her under
1556 this chapter. All officers to whom such mandates and process are
1557 directed must ~~shall~~ execute the same and make returns of their
1558 acts thereunder, according to the requirements of the form of
1559 process. Any sheriff or other officer who neglects or refuses
1560 ~~shall neglect or refuse~~ to perform the duty enjoined upon him or
1561 her by this chapter is ~~shall be~~ subject to the same liabilities,
1562 penalties, and punishments as are prescribed by the law for
1563 neglect or refusal to perform any other duty of his or her
1564 office.

1565 (2) When not in the active service of the United States,
1566 the Adjutant General, or his or her designee, or a ~~and~~ military
1567 judge ~~judges~~ of the Florida National Guard may issue a pretrial
1568 confinement warrant for the purpose of securing the presence of
1569 the accused at trial. The warrant must be directed to the
1570 sheriff of the county, directing the sheriff to arrest the
1571 accused and bring the accused before the court for trial if the
1572 accused has disobeyed an order in writing to appear before the
1573 court which was delivered to the accused in person or mailed to
1574 the accused's last known address, along with a copy of the
1575 charges. Pretrial confinement may not exceed 48 hours. However,
1576 the Adjutant General or military judge may extend pretrial
1577 confinement for not more than 15 days in order to facilitate the
1578 presence of the accused at trial. For purposes of this



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1579 subsection, "military judge" does not include a summary court-
1580 martial officer who is not qualified to act as a military judge
1581 in general or special courts-martial;

1582 ~~(a) Execute a pretrial confinement warrant directing the~~
1583 ~~sheriff of any county to hold an accused who has failed to~~
1584 ~~appear for court-martial for a period of 48 hours. The Adjutant~~
1585 ~~General may extend such pretrial confinement for a period not to~~
1586 ~~exceed 15 days;~~

1587 ~~(b) Issue subpoenas and subpoenas duces tecum and enforce~~
1588 ~~by attachment the attendance of witnesses and the production of~~
1589 ~~books and papers; and~~

1590 ~~(c) Sentence for a refusal to be sworn or to answer as~~
1591 ~~provided in actions before civil courts.~~

1592
1593 ~~Such warrants, subpoenas, and other process shall run throughout~~
1594 ~~the state as in the trial of civil actions in the circuit courts~~
1595 ~~of the state.~~

1596 (3) When not in the active service of the United States,
1597 the Adjutant General, or his or her designee, or a military
1598 judge of the Florida National Guard may issue subpoenas and
1599 subpoenas duces tecum and enforce by attachment the attendance
1600 of witnesses and the production of documents and other items of
1601 evidentiary value ~~The Adjutant General or military judge may~~
1602 ~~issue warrants, directed to the sheriff of any county in the~~
1603 ~~state, directing the sheriff to arrest the accused and to bring~~
1604 ~~the accused before the court for trial whenever any such accused~~
1605 ~~shall have disobeyed an order in writing, such order having been~~
1606 ~~delivered to the accused in person or mailed to the accused's~~
1607 ~~last known address from the convening authority to appear before~~



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1608 ~~such courts, a copy of the charges having been delivered to the~~
 1609 ~~accused with such orders.~~

1610 (4) When a sentence of confinement is imposed by any
 1611 court-martial of the Florida National Guard or, the Adjutant
 1612 General, or his or her ~~the Adjutant General's~~ designee, whose
 1613 approval makes effective the sentence imposed by the court-
 1614 martial shall issue a ~~his or her~~ warrant directing the sheriff
 1615 of the appropriate county to take the convicted person
 1616 ~~delinquent~~ into custody and confine him or her in the jail of
 1617 such county for the period specified in the sentence of the
 1618 court. Any sheriff receiving such warrant must ~~shall~~ promptly
 1619 execute the warrant ~~same~~ by taking the convicted person
 1620 ~~delinquent~~ into custody and confining ~~causing~~ him or her ~~to be~~
 1621 ~~confined~~ in ~~said~~ jail. The sheriff or jailer in charge of any
 1622 county jail shall receive any person committed for confinement
 1623 in such jail under proper process from a court-martial, and
 1624 provide for the care, subsistence, and safekeeping of such
 1625 prisoner just as the sheriff or jailer would a prisoner properly
 1626 committed for custody under the sentence of any civil court.

1627 (5) All sums of money collected through fines adjudged by
 1628 a general, special, or summary court-martial, or through the
 1629 imposition of nonjudicial punishment, of the Florida National
 1630 Guard shall be paid over at once by the officer collecting the
 1631 fine to the commanding officer of the organization to which the
 1632 member belongs and be deposited in accordance with s.
 1633 250.40(5)(c)1. ~~s. 250.40(6)(a)1.~~

1634 Section 35. Section 250.37, Florida Statutes, is amended
 1635 to read:

1636 250.37 Expenses of courts-martial.--



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1637 (1) All expenses incurred in a court-martial proceeding,
 1638 including the payment of court reporters, sheriff's fees for
 1639 service of warrants, summons, subpoenas, and all other necessary
 1640 and lawful fees to civil officers for service, and witness fees
 1641 at the same rate allowed by law in criminal cases, together with
 1642 the pay, subsistence, and necessary expenses of the members of
 1643 the court, shall, except as provided in subsection (4) ~~below~~, be
 1644 paid by the state in the usual manner upon the approval of the
 1645 Governor. Members of the court are entitled to reimbursement
 1646 ~~shall be reimbursed~~ for travel expenses as provided in s.

1647 112.061. Courts-martial may subpoena any witness residing within
 1648 the state to appear and testify before it, and the sheriff of
 1649 any county upon receiving any subpoena issued by direction of a
 1650 court-martial, and signed by the military judge or president
 1651 thereof ~~or summary court officer~~, shall make service and return
 1652 of service as provided by law in criminal cases.

1653 (2) The employment of a court reporter shall be authorized
 1654 by the convening authority for all general courts-martial, and
 1655 may be authorized by the convening authority for special courts-
 1656 martial. When a court reporter is employed, he or she shall be
 1657 paid upon the certificate of the military judge or president of
 1658 the court and the approval of the Adjutant General from the
 1659 military appropriation, such fees as are provided for official
 1660 reporters.

1661 (3) Fees for the service of all process issuing out of
 1662 military courts and for the attendance of witnesses to attend
 1663 such courts shall be the same as provided by law for the service
 1664 of similar process issued by the civil courts of the state.

1665 (4) In trials by summary court, the sheriff's costs and
 1666 fees, including costs of subsistence of the soldier ~~or soldiers~~,



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1667 if sentenced to confinement, shall be paid by the county in
 1668 which the summary court convenes and exercises its jurisdiction
 1669 and powers. Such costs, fees, and subsistence charges to be made
 1670 from the fine and forfeiture fund of any such county.

1671 Section 36. Section 250.375, Florida Statutes, is amended
 1672 to read:

1673 250.375 Medical officer authorization.--Physicians who
 1674 hold an active license to practice medicine in any other state
 1675 or Puerto Rico, while serving ~~in Florida~~ as medical officers in
 1676 the Florida National Guard, pursuant to federal or state orders,
 1677 are expressly authorized to practice medicine ~~in Florida~~ on
 1678 military personnel or civilians during an emergency, declared
 1679 disaster, or ~~during~~ federal military training.

1680 Section 37. Section 250.38, Florida Statutes, is amended
 1681 to read:

1682 250.38 Liability.--~~An~~ No action or proceeding may not
 1683 ~~shall~~ be prosecuted or maintained against a member of a ~~the~~
 1684 military court or officer or person acting under its authority
 1685 or reviewing its proceeding, on account of the approval, ~~or~~
 1686 imposition, or execution of any sentence; ~~or~~ the imposition or
 1687 collection of a fine or penalty; ~~or~~ the execution of any
 1688 warrant, writ, execution, process, or mandate of any military
 1689 court. The jurisdiction of the courts and boards established by
 1690 this part is the code shall be presumed, and the burden of proof
 1691 rests will rest upon any person seeking to divest ~~oust~~ such
 1692 courts or boards of jurisdiction in any action or proceeding.

1693 Section 38. Section 250.39, Florida Statutes, is amended
 1694 to read:

1695 250.39 Penalty for contempt.--~~A~~ Any person may not use ~~who~~
 1696 ~~shall be guilty of~~ disorderly, contemptuous, or indecorous



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1697 language or expression to or before any military court, or any
 1698 member of such court, in open court, tending to interrupt its
 1699 proceedings, or ~~to~~ impair the respect due its authority, ~~or who~~
 1700 ~~shall~~ commit any breach of the peace, or make any noises or
 1701 other disturbances, directly tending to interrupt its
 1702 proceedings. After a hearing before the military judge, any
 1703 person who is found to have violated this section, may be
 1704 committed by warrant by ~~under the hand of~~ the Adjutant General
 1705 or a military judge to the jail of the county in which ~~the said~~
 1706 court ~~sits shall sit,~~ for no more than 30 days or may be fined
 1707 up to \$100 per offense there to remain without bail in
 1708 confinement for a time to be limited, not exceeding 3 days. For
 1709 purposes of this section, a summary court-martial officer who is
 1710 not qualified to act as a military judge in general or special
 1711 courts-martial may conduct the contempt hearing and adjudicate a
 1712 fine, but may not issue a warrant for confinement.

1713 Section 39. Section 250.40, Florida Statutes, is amended
 1714 to read:

1715 250.40 Armory Board; creation; membership, terms, and
 1716 compensation; duties and responsibilities ~~armories, how~~
 1717 ~~obtained.--~~

1718 (1) There is created an The Armory Board, which is charged
 1719 with the supervision and control of all Florida National Guard
 1720 armories, facilities, and real property within the state used
 1721 for military purposes.

1722 (2)(a) Voting members of the Armory Board include ~~of the~~
 1723 ~~state shall consist of~~ the Governor as Commander in Chief and
 1724 chair of the board, the Adjutant General as vice chair, the
 1725 Assistant Adjutants General, ~~the state quartermaster,~~ and major
 1726 command commanders reporting directly to the Adjutant General,



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1727 in the active Florida National Guard ~~of the state~~. If necessary,
 1728 due to exigencies of military duty, any member of the board may
 1729 designate his or her deputy commander to attend the meetings as
 1730 an alternate member with voting privileges ~~This board is charged~~
 1731 ~~with the supervision and control of all military buildings and~~
 1732 ~~real property within the state applied to military uses.~~

1733 (b) The Governor may appoint one representative from his
 1734 or her staff to attend meetings of the Armory Board. The
 1735 appointee shall serve as a nonvoting advisory member and liaison
 1736 to the board.

1737 (c) The state quartermaster shall act as the recorder and
 1738 secretary of the Armory Board. In addition, the state
 1739 quartermaster shall execute the policies, decisions, and
 1740 official actions of the board. When the board is in recess, the
 1741 state quartermaster shall conduct the day-to-day business of the
 1742 board. The state quartermaster and his or her staff are not
 1743 liable, civilly or criminally, for any lawful act done by them
 1744 in the performance of their duty, while acting in good faith and
 1745 while acting in the scope of either state or federal duty.

1746 ~~(3)(2)~~ The term of each member of the Armory Board is shall
 1747 be the period during which the member possesses the
 1748 qualifications for such membership under the provisions of
 1749 subsection ~~(2)(1)~~ of this section.

1750 ~~(4)(3)~~ The members of the Armory Board must shall perform
 1751 the duties imposed upon them by the provisions of this chapter
 1752 without any special compensation for their services; however,
 1753 members of the Armory Board are eligible for reimbursement shall
 1754 be reimbursed for travel expenses as provided in s. 112.061, and
 1755 such expenses shall be paid from the expense appropriation from



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1756 the Department of Military Affairs ~~for the expenses of the~~
 1757 ~~Florida National Guard.~~

1758 (5)(4) The Armory Board must:

1759 (a) Supervise and control all Florida National Guard
 1760 armories, military buildings, and real property within the state
 1761 used for military purposes.

1762 ~~(b) It shall be the duty of the Armory Board to Consider~~
 1763 ~~and approve the plans for or of all armories and other buildings~~
 1764 ~~before such buildings are rented, constructed, or otherwise~~
 1765 ~~acquired for military purposes uses by the state.~~

1766 (c)(5) Receive from counties, municipalities, and other
 1767 sources donations of land, services, and money to aid in
 1768 providing, operating, improving, and maintaining armories and
 1769 other facilities used for military purposes. The ~~Since our~~
 1770 ~~national military policy recognizes the Florida as enunciated in~~
 1771 ~~the National Defense Act recognized the National Guard as an~~
 1772 ~~important and necessary component of the~~ United States Army and
 1773 the United States Air Force, and a member of the total force,
 1774 sharing in the defense of the country. The Florida National
 1775 Guard is available to assist the state and local governments in
 1776 the event of an emergency. Therefore, it is reasonable and
 1777 equitable that the expense of maintaining the Florida National
 1778 Guard be shared by the federal government, state governments,
 1779 and local governments ~~Army of the United States, and as the~~
 1780 ~~defense of the country is a joint responsibility of all~~
 1781 ~~political divisions and subdivisions thereof, and since the~~
 1782 ~~National Guard is a citizen force by reason of its militia~~
 1783 ~~status, it is considered equitable that the expense of the~~
 1784 ~~maintenance of the National Guard be not only shared by the~~
 1785 ~~state with the Federal Government, but that it should properly~~



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1786 ~~be shared also by the counties, cities, and other subdivisions~~
 1787 ~~of the state.~~ As the Federal Government is providing liberally
 1788 for the equipment and training of the Florida National Guard and
 1789 the state for its administration, ~~and~~ management, and
 1790 maintenance, local governments are encouraged to provide
 1791 services at no cost to Florida National Guard armories an
 1792 ~~equitable division of the responsibility of maintenance would~~
 1793 ~~leave with the communities in which units of the National Guard~~
 1794 ~~are established the duty of supplying the necessary personnel~~
 1795 ~~and adequate housing for the organization.~~

1796 ~~(6) In order to provide for the cooperative support of the~~
 1797 ~~National Guard, and in order that armories may be provided which~~
 1798 ~~will furnish suitable training facilities and adequate storage~~
 1799 ~~accommodations for all arms, equipment, and other military~~
 1800 ~~property, the Armory Board is authorized to receive, from~~
 1801 ~~counties, municipalities, and other sources, donations of land~~
 1802 ~~and contributions of money to aid in providing, improving, and~~
 1803 ~~maintaining arsenals, armories, campsites, target ranges, and~~
 1804 ~~other facilities throughout the state.~~

1805 ~~(a)1.~~ Any contributions of money ~~so~~ donated, any moneys
 1806 derived from the rental of armories and other facilities, ~~any~~
 1807 ~~money derived from the rental of billeting operations at Camp~~
 1808 ~~Blanding Training Site, the~~ armory operations ~~maintenance~~
 1809 allowances provided in s. 250.20, and all ~~sums~~ of money
 1810 collected through fines imposed by a court-martial or other
 1811 nonjudicial proceeding ~~general, special, or summary court~~ of the
 1812 Florida National Guard, as provided in s. 250.36(5), shall be
 1813 received on behalf of the Armory Board by the post commander
 1814 ~~commanding officer~~ of such facility and must ~~shall~~ be deposited
 1815 into a federal depository, as approved by the Department of



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1816 Military Affairs, in an account in a banking institution in the
 1817 county in which such facility is located.

1818 2. The funds ~~so~~ received shall be disbursed for the
 1819 purposes enumerated in this subsection at the discretion of the
 1820 post commander ~~council~~ according to rules ~~and regulations~~
 1821 established by the Armory Board. ~~The post council shall be made~~
 1822 ~~up of such members as are designated in the rules and~~
 1823 ~~regulations of the Armory Board; and the council is authorized~~
 1824 ~~to employ personnel to perform such functions as bookkeeping,~~
 1825 ~~maintenance, and janitorial services.~~

1826 3.~~(b)~~ Any real property ~~so~~ donated shall be held as other
 1827 property for ~~the~~ use by ~~of~~ the state, and ~~such~~ counties and
 1828 municipalities may ~~are authorized and empowered to~~ make such
 1829 donations of lands by deed or long-term lease and contributions
 1830 of moneys for the purposes ~~herein~~ set forth in this section, and
 1831 may ~~to~~ issue bonds or certificates of indebtedness to provide
 1832 funds for such purposes. ~~; and~~ Boards of county commissioners may
 1833 ~~are authorized to~~ levy taxes, not to exceed 1 mill, to provide
 1834 funds for the construction of armories or for the retirement of
 1835 ~~such~~ bonds or certificates of indebtedness issued to provide
 1836 funds for the construction of armories.

1837 ~~(7)~~ Counties and municipalities may ~~are authorized to~~
 1838 construct armories upon state-owned land, which may be made
 1839 available for such purpose by action of the Armory Board.

1840 ~~(8)~~ Counties and municipalities may ~~are also authorized to~~
 1841 grant to the State Armory Board, ~~for military uses,~~ by deed or
 1842 long-term leases, property that is ~~may have been~~ acquired, or
 1843 buildings that are ~~may have been~~ constructed for military
 1844 purposes. Each local government is encouraged to provide
 1845 economic incentives to reduce the cost of locating Florida



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1846 National Guard facilities in its jurisdiction. A local
 1847 government may appropriate funds to pay expenses of a Florida
 1848 National Guard unit in its jurisdiction. Such funds shall be
 1849 received, accounted for, and dispersed as other funds received
 1850 by the unit ~~by them, for use as armories and rifle ranges.~~

1851 (d)(9) Exercise the right of eminent domain to acquire
 1852 private property for armories, buildings, and other facilities
 1853 needed for military purposes, when in the public interest.

1854 Whenever it becomes necessary in the public interest to acquire
 1855 private property ~~in order to provide necessary land for~~
 1856 ~~campgrounds, rifle ranges, or armories for the organized militia~~
 1857 ~~of the state,~~ and the property same cannot be acquired by
 1858 agreement satisfactory to the Armory Board and the parties
 1859 interested in, or the owners of, the such private property, ~~the~~
 1860 ~~armory board is authorized and empowered to exercise the right~~
 1861 ~~of eminent domain~~ may be used ~~and to proceed~~ to condemn such
 1862 property in the manner provided by law. Any suit or action
 1863 brought by the Armory Board to condemn property, as provided for
 1864 under this section, shall be brought in the name of the Armory
 1865 Board; ~~and it shall be the duty of the Department of Legal~~
 1866 ~~Affairs~~ shall of the state ~~to~~ conduct the proceedings for and ~~to~~
 1867 act as the counsel of the board in such matters.

1868 (e) Accept and hold title to real property, by deed or
 1869 long-term leases, from federal, state, or local governments, or
 1870 from private interests, for use as armories or for other
 1871 military purposes.

1872 (f) Adopt rules for managing armories and other facilities
 1873 under control of the Department of Military Affairs. The rules
 1874 must ensure that federal and state military property is secure.
 1875 Each unit commander shall provide for the safekeeping,



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1876 accountability, and proper care of such property and for its
1877 protection against misappropriation or loss. An armory, while it
1878 is occupied and in use by troops, is a military post and must be
1879 under the control and jurisdiction of the post commander. A
1880 building that is not under the control and supervision of the
1881 post commander or other properly constituted military authority
1882 may not be used to house and train troops or store military
1883 property.

1884 (g) Supervise, manage, and maintain any permanent
1885 structures or facilities used for military purposes which are
1886 the property of the Department of Military Affairs or, if
1887 property of the United States, are provided to the Department of
1888 Military Affairs for military purposes. The Armory Board may
1889 provide for the maintenance and care of armories and other state
1890 facilities used for military purposes from any funds that are
1891 available for that purpose. All moneys accruing to the Armory
1892 Board from the operation, management, and sale of properties or
1893 facilities as authorized in this paragraph may be used for
1894 maintaining state properties under control of the Armory Board.

1895 (h) Convey, lease, or re-lease any real property under its
1896 ownership, supervision, or control which is no longer required
1897 for military purposes.

1898 (i) Acquire, renovate, or construct armories needed for
1899 military purposes throughout the state.

1900 (j) Enter into a lease-purchase, sale-leaseback, or tax-
1901 exempt leveraged lease contract or other financing arrangement
1902 for acquiring, renovating, or constructing needed facilities,
1903 subject to authorization by the General Appropriations Act. Each
1904 capital outlay project or other contract, agreement, or



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1905 transaction authorized under this paragraph must be specifically
 1906 approved by the Legislature.

1907 (k) Report annually to the Adjutant General on the
 1908 proceedings incident to locating and managing armories and on
 1909 the management of other property entrusted to the care of the
 1910 Armory Board. The report must include a detailed account of all
 1911 disbursements and be made a part of the annual report of the
 1912 Department of Military Affairs

1913 ~~(10) The county commissioners, or municipal authorities,~~
 1914 ~~may, in their discretion, appropriate a sufficient sum, not~~
 1915 ~~otherwise appropriated, to pay the necessary expenses of any~~
 1916 ~~unit of the organized militia of the state located in their~~
 1917 ~~respective counties or municipalities, to be accounted for to~~
 1918 ~~the Adjutant General by the organization receiving such~~
 1919 ~~appropriation as other military funds.~~

1920 Section 40. Section 250.43, Florida Statutes, is amended
 1921 to read:

1922 250.43 Wearing of uniform and insignia of rank; penalty.--

1923 (1) The uniform or insignia of rank worn by officers of
 1924 the Florida National Guard shall be worn only by persons
 1925 entitled thereto by commission under the laws of the state or
 1926 the United States. Any person violating ~~any provision of this~~
 1927 ~~section~~ commits ~~shall be guilty of~~ a misdemeanor of the first
 1928 ~~second~~ degree, punishable as provided in s. 775.082 or s.
 1929 775.083, and may also be punished as a court-martial directs.

1930 (2) Every person other than an officer or enlisted person
 1931 of the Florida National Guard, naval militia, or marine corps of
 1932 this state or any other state, Puerto Rico, or the District of
 1933 Columbia, or of the United States Army, Navy, Marine Corps, or
 1934 Air Force, or Revenue Service, who wears the uniform of the



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1935 United States Army, Navy, Marine Corps, Air Force ~~Forces~~, ~~or~~
 1936 ~~Revenue Service~~, or National Guard, ~~Air National Guard~~, Naval
 1937 Militia, or Marine Corps or any part of such uniform, or a
 1938 uniform or part of uniform similar thereto, or in imitation
 1939 thereof, within the bounds of the state, except in cases where
 1940 the wearing of such uniform is permitted by the laws of the
 1941 United States and the regulations of the Secretary of Defense,
 1942 commits a misdemeanor of the first ~~second~~ degree, punishable as
 1943 provided in s. 775.082 or s. 775.083. This section does not
 1944 prohibit ~~Nothing in this chapter shall be construed as~~
 1945 ~~prohibiting~~ persons in the theatrical profession from wearing
 1946 such uniforms while actually engaged in such profession, in any
 1947 playhouse or theater, in a production in no way reflecting upon
 1948 such uniform; does not ~~and provided, that nothing in this~~
 1949 ~~chapter shall~~ prohibit the uniform rank of civic societies
 1950 parading or traveling in a body or assembling in a lodge room;
 1951 and does ~~provided further, that this section shall~~ not apply to
 1952 cadets of any military school or to Boy Scouts or Girl Scouts.

1953 Section 41. Section 250.44, Florida Statutes, is amended
 1954 to read:

1955 250.44 Military equipment regulations; penalties.--

1956 (1) Any person who sells, offers ~~shall sell, or offer~~ for
 1957 sale, barters or exchanges ~~barter or exchange~~, pledges ~~pledge~~,
 1958 loans, gives loan or give away, secretes ~~secrete~~, or retains
 1959 ~~retain~~ after demand is made by civil or military officers of the
 1960 state, any clothing, arms, military outfits, or property
 1961 ~~accouterments~~, furnished by or through the state to any member
 1962 of the militia, or who receives ~~shall receive~~ by purchase,
 1963 barter, exchange, pledge, loan, or gift, any such clothing,
 1964 arms, military outfits, or property commits theft as provided in



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1965 ~~chapter 812 accouterments, shall be guilty of a misdemeanor of~~
 1966 ~~the second degree, punishable as provided in s. 775.082 or s.~~
 1967 ~~775.083.~~

1968 (2) All members ~~personnel in the military service~~ of the
 1969 Florida National Guard who, due to their military
 1970 responsibilities, to whom shall have been entrusted any military
 1971 property must account for such property according to applicable
 1972 ~~by reason of their being in such military service, shall account~~
 1973 ~~for the same to the proper military authority in accordance with~~
 1974 ~~the rules and regulations or special orders made by superior~~
 1975 ~~authority. Such in reference to the same, and such military~~
 1976 ~~property may shall not be removed without proper authority. Any~~
 1977 person who fails ~~beyond the limits of the county in which the~~
 1978 ~~post is located without authority of the Adjutant General, and~~
 1979 ~~any person, whether in the military service or not, or whether~~
 1980 ~~the person's enlistment or appointment shall have expired or~~
 1981 ~~not, who shall fail to account for or return to proper military~~
 1982 ~~authority any property in that which shall have come into the~~
 1983 ~~person's possession to which the state military authorities are~~
 1984 ~~may be entitled, or who conceals shall conceal or converts the~~
 1985 property ~~convert the same to the person's own use, commits theft~~
 1986 as provided in chapter 812 or remove the same from the county in
 1987 ~~which the same came into the person's possession, commits a~~
 1988 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1989 ~~775.082 or s. 775.083. Any prosecution had under the provisions~~
 1990 ~~of this section may be abated upon making full satisfaction~~
 1991 ~~being made for such property to the military authorities of the~~
 1992 ~~state and paying the payment of all court costs resulting from~~
 1993 the accruing by reason of the institution of any such
 1994 prosecution.



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1995 (3) The clothing, arms, military outfits, and property
 1996 ~~accouterments,~~ furnished by or through the state to any member
 1997 of the militia may, ~~shall~~ not be sold, bartered, loaned,
 1998 exchanged, pledged, or given away. ~~A, and no person who is~~ not a
 1999 member of the military forces of this state or the United
 2000 States, or an duly authorized agent of this state or the United
 2001 States, who possesses ~~has possession of such~~ clothing, arms,
 2002 military outfits, or property that is unlawfully disposed of has
 2003 ~~no accouterments so furnished, and which have been subject to~~
 2004 ~~any such unlawful disposition, shall have any right, title, or~~
 2005 ~~interest therein~~ and the clothing, arms, military outfits, or
 2006 property, ~~but the same~~ shall be seized and taken wherever found
 2007 by any civil or military officer of the state, ~~and shall~~
 2008 ~~thereupon be~~ delivered to any commanding officer, ~~or other~~
 2009 authorized officer ~~authorized to receive the same,~~ who must
 2010 ~~shall~~ make an immediate report to the Adjutant General. The
 2011 possession of any such clothing, arms, military outfits, or
 2012 property ~~accouterments~~ by any person not a member of the
 2013 military forces of this state, or any other state, or of the
 2014 United States, is ~~shall be~~ presumptive evidence of such sale,
 2015 barter, loan, exchange, pledge, or gift, and is punishable as
 2016 provided in chapter 812.

2017 Section 42. Section 250.45, Florida Statutes, is amended
 2018 to read:

2019 250.45 Military uniform discriminated against;
 2020 penalty.--Any proprietor, manager, or employee of any theater or
 2021 other public place of entertainment or amusement within this
 2022 state, ~~who discriminates shall discriminate~~ against any person
 2023 lawfully wearing the uniform of any branch of the military or
 2024 naval service of the United States or of the state, ~~because of~~



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2025 that uniform commits, ~~shall be guilty of~~ a misdemeanor of the
 2026 first ~~second~~ degree, punishable as provided in s. 775.082 or s.
 2027 775.083.

2028 Section 43. Section 250.46, Florida Statutes, is amended
 2029 to read:

2030 250.46 Salaried employees not entitled to additional
 2031 pay.--Officers and enlisted personnel of the Florida National
 2032 Guard militia employed by the Department of Military Affairs,
 2033 who receive monthly salaries from the state for military duties
 2034 are, ~~shall not be~~ entitled to any other pay from the state for
 2035 military service of any character. However, ~~provided, that the~~
 2036 ~~provisions of this section~~ does ~~shall~~ not prohibit any officer
 2037 or enlisted person from receiving pay from the United States for
 2038 participation in maneuvers, camps, field service, or other
 2039 service or duty.

2040 Section 44. Section 250.47, Florida Statutes, is amended
 2041 to read:

2042 250.47 Governor's permission for unit to leave state.--A
 2043 ~~No~~ unit of the Florida National Guard may not leave ~~shall go out~~
 2044 ~~of~~ the state without ~~first securing~~ permission of the Governor.

2045 Section 45. Section 250.48, Florida Statutes, is amended
 2046 to read:

2047 250.48 Leaves of absence.--Any officer or employee of the
 2048 state, of any county or school district of the state, or of any
 2049 municipality or political subdivision of the state who is a
 2050 member of the Florida National Guard is entitled to leave of
 2051 absence from his or her respective duties, without loss of pay,
 2052 time, or efficiency rating, on all days during which the officer
 2053 or employee is engaged on state ~~in~~ active ~~state~~ duty, pursuant
 2054 to s. 250.28 or s. 252.36. However, a leave of absence without



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2055 loss of pay, granted under the provisions of this section, may
 2056 not exceed 30 days for each emergency or disaster, as
 2057 established by executive order at any one time.

2058 Section 46. Section 250.481, Florida Statutes, is amended
 2059 to read:

2060 250.481 Reserve components; employment discrimination
 2061 prohibited.--The State of Florida adopts the provisions of the
 2062 Uniformed Services Employment and Reemployment Rights Act
 2063 (USERRA) codified in Title 38 of the United States Code, as
 2064 applicable to reservists serving on active duty. Any person who
 2065 seeks or holds an employment position shall not be denied
 2066 employment or retention in employment, or any promotion or
 2067 advantage of employment, because of any obligation as a member
 2068 of a reserve component of the Armed Forces.

2069 Section 47. Section 250.482, Florida Statutes, is amended
 2070 to read:

2071 250.482 Troops ordered into state active duty service; not
 2072 to be penalized by employers and postsecondary institutions.--

2073 (1) If In the event that a member of the Florida National
 2074 Guard is ordered into state active duty service pursuant to this
 2075 chapter, a ~~ne~~ private or public employer, or an ~~and ne~~ employing
 2076 or appointing authority of this state, its counties, school
 2077 districts, municipalities, political subdivisions, vocational or
 2078 technical schools, community colleges, or universities, shall
 2079 discharge, reprimand, or in any other way penalize such member
 2080 because of his or her absence by reason of state active duty.

2081 (2) If the Adjutant General certifies that there is
 2082 probable cause to believe there has been a violation of this
 2083 section, an employee who has been employed for a period of at
 2084 least 1 year prior to being ordered into state active duty



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2085 ~~service~~ so injured by a violation of this section may bring
 2086 civil action against an employer violating ~~the provisions of~~
 2087 this section in a court of competent jurisdiction of the county
 2088 in which the alleged violator resides or has his or her
 2089 principal place of business, or in the county wherein the
 2090 alleged violation occurred. Upon adverse adjudication, the
 2091 defendant is ~~shall be~~ liable for actual damages or \$500,
 2092 whichever is greater. The prevailing party in any litigation
 2093 proceedings is ~~shall be~~ entitled to recover ~~their~~ reasonable
 2094 attorney's fees and reasonable court costs.

2095 (3) The certification of probable cause may not be issued
 2096 until the Adjutant General, or his or her designee, has
 2097 investigated the issues. All employers and other personnel
 2098 involved with the issues of such investigation must cooperate
 2099 with the Adjutant General in the investigation.

2100 Section 48. Section 250.49, Florida Statutes, is amended
 2101 to read:

2102 250.49 Annual encampment.--Subject to the restrictions of
 2103 federal law ~~the National Defense Act,~~ the Governor may annually
 2104 order into service the whole, or any such portion of the Florida
 2105 National Guard. ~~as the Governor may deem proper;~~ The period of
 2106 such service shall ~~to~~ be fixed by the Governor, ~~subject to the~~
 2107 ~~restrictions mentioned above.~~ When ~~so~~ ordered into state active
 2108 duty ~~the service of the state,~~ and if such rations are not
 2109 furnished by the United States Government, the state must ~~shall~~
 2110 furnish rations for the officers and enlisted personnel of the
 2111 same quality as the rations furnished by the regular army, and
 2112 must pay such expenses of the ~~said~~ encampment as the Governor
 2113 considers ~~may deem~~ proper, including the travel expenses of
 2114 officers and enlisted personnel incurred in obeying such orders,



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2115 when such expenses are not paid by the Government of the United
 2116 States.

2117 Section 49. Section 250.51, Florida Statutes, is amended
 2118 to read:

2119 250.51 Insult to troops; penalty.--When troops of the
 2120 Florida National Guard ~~organized militia of the state~~ are at
 2121 drill in their respective armories, on the streets, public
 2122 roads, or other places, where such drills are conducted, or when
 2123 they are performing other duties required of them by the state
 2124 or the United States, a it is unlawful for any person may not ~~to~~
 2125 make any disloyal or insulting remark ~~either~~ to or about the
 2126 ~~said~~ troops or ~~to~~ make any sign, motion, or gesture calculated
 2127 to insult or humiliate the said troops. ~~Any, and any person who~~
 2128 makes a found guilty of making any such disloyal or insulting
 2129 remark, or who makes ~~of making~~ any such sign, motion, or
 2130 gesture, for the purpose and in the manner prohibited in this
 2131 section commits ~~as aforesaid, shall be guilty of~~ a misdemeanor
 2132 of the first ~~second~~ degree, punishable as provided in s. 775.082
 2133 or s. 775.083.

2134 Section 50. Section 250.52, Florida Statutes, is amended
 2135 to read:

2136 250.52 Unlawful to persuade citizens not to enlist;
 2137 penalty.--Whenever the United States is at war, or our foreign
 2138 relations tend to indicate an impending war or state of war, a
 2139 ~~it is unlawful for any person may not~~ ~~or persons to~~ solicit or
 2140 persuade a citizen ~~or citizens~~ of the United States not to
 2141 enlist or serve in the Army, Air Force, Marine Corps, Coast
 2142 Guard, or Navy ~~thereof~~, or in any reserve component thereof, or
 2143 in the Florida National Guard ~~or active militia of the state~~, or
 2144 ~~to~~ publicly attempt to dissuade any such citizen ~~or citizens~~



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2145 from ~~se~~ enlisting. This section does ~~the provisions of this~~
 2146 ~~chapter shall~~ not apply to ~~such~~ soliciting or persuading done by
 2147 any person related by affinity or consanguinity to the person
 2148 solicited or persuaded or whose advice is requested by the
 2149 person solicited or persuaded. Any person who violates ~~adjudged~~
 2150 ~~guilty of a violation of~~ this section commits ~~shall be guilty of~~
 2151 a misdemeanor of the first ~~second~~ degree, punishable as provided
 2152 in s. 775.082 or s. 775.083.

2153 Section 51. Section 250.5201, Florida Statutes, is amended
 2154 to read:

2155 250.5201 Stay of proceedings where troops called out into
 2156 state active duty or active duty ~~service~~--

2157 (1) Any civil action or proceeding in any court which
 2158 involves a person called ~~out~~ into state active duty or active
 2159 duty ~~service~~ as defined in subsection (3) may be stayed by the
 2160 court during such service and for a period thereafter not
 2161 exceeding 30 days.

2162 (2) The stay may be granted by the court on its own
 2163 motion, and shall be granted upon the motion of a plaintiff or
 2164 defendant unless, in the opinion of the court, the ability to
 2165 prosecute or defend the action is not materially affected by
 2166 reason of the movant's state active duty or active duty ~~service~~.

2167 (3) Notwithstanding the definition in s. 250.01 ~~250.27~~,
 2168 "state active duty or active duty ~~service~~" as used in ss.
 2169 250.5201-250.5205 is limited to service that exceeds 17 days and
 2170 that is ordered by the Governor ~~for the enforcement of the law,~~
 2171 ~~the preservation of the peace, the security of the rights or~~
 2172 ~~lives of citizens, or protection of the property.~~

2173 (4) Before a soldier is ~~shall be~~ entitled to any of the
 2174 provisions of this section, the ~~that~~ soldier must ~~shall~~ furnish



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2175 to the affected creditor, landlord, court, or other affected
 2176 person a copy of his or her ~~the soldier's~~ orders, together with
 2177 a written statement from the Adjutant General of the State of
 2178 Florida, or his or her designee, that the soldier has served
 2179 continuously on state orders for the period commencing with the
 2180 date of the orders through the date of the statement. The
 2181 ~~creditor, landlord, court, or other affected person~~ may require
 2182 the soldier to furnish a recertification every 30 days
 2183 thereafter, which shall be furnished to the soldier by the
 2184 Adjutant General upon request.

2185 Section 52. Section 250.5202, Florida Statutes, is amended
 2186 to read:

2187 250.5202 Actions for rent or possession by landlord during
 2188 state active duty.--

2189 ~~(1)~~ An eviction, distress action, or requirement for
 2190 deposit of accrued rent into the registry of the court, as
 2191 provided in part II of chapter 83, may not proceed against ~~as to~~
 2192 any member ~~such person~~ who is called into state active duty or
 2193 active duty ~~military service for this state~~ during the period of
 2194 such state active duty or active duty if ~~service provided~~ the
 2195 service member ~~person~~ has given written notice to the affected
 2196 landlord with regard to any premises where the agreed upon rent
 2197 does not exceed \$1,200 per month and where the rental unit is
 2198 occupied chiefly as a residential dwelling by the service
 2199 member, the service member's spouse, or the service member's
 2200 dependent. ~~Notwithstanding, a court of competent jurisdiction~~
 2201 ~~may allow such an action to proceed based upon a finding of no~~
 2202 ~~substantive prejudice to the service person as a result of the~~
 2203 ~~ordered military service.~~



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2204 ~~(2)~~ The court may on its own motion and shall, on
 2205 application, stay the proceedings for not longer than 3 months
 2206 unless, in the opinion of the court, the ability of the tenant
 2207 to pay the agreed rent has not been materially affected by
 2208 reason of state active duty or active duty ~~status~~.

2209 Section 53. Section 250.5204, Florida Statutes, is amended
 2210 to read:

2211 250.5204 Installment contracts for purchase of property;
 2212 penalty.--

2213 (1) If a creditor ~~who~~ has received a deposit or
 2214 installment of the purchase price under an installment contract
 2215 for the purchase of real or personal property from a member of
 2216 the Florida National Guard, who, after the date of the payment
 2217 of such deposit or installment, is called into state active duty
 2218 or active duty ~~service,~~ and has provided ~~that~~ written notice to
 2219 the creditor of the state active duty or active duty ~~military~~
 2220 ~~service has been given to the creditor,~~ the creditor may not
 2221 exercise any right or option under such contract to rescind or
 2222 terminate the contract or resume possession of the property for
 2223 nonpayment of any installment ~~thereunder~~ due, or for any other
 2224 breach of the terms of the contract ~~thereof~~ occurring during the
 2225 period of state active duty or active duty ~~service,~~ except upon
 2226 affirmative authorization by a court of competent jurisdiction.

2227 (2) Upon ~~the~~ hearing ~~of~~ such action, the court may order
 2228 the repayment of prior installments or deposits, or any part
 2229 thereof, as a condition of terminating the contract and resuming
 2230 possession of the property, or may, ~~in its discretion,~~ on its
 2231 own motion, and shall, on application to it by such person on ~~in~~
 2232 state active duty or active duty or some person on his or her
 2233 behalf, order a stay of proceedings, unless, in the opinion of



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2234 the court, the ability of the defendant to comply with the terms
 2235 of the contract is not materially affected by reason of such
 2236 service. Alternatively, the court may otherwise dispose of the
 2237 case as is in the interest of all parties.

2238 Section 54. Section 250.5205, Florida Statutes, is amended
 2239 to read:

2240 250.5205 Mortgages, trust deeds, etc.; penalty.--

2241 (1) In any proceeding commenced during the period of state
 2242 active duty or active duty ~~service~~ to enforce obligations
 2243 secured by mortgage, trust deed, or other security upon real or
 2244 personal property owned prior to the commencement of a period of
 2245 state active duty or active duty ~~service~~, the court may on its
 2246 own motion stay the proceedings or otherwise dispose of the case
 2247 as is equitable to conserve the interests of all parties. The
 2248 court shall stay the proceedings upon the application of a
 2249 person or agent of the person on ~~in~~ state active duty or active
 2250 duty ~~service~~ unless, in the opinion of the court, the ability of
 2251 the defendant to comply with the terms of the obligations is not
 2252 materially affected.

2253 (2) A sale, foreclosure, or seizure of property for
 2254 nonpayment of any sum due under any obligation, or for breach of
 2255 the terms of such obligation, is not valid if made during the
 2256 period of state active duty or active duty ~~service~~ or within 30
 2257 days thereafter, unless upon an order previously granted by the
 2258 court and a return ~~thereto~~ made to and approved by the court.

2259 (3) This section applies only to obligations secured by a
 2260 mortgage, trust deed, or other security in the nature of a
 2261 mortgage upon real or personal property owned by a person on ~~in~~
 2262 state active duty or active duty ~~service~~ at the commencement of
 2263 the period of state active duty or active duty ~~service~~ and still



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2264 owed by her or him, which obligation originated prior to such
2265 person's period of state active duty or active duty ~~service~~.

2266 Section 55. Subject to an annual appropriation, the
2267 Florida National Guard shall provide training, training support,
2268 and facilities to facilitate the state's attainment of its goals
2269 to reduce the supply of and demand for illegal drugs.

2270 Section 56. Sections 250.13, 250.21, 250.27, 250.41, and
2271 250.42, Florida Statutes, are repealed.

2272 Section 57. Paragraph (j) of subsection (5) of section
2273 932.7055, Florida Statutes, is amended to read:

2274 932.7055 Disposition of liens and forfeited property.--

2275 (5) If the seizing agency is a state agency, all remaining
2276 proceeds shall be deposited into the General Revenue Fund.

2277 However, if the seizing agency is:

2278 (j) The Department of Military Affairs, the proceeds
2279 accrued from federal forfeiture sharing pursuant to 21 U.S.C.
2280 ss. 881(e)(1)(A) and (3), 18 U.S.C. s. 981(e)(2), and 19 U.S.C.
2281 s. 1616a shall be deposited into the Cooperative Agreement
2282 ~~Armory Board~~ Trust Fund and used for purposes authorized by such
2283 federal provisions based on the department's budgetary authority
2284 or into the department's Federal Law Enforcement Trust Fund as
2285 provided in s. 250.175, as applicable.

2286 Section 58. This act shall take effect upon becoming a
2287 law.