

By the Committee on Military and Veterans' Affairs, Base
Protection, and Spaceports

301-811-03

1 A bill to be entitled
2 An act relating to military affairs; amending
3 s. 250.01, F.S.; providing definitions;
4 amending s. 250.02, F.S.; specifying persons
5 exempt from military duty; amending ss. 250.03,
6 250.04, F.S.; providing for the military law of
7 the state; providing duties and authority of
8 the Governor; amending s. 250.05, F.S.;
9 designating the Adjutant General as head of the
10 Department of Military Affairs; amending s.
11 250.06, F.S.; providing additional duties of
12 the Governor as commander in chief of the
13 militia of the state; authorizing the Governor
14 to delegate to the Adjutant General the
15 authority to convene a general court-martial;
16 amending s. 250.07, F.S.; providing that
17 persons declaring an intention to become
18 citizens may be members of the Florida National
19 Guard; specifying qualifications for certain
20 officers of the Florida National Guard;
21 amending ss. 250.08, 250.09, F.S.; providing
22 duties and authority of the Governor with
23 respect to the Florida National Guard; amending
24 s. 250.10, F.S.; revising the qualifications
25 and duties of the Adjutant General; authorizing
26 the Adjutant General to order troops to state
27 active duty under certain circumstances;
28 specifying qualifications for Assistant
29 Adjutant Generals of the Florida National
30 Guard; specifying requirements for tuition
31 assistance programs and a tuition exemption

1 program for members of the Florida National
2 Guard; providing penalties for failure to
3 comply with program requirements; amending s.
4 250.115, F.S.; requiring the Adjutant General
5 to appoint a president of the board of
6 directors of the direct-support organization of
7 the Department of Military Affairs; specifying
8 duties of the Department of Military Affairs
9 with respect to the organization; amending ss.
10 250.12, 250.16, F.S., relating to officers;
11 conforming provisions to changes made by the
12 act; amending s. 250.175, F.S.; specifying
13 trust funds of the Department of Military
14 Affairs; amending s. 250.18, F.S.; revising
15 requirements for officers for providing of
16 equipment and uniforms; amending ss. 250.19,
17 250.20, F.S.; providing requirements for the
18 payment of expenses and allowances; conforming
19 provisions to changes made by the act;
20 providing requirements for accounting practices
21 of military posts; amending ss. 250.23, 250.24,
22 F.S., relating to pay and expenses for
23 personnel in state active duty; conforming
24 provisions to changes made by the act;
25 providing for the deposit of moneys used to pay
26 activated troops; amending ss. 250.25, 250.26,
27 F.S.; authorizing the borrowing of money and
28 transfer of funds; amending s. 250.28, F.S.;
29 specifying additional circumstances under which
30 the Adjutant General may activate troops;
31 amending ss. 250.29, 250.30, 250.31, F.S.,

1 relating to orders of civil authorities and
2 immunity from liability for members of the
3 Florida National Guard; increasing the penalty
4 imposed for violations involving failure to
5 provide assistance to civil authorities;
6 conforming provisions to changes made by the
7 act; amending ss. 250.32, 250.33, F.S.,
8 relating to duties of commanding officers;
9 conforming provisions to changes made by the
10 act; amending s. 250.34, F.S., relating to
11 injury or death in state active duty;
12 clarifying that injuries resulting from a
13 preexisting condition are not compensable;
14 providing for coverage under the Workers'
15 Compensation Law under certain circumstances;
16 amending s. 250.341, F.S.; providing
17 requirements for continuing or reinstating
18 health insurance when an employee is activated
19 for duty; providing certain exceptions to a
20 requirement that an employer be notified of
21 such duty; amending s. 250.35, F.S.;
22 prohibiting the trial of a warrant officer or
23 cadet by a summary court-martial; providing for
24 waiver of trial by panel and for trial by a
25 military judge; authorizing the Adjutant
26 General to convene a general court-martial;
27 revising the amount of certain fines imposed by
28 a court-martial; clarifying penalties involving
29 a reduction in grade; prohibiting a punishment
30 of imprisonment and a fine; limiting certain
31 nonjudicial punishments; providing for a

1 finding of guilt to be appealed to the District
2 Court of Appeal; creating s. 250.351, F.S.;
3 providing that ch. 250, F.S., applies within or
4 outside the state; providing for jurisdiction
5 of a court-martial or court of inquiry within
6 or outside the state; amending s. 250.36, F.S.;
7 authorizing the Adjutant General and certain
8 other military officers to issue pretrial
9 confinement warrants and subpoenas and enforce
10 the attendance of witnesses and the production
11 of documents; amending s. 250.37, F.S.;
12 providing for payment of expenses in a
13 court-martial; amending s. 250.375, F.S.;
14 authorizing medical officers to practice
15 medicine on military personnel or civilians
16 under certain circumstances; amending s.
17 250.38, F.S.; prohibiting certain actions or
18 proceedings against a member of a military
19 court or certain other persons; amending s.
20 250.39, F.S.; revising penalties imposed for
21 contempt; amending s. 250.40, F.S.; revising
22 the authority and responsibilities of the
23 Armory Board; including a representative of the
24 Governor on the board; amending ss. 250.43,
25 250.44, 250.45, F.S.; increasing the penalties
26 imposed for violations involving wearing a
27 uniform or insignia of rank without
28 authorization, the theft of military equipment,
29 or discrimination against military personnel;
30 amending ss. 250.46, 250.47, 250.48, F.S.,
31 relating to pay and leaves of absence;

1 conforming provisions to changes made by the
2 act; providing certain protections for an
3 employee of a school district while on leave
4 for active state duty; limiting the duration of
5 a leave of absence with pay; amending ss.
6 250.481, 250.482, F.S., relating to employment
7 discrimination and other penalties; clarifying
8 that a state employer, including a school
9 district or vocational or technical school, may
10 not penalize a member of the Florida National
11 Guard who is ordered into state active duty;
12 amending s. 250.49, F.S.; providing for rations
13 and payment of expenses for officers and
14 enlisted personnel under certain circumstances;
15 amending ss. 250.51, 250.52, F.S.; increasing
16 the penalties imposed for making an insulting
17 remark or gesture toward the Florida National
18 Guard or unlawfully persuading a person not to
19 enlist in the armed forces; conforming
20 provisions to changes made by the act; amending
21 ss. 250.5201, 250.5202, 250.5204, 250.5205,
22 F.S., relating to proceedings and other actions
23 against a person called into state active duty
24 or active duty; conforming provisions to
25 changes made by the act; requiring the Florida
26 National Guard to provide training, support,
27 and facilities for the state's drug
28 interdiction efforts, subject to an
29 appropriation; repealing ss. 250.13, 250.21,
30 250.27, 250.41, 250.42, 250.601, F.S., relating
31 to general officers, retired officers and

1 personnel, active service, military properties
2 and lands, and the Emergency Response Trust
3 Fund; providing an effective date.
4

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

6
7 Section 1. Section 250.01, Florida Statutes, is
8 amended to read:

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

11 250.01 Definitions.--As used in this chapter, the
12 term:

13 (1) "Active duty" means full-time duty in active
14 military service of the United States. The term includes
15 federal duty such as full-time training, annual training, and
16 attendance while a person is in active military service or
17 attending a school designated as a service school by law or by
18 the secretary of the military department concerned. The term
19 does not mean full-time duty in the National Guard.

20 (2) "Air National Guard" means that part of the
21 National Guard of a state or territory of the United States,
22 Puerto Rico, or the District of Columbia, active or inactive,
23 which is:

24 (a) An air force;

25 (b) Trained, and has its officers appointed, under the
26 United States Constitution;

27 (c) Organized, armed, and equipped wholly or partially
28 at federal expense; and

29 (d) Federally recognized.
30
31

1 (3) "Air National Guard of the United States" means the
2 reserve component of the Air Force, the membership of which
3 consists of members of the Air National Guard.

4 (4) "Armed forces" means the United States Army, Navy,
5 Air Force, Marine Corps, and Coast Guard.

6 (5) "Armory" means a building or group of buildings
7 used primarily for housing and training troops or for storing
8 military property, supplies, or records.

9 (6) "Army National Guard" means that part of the
10 National Guard of a state or territory of the United States,
11 Puerto Rico, or the District of Columbia, active or inactive,
12 which is:

13 (a) A land force;

14 (b) Trained, and has its officers appointed, under the
15 United States Constitution;

16 (c) Organized, armed, and equipped wholly or partially
17 at federal expense; and

18 (d) Federally recognized.

19 (7) "Army National Guard of the United States" means
20 the reserve component of the Army, the membership of which
21 consists of members of the Army National Guard.

22 (8) "Convening authority" means a commissioned officer
23 in command and his or her successors in command.

24 (9) "Enlisted personnel" means persons enlisted,
25 inducted, called, or conscripted into an armed force in an
26 enlisted grade.

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

30 (11) "Military judge" means the presiding officer of a
31 general or special court-martial. Except as otherwise

1 expressly provided, in the context of a summary court-martial
2 the term "military judge" includes the summary court-martial
3 officer.

4 (12) "Military post" means an armory, facility,
5 installation, or real property under the supervision or
6 control of the Armory Board which is used primarily for
7 housing and training troops; performing administrative duties;
8 or storing military property, supplies, or records.

9 (13) "National Guard" means the Army National Guard
10 and the Air National Guard.

11 (14) "National Guard Bureau" means the joint Bureau of
12 the Department of the Army and the Department of the Air Force
13 within the Department of Defense, as defined in 10 U.S.C. s.
14 10501.

15 (15) "Offense" means a criminal charge under the
16 Uniform Code of Military Justice.

17 (16) "Officer" means a commissioned officer or warrant
18 officer.

19 (17) "Rank" means the order of precedence among
20 members of the armed forces.

21 (18) "Post commander" means the officer in charge of a
22 military post or training site, a National Guard armory, or a
23 portion of a National Guard armory when colocated in an Armed
24 Forces Reserve Center.

25 (19) "State active duty" means full-time duty in
26 active military service of the State of Florida when ordered
27 by the Governor or Adjutant General in accordance with s.
28 250.06, s. 250.10, or s. 250.28 to preserve the public peace,
29 execute the laws of the state, suppress insurrection, repel
30 invasion, enhance security and respond to terrorist threats or
31 attacks, respond to an emergency as defined in s. 252.34 or to

1 imminent danger of an emergency, enforce the law, carry out
2 counter-drug operations, provide training, provide for the
3 security of the rights or lives of the public, protect
4 property, or conduct ceremonies. The term includes the duties
5 of officers or enlisted personnel who are employed under the
6 order of the Governor in recruiting; making tours of
7 instruction; inspecting troops, armories, storehouses,
8 campsites, rifle ranges, or military property; sitting on
9 general or special courts-martial, boards of examination,
10 courts of inquiry, or boards of officers; or making or
11 assisting in physical examinations.

12 (20) "Troops" includes personnel of the Army National
13 Guard and the Air National Guard.

14 Section 2. Section 250.02, Florida Statutes, is
15 amended to read:

16 250.02 Militia.--

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

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

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

27 (4) Only persons exempt from military duty by the
28 terms of federal law ~~are the National Defense Act shall be~~
29 exempt from military duty in this state.

30 Section 3. Section 250.03, Florida Statutes, is
31 amended to read:

1 250.03 Military law of the state ~~National Defense~~
2 ~~Act.--Federal laws that All provisions of the National Defense~~
3 ~~Act and all laws amendatory thereof and supplemental thereto~~
4 ~~insofar as they~~ relate to the Florida National Guard, and that
5 are not inconsistent with the State Constitution or state law,
6 are ~~declared to be a~~ part of the military laws of the state.
7 ~~and~~ The Governor of Florida, as commander in chief, may ~~do and~~
8 perform all acts and make and publish ~~such~~ rules ~~and~~
9 ~~regulations~~ to raise and keep the Florida National Guard at in
10 ~~every respect up to~~ the standard required by the laws of the
11 United States and the rules and regulations of the Secretary
12 of Defense governing the National Guard, ~~now existing or which~~
13 ~~may hereafter be enacted or promulgated for the National~~
14 ~~Guard.~~

15 Section 4. Section 250.04, Florida Statutes, is
16 amended to read:

17 250.04 Naval militia; marine corps.--The Governor may
18 ~~is authorized in his or her discretion to~~ organize a naval
19 militia and a marine corps in accordance with federal law ~~the~~
20 ~~laws now existing or which may hereafter be enacted by the~~
21 ~~Congress~~ governing the Naval Militia or Marine Corps of the
22 United States, ~~and~~ regulations issued by the Secretary of the
23 Navy for the governing ~~government~~ of the United States Navy,
24 Naval Militia, and Marine Corps.

25 Section 5. Section 250.05, Florida Statutes, is
26 amended to read:

27 250.05 Department of Military Affairs.--

28 (1) The agency of the state government heretofore
29 known as the Military Department shall henceforth be known as
30 the Department of Military Affairs ~~of the State~~, which shall
31

1 be organized ~~composed of the military forces~~ as provided in
2 the laws of this state.

3 (2) "Military personnel of the Department of Military
4 Affairs" includes any person who is required to wear a
5 military uniform in performing ~~the performance of~~ his or her
6 official duties, and who is required to serve in the Florida
7 National Guard as a condition of his or her employment by the
8 department.

9 (3) The head of the Department of Military Affairs is
10 the Adjutant General.

11 Section 6. Section 250.06, Florida Statutes, is
12 amended to read:

13 250.06 Commander in chief.--

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

16 (2) The Governor of Florida, as commander in chief,
17 may alter, increase, divide, annex, consolidate, disband,
18 organize, or reorganize an organization, department, corps, or
19 staff, so as to conform as far as practicable to any
20 organization, system, drill, instruction, corps or staff,
21 uniform or equipment, or period of enlistment, ~~now or~~
22 ~~hereafter~~ prescribed by the laws of the United States, and the
23 rules and regulations adopted ~~promulgated thereunder~~ by the
24 Department of Defense, for the organization, armament,
25 training, and discipline of the National Guard ~~organized~~
26 ~~militia~~.

27 (3) The Governor may ~~shall have the power~~, in order to
28 preserve the public peace, execute the laws of the state,
29 suppress insurrection, repel invasion, respond to an emergency
30 as defined in s. 252.34(3) or imminent danger thereof, or in
31 case of the calling of all or any portion of the militia of

1 Florida into the services of the United States, may to
2 increase the Florida National Guard ~~organized militia of this~~
3 ~~state~~ and organize it ~~the same~~ in accordance with the existing
4 rules and regulations governing the Armed Forces of the United
5 States, ~~or in accordance with such other system as the~~
6 ~~Governor may consider the exigency to require;~~ and Such
7 organization and increase may be ~~either~~ pursuant to or in
8 advance of any call made by the President of the United
9 States. If the Florida National Guard is activated into
10 service of the United States, another organization may not be
11 designated as the Florida National Guard.

12 (4) The Governor may ~~shall have the power,~~ in order to
13 preserve the public peace, execute the laws of the state,
14 enhance domestic security, respond to terrorist threats or
15 attacks, or respond to an emergency as defined in s. 252.34(3)
16 or imminent danger thereof, or respond to any need for
17 emergency aid to civil authorities as specified in s. 250.08,
18 to order into state active duty service of the state all or
19 any part of the militia which that he or she deems may deem
20 proper. During the absence of any organization in the service
21 of the United States, its state designation shall not be given
22 to any new organization.

23 (5)(4) The Governor may authorize all or any part of
24 the Florida National Guard ~~organized militia~~ to participate in
25 any parade, review, inspection, ceremony, or other public
26 exercise; ~~or to serve for escort duty;~~ to participate in
27 training; ~~to provide extraordinary support to law enforcement~~
28 upon request; ~~and to provide humanitarian relief in~~
29 situations for which it is uniquely qualified. ~~and~~ Such
30 expenses incidental thereto and authorized by ~~as~~ the Governor
31

1 ~~may authorize~~ may be paid as ~~hereinafter~~ provided for state
2 active duty service.

3 (6) The Governor may delegate the authority to convene
4 a general court-martial to the Adjutant General.

5 Section 7. Section 250.07, Florida Statutes, is
6 amended to read:

7 250.07 Florida National Guard; composition;
8 departmental organization.--

9 (1) The Florida National Guard shall consist of
10 ~~members of the militia~~ enlisted personnel, therein and of
11 commissioned officers, and warrant officers who are citizens
12 of the United States, or who have declared their intention to
13 become citizens of the United States, organized, armed,
14 equipped, and federally recognized, in accordance with the
15 laws of the state and the laws and regulations of the
16 Department of the Army and the Department of the Air Force.
17 ~~The state headquarters of the Florida National Guard shall~~
18 include separate components for the Army and Air Force.

19 (2) All general officers of the Florida National Guard
20 must be federally recognized and appointed by the Governor,
21 subject to confirmation by the Senate.~~be organized so as to~~
22 ~~establish a department for army and a department for air. The~~
23 ~~state headquarters will be under the administration of the~~
24 ~~state Adjutant General, who shall hold the rank of major~~
25 ~~general or such higher rank as may be authorized by applicable~~
26 ~~tables of organization of the Department of the Army. There~~
27 ~~shall be an Assistant Adjutant General for Army who shall hold~~
28 ~~rank, not higher than brigadier general, and who shall assist~~
29 ~~and advise the Adjutant General in the supervision and~~
30 ~~operation of the Florida Army National Guard, and an Assistant~~
31 ~~Adjutant General for Air who shall hold rank, not higher than~~

1 ~~brigadier general, and who shall assist and advise the~~
2 ~~Adjutant General in the supervision and operation of the~~
3 ~~Florida Air National Guard. Each of the three aforementioned~~
4 ~~officers shall be a federally recognized officer of the~~
5 ~~Florida National Guard, who shall have served therein as such~~
6 ~~for at least 5 years and has attained the rank of major or~~
7 ~~higher.~~

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

10 250.08 Florida National Guard organized.--The Governor
11 of Florida may perform ~~any and~~ all acts, and make and publish
12 all ~~such rules and regulations,~~ as he or she considers ~~may~~
13 ~~deem~~ necessary to organize ~~effect the organization or~~
14 reorganize ~~reorganization of~~ the Florida National Guard, in
15 conformity to federal law ~~the terms of the National Defense~~
16 ~~Act,~~ and the rules, regulations, and proclamations of
17 ~~promulgated by~~ the President of the United States or the
18 Department of Defense, relating to the National Guard of this
19 state or the United ~~several~~ States.

20 Section 9. Section 250.09, Florida Statutes, is
21 amended to read:

22 250.09 Appropriations, property, and equipment.--The
23 Governor of Florida may take all necessary steps to obtain all
24 appropriations, property, and equipment, ~~now or hereafter~~
25 provided by the United States or authorized by law for the
26 use, aid, equipment, benefit, or instruction of the Florida
27 National Guard.

28 Section 10. Section 250.10, Florida Statutes, is
29 amended to read:

30 250.10 Appointment and duties of the Adjutant
31 General.--

1 (1) In case of a vacancy, the Governor shall, subject
2 to confirmation by the Senate, appoint a federally recognized
3 officer of the Florida National Guard, who has ~~shall have~~
4 served in the Florida National Guard ~~therein as such~~ for the
5 preceding 5 years and attained the rank of colonel or higher,
6 to be the Adjutant General of the state with the rank of not
7 less than brigadier general or such higher rank as ~~may be~~
8 authorized by applicable tables of organization of the
9 Department of the Army or the Department of the Air Force. The
10 Adjutant General and all other military personnel ~~officers~~ of
11 the Florida National Guard on full-time military ~~permanent~~
12 duty with the Department of Military Affairs, except military
13 police and firefighters, ~~and~~ who are paid from state funds
14 shall receive the pay and allowances of their respective grade
15 as prescribed by applicable pay tables of the national
16 military establishment for similar grade and period of service
17 of personnel, unless a different rate of pay and allowances is
18 be specified in an the appropriation act of the Legislature
19 ~~bill, in which event such pay shall be the amount therein~~
20 ~~specified~~. An officer, with his or her consent, may be
21 ordered to state active ~~state~~ duty ~~service~~ for administrative
22 duty with the Department of Military Affairs at a grade lower
23 than the officer currently holds.

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

26 (a) Supervise the receipt, preservation, repair,
27 distribution, issue, and collection of all arms and military
28 equipment ~~stores~~ of the state.

29 (b) Supervise all troops, ~~arms,~~ and branches of the
30 Florida National Guard, including Militia, ~~such supervisory~~
31 ~~powers covering primarily all duties pertaining to their~~

1 organization, armament, discipline, training, recruiting,
2 inspection, instruction, pay, subsistence, and supplies.

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

8 (d) Cause the law and orders relating to the Florida
9 National Guard ~~militia of Florida~~ to be indexed, printed, and
10 bound, and prepare and publish blank books, forms, and
11 stationery when necessary, and furnish them at the expense of
12 the state.

13 (e)1. Prepare and publish by order of the Governor
14 ~~such~~ orders, rules, and regulations, consistent with law, ~~as~~
15 ~~are necessary~~ to bring the organization, armament, equipment,
16 training, and discipline of the Florida National Guard to a
17 state of efficiency as near ~~nearly~~ as possible to that of the
18 regular United States Army and Air Force, and the Adjutant
19 General shall attest all orders of the commander in chief
20 relating to the Florida National Guard ~~militia~~.

21 2. Establish by directive an organized and supervised
22 physical fitness program for military ~~state active duty~~
23 personnel of the Department of Military Affairs, provided that
24 the program does not exceed 1 hour per day, for a maximum of 3
25 hours per week, and originates and terminates at the normal
26 work site. All fees, membership dues, equipment, and clothing
27 relating to such physical fitness program shall be at no cost
28 to the state. Administrative leave, not to exceed 3 hours per
29 week, shall be provided by the department to all ~~state active~~
30 ~~duty~~ personnel authorized to participate ~~participating~~ in the
31 physical fitness program.

1 3. Establish by directive a post exchange store for
2 members of the Florida National Guard, their families, guests,
3 and other authorized users. The post exchange store shall be
4 located at the Camp Blanding Training Site. The primary
5 purpose of the store is to provide for the morale, recreation,
6 and welfare of all service members training at the Camp
7 Blanding Training Site. The operation of the post exchange
8 store must be in accordance with state and federal laws,
9 rules, and regulations. Profits of the post exchange store,
10 if any, shall be deposited in the Camp Blanding Management
11 Trust Fund and shall be used to enhance the facilities and
12 services provided by the Camp Blanding Training Site. ~~The Camp~~
13 ~~Blanding Management Trust Fund may be used to initiate and~~
14 ~~support the initial operations of the Camp Blanding post~~
15 ~~exchange store.~~The Adjutant General may establish an account
16 with a federally insured financial institution in the state to
17 facilitate the operations of the post exchange store.

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

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

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

25 ~~(h)(i)~~ ~~The Adjutant General may~~ Employ personnel such
26 ~~clerical help~~ ~~as is~~ necessary for the proper conduct of the
27 Department of Military Affairs. The Adjutant General may, ~~and~~
28 ~~he or she is authorized to accept~~ personnel such ~~clerical,~~
29 ~~technical, or other assistants as may be~~ provided by the
30 Federal Government.

31

1 ~~(i)(j)~~ Establish and maintain as part of the Adjutant
2 General's office a repository of records of the services of
3 Florida troops, ~~including Florida officers and enlisted~~
4 ~~personnel~~, during all wars, and shall be the custodian of all
5 records, relics, trophies, colors, and histories relating to
6 such wars which are possessed or, now in possession of or
7 ~~which may be~~ acquired by the state.

8 ~~(j)(k)~~ Maintain ~~The Adjutant General shall have~~ a seal
9 of office, ~~to be~~ approved by the commander in chief, and all
10 copies of papers in his or her office, duly certified and
11 authenticated under the ~~said~~ seal, are ~~shall be~~ admissible in
12 evidence in all cases in like manner as if the original were
13 produced.

14 ~~(k)(l)~~ Provide ~~The Adjutant General shall, upon~~
15 request, ~~provide~~ a summary to the Governor on the number and
16 condition of the Florida National Guard organized militia, and
17 the number and condition of the arms and property
18 ~~accouterments~~ in the custody of the state, and shall transmit
19 to the Governor at that ~~said~~ time a detailed report of all
20 funds and moneys received and disbursed by the Department of
21 Military Affairs. The Adjutant General may also recommend
22 ~~make such recommendations as to~~ needed legislation as he or
23 she deems ~~may deem~~ proper.

24 ~~(l)(m)~~ Subject to annual appropriations, administer
25 youth About Face programs and adult Forward March programs at
26 sites to be selected by the Adjutant General.

27 ~~1. About Face shall establish a summer and a~~
28 ~~year-round after-school life-preparation program for~~
29 ~~economically disadvantaged and at-risk youths from 13 through~~
30 ~~17 years of age. Both programs must provide schoolwork~~
31 assistance, focusing on the skills needed to master basic high

1 school competencies and ~~pass the high school competency test,~~
2 ~~and also focus on~~ functional life skills, including teaching
3 students to work effectively in groups; providing basic
4 instruction in computer skills; teaching basic
5 problem-solving, decisionmaking, and reasoning skills;
6 teaching how the business world and free enterprise work
7 through computer simulations; and teaching home finance and
8 budgeting and other daily living skills.

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

15 2. Forward March is a job-readiness program for
16 economically disadvantaged participants who are directed to
17 Forward March by the local Regional Workforce Development
18 Boards. ~~The Adjutant General shall provide job-readiness~~
19 ~~services in the Forward March program for WAGES Program~~
20 ~~participants who are directed to Forward March by local WAGES~~
21 ~~coalitions.~~ The Forward March program shall provide training
22 on topics that directly relate to the skills required for
23 real-world success. The program shall emphasize functional
24 life skills, computer literacy, interpersonal relationships,
25 critical-thinking skills, business skills, preemployment and
26 work maturity skills, job-search skills, exploring careers
27 activities, how to be a successful and effective employee, and
28 some job-specific skills. The program also shall provide
29 extensive opportunities for participants to practice generic
30 job skills in a supervised work setting. Upon completion of
31 the program, Forward March shall return participants to the

1 | local Regional Workforce Development Boards ~~WAGES coalition~~
2 | for placement in a job placement pool.

3 | (m) Order troops to state active duty for training,
4 | subject to approved appropriations or grants.

5 | (3) The Adjutant General ~~There~~ shall furnish ~~be~~
6 | ~~furnished~~ suitable buildings for conducting the business of
7 | the Department of Military Affairs and for the proper storage,
8 | repair, and issuance of military property.

9 | (4) The Adjutant General shall, subject to
10 | confirmation by the Senate, employ a federally recognized
11 | officer of the Florida National Guard, who has ~~shall have~~
12 | served in the Florida Army Guard therein as such for the
13 | preceding 5 years and attained ~~have obtained~~ the rank of
14 | colonel or higher at the time of appointment, to be the
15 | Assistant Adjutant General for Army. The officer ~~who~~ shall
16 | perform the such duties required by ~~as~~ the Adjutant General
17 | ~~may require.~~

18 | (5) The Adjutant General shall, subject to
19 | confirmation by the Senate, employ a federally recognized
20 | officer of the Florida National Guard, who has served in the
21 | Florida Air Guard for the preceding 5 years and attained the
22 | rank of colonel or higher at the time of appointment, to be
23 | the Assistant Adjutant General for Air. The officer shall
24 | perform the duties required by the Adjutant General.

25 | ~~(6)~~(5) The Adjutant General shall employ a federally
26 | recognized officer of the Florida National Guard as the state
27 | quartermaster who, under the direction of the Adjutant
28 | General, shall account ~~is accountable~~ for all funds accruing
29 | to the Department of Military Affairs; and shall receive,
30 | preserve, repair, issue, distribute, and account for all
31 | Department of Military Affairs property, including real estate

1 pertaining to the State Armory Board;~~and may shall~~
2 construct, maintain, improve, and repair facilities pertaining
3 to the Department of Military Affairs and the armory board.
4 The state quartermaster shall ~~will~~ be the recorder of the
5 armory board and ~~will perform any such~~ other duties ~~as may be~~
6 required of him or her by the Adjutant General.

7 ~~(6) The Adjutant General shall employ a federally~~
8 ~~recognized officer of the Florida National Guard, who shall~~
9 ~~have served therein as such for the preceding 5 years and have~~
10 ~~attained the rank of colonel or higher, to be the Assistant~~
11 ~~Adjutant General for Air who shall perform such duties as the~~
12 ~~Adjutant General may require.~~

13 (7) The Adjutant General ~~and representatives of the~~
14 ~~Board of Regents, the State Board of Community Colleges, and~~
15 the State Board of Education shall ~~design and develop~~
16 education a tuition assistance programs ~~program~~ for members in
17 good standing of the active Florida National Guard who enroll
18 in a public institution of higher learning in the state ~~in~~
19 ~~accordance with the provisions of subsection (8).~~

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

- 23 1. Be 17 years of age or older.
- 24 2. Be presently domiciled in the state.
- 25 3. Be a member in good standing in the active Florida
26 National Guard at the beginning of and throughout the entire
27 academic term for which benefits are received.
- 28 4. Maintain continuous satisfactory participation in
29 the active Florida National Guard for any school term for
30 which exemption benefits are received.

31

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

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

9 1. ~~When a member of the active Florida National Guard~~
10 ~~receives an exemption from tuition and fees for any academic~~
11 ~~term and fails to maintain satisfactory participation in the~~
12 ~~Florida National Guard during such academic term, the~~
13 ~~exemption shall immediately be forfeited and the member shall~~
14 ~~be required to pay to the institution all tuition charges and~~
15 ~~student fees for the current academic term for which the~~
16 ~~exemption has been granted.~~

17 2. ~~When a member of the active Florida National Guard~~
18 ~~leaves the Florida National Guard during the 3-year period~~
19 ~~such member had agreed to serve after completing the courses~~
20 ~~for which exemptions were granted, the member shall be~~
21 ~~required to reimburse the state for all tuition charges and~~
22 ~~student fees for which such member received exemptions, unless~~
23 ~~the Adjutant General determines there are justifiable~~
24 ~~extenuating circumstances.~~

25 3. ~~If the service of a member of the active Florida~~
26 ~~National Guard is terminated or the member is placed on~~
27 ~~scholastic probation while receiving exemption benefits, the~~
28 ~~exemption shall be immediately forfeited and the member shall~~
29 ~~pay to the institution all tuition charges and student fees~~
30 ~~for the current academic term for which the member has~~
31 ~~received an exemption.~~

1 **(b)**~~(c)~~ The programs ~~program~~ shall define those members
2 of the active Florida National Guard who are ineligible to
3 participate in the program and those courses of study which
4 are not authorized for the program.

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

7 a. Any member, commissioned officer, or warrant
8 officer, or enlisted person, who has a baccalaureate degree.

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

11 c. Any member who has not completed basic military
12 training.

13 2. Courses not authorized include noncredit courses,
14 courses that ~~which~~ do not meet degree requirements, or courses
15 that ~~which~~ do not meet requirements for completion of
16 vocational-technical training.

17 **(c)**~~(d)~~ The Adjutant General, together with the ~~Board~~
18 ~~of Regents, the State Board of Community Colleges, and the~~
19 State Board of Education, shall adopt ~~promulgate~~ rules for the
20 overall policy, guidance, administration, implementation, and
21 proper utilization of the program. Such rules must ~~shall~~
22 include, but not be limited to, guidelines for certification
23 by the Adjutant General of a guard member's eligibility,
24 procedures for notification to an institution of a guard
25 member's termination of eligibility, and procedures for
26 restitution when a guard member fails to comply with the
27 penalties described in this section ~~paragraph (b)~~.

28 (8) The Department of Military Affairs may ~~is~~
29 ~~authorized to~~ administer a tuition exemption ~~an educational~~
30 ~~tuition assistance~~ program, known as the State Tuition
31

1 Exemption Program (STEP),for members of the Florida National
2 Guard who qualify pursuant to subsection (7).

3 (a) Members of the Florida National Guard are ~~shall be~~
4 exempt from payment of one-half of tuition and fees,subject
5 to the following limitations:

6 1. A member may not participate ~~Participation~~ in the
7 STEP Program for more than ~~shall not exceed a period of~~ 10
8 years following ~~from~~ the date of enrollment in the tuition
9 assistance program,or shall continue until graduation or
10 ~~termination of the full-time or part-time student, whichever~~
11 ~~occurs earlier.~~

12 2. Florida National Guard members shall be admitted on
13 a space-available basis.

14 (b) Notwithstanding paragraph (a) and subject to
15 appropriations, the Department of Military Affairs may pay
16 one-half the ~~the full~~ cost of tuition and fees for required
17 courses for members of the Florida National Guard if a member
18 is unable to obtain admittance on a space-available basis and,
19 at least on one previous occasion, the member was denied
20 admission to the required course.

21 (c) Courses not authorized include noncredit courses,
22 courses that do not meet degree requirements, or courses that
23 do not meet requirements for completing vocational-technical
24 training.

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

27 1. If a member of the active Florida National Guard
28 receives an exemption from tuition and fees for any academic
29 term and fails to maintain satisfactory participation in the
30 Florida National Guard during that academic term, the member
31 forfeits his or her exemption and shall pay the institution

1 granting the exemption all tuition charges and student fees
2 for the academic term for which the exemption was granted.

3 2. If a member of the active Florida National Guard
4 leaves the Florida National Guard during the 3-year period the
5 member has agreed to serve after completing the courses for
6 which an exemption was granted, the member shall reimburse the
7 institution granting the exemption for all tuition charges and
8 student fees for which the member received an exemption,
9 unless the Adjutant General finds that there are justifiable
10 extenuating circumstances.

11 3. If the service of a member of the active Florida
12 National Guard is terminated or the member is placed on
13 scholastic probation while receiving an exemption, the
14 exemption shall be immediately forfeited and the member shall
15 pay the institution granting the exemption all tuition charges
16 and student fees for the academic term for which the exemption
17 was granted.

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

21 (9)(c) Subject to appropriations, the Department of
22 Military Affairs may pay the full cost of tuition and fees for
23 required courses for members of the Florida National Guard who
24 enlist after June 30, 1997. This program shall be known as the
25 Educational Dollars for Duty program (EDD), and is the primary
26 program for these members.

27 (a) A member may not participate in the EDD program
28 for more than 5 years following the date of eligibility for
29 the program.

30 (b) Courses not authorized include noncredit courses,
31 courses that do not meet the degree requirements, or courses

1 that do not meet requirements for completing
2 vocational-technical training.

3 (c) College preparatory classes are authorized
4 courses.

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

7 1. If a member of the active Florida National Guard
8 receives payment of tuition and fees for any academic term and
9 fails to maintain satisfactory participation in the Florida
10 National Guard during that academic term, the member shall
11 reimburse the Department of Military Affairs all tuition
12 charges and student fees for the academic term for which the
13 member received payment.

14 2. If a member of the active Florida National Guard
15 leaves the Florida National Guard during the 3-year period the
16 member has agreed to serve after completing the courses for
17 which payments were made, the member shall reimburse the
18 Department of Military Affairs all tuition charges and student
19 fees for which the member received payments, unless the
20 Adjutant General finds that there are justifiable extenuating
21 circumstances.

22 3. If the service of a member of the active Florida
23 National Guard is terminated or the member is placed on
24 scholastic probation while receiving payments, the member
25 shall reimburse the Department of Military Affairs all tuition
26 charges and student fees for the academic term for which the
27 member received payment.

28 4. If a member defaults on any reimbursement made
29 under this paragraph, the department may charge the member the
30 maximum interest rate authorized by law.

31

1 Section 11. Section 250.115, Florida Statutes, is
2 amended to read:

3 250.115 Department of Military Affairs direct-support
4 organization.--

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

7 (a) "Direct-support organization" means an
8 organization that is:

9 1. A Florida corporation not for profit, incorporated
10 under ~~the provisions of~~ chapter 617 and approved by the
11 Department of State.

12 2. Organized and operated exclusively to raise funds;
13 request and receive grants, gifts, and bequests of moneys;
14 acquire, receive, hold, invest, and administer in its own name
15 securities, funds, or property; and make expenditures to or
16 for the direct or indirect benefit of the Department of
17 Military Affairs or the Florida National Guard.

18 3. Determined by the Department of Military Affairs to
19 be operating in a manner consistent with the goals of the
20 Department of Military Affairs and the Florida National Guard
21 and in the best interest of the state. Any organization that
22 is denied certification by the Adjutant General may not use
23 the name of the Florida National Guard or the Department of
24 Military Affairs in any part of its name or its publications.

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

27 (2) BOARD OF DIRECTORS.--The organization shall be
28 governed by a board of directors. The Adjutant General, or his
29 or her designee, shall appoint a ~~serve as~~ president of the
30 board. The board of directors shall consist of up to 15
31 members appointed by the president of the board ~~Adjutant~~

1 ~~General~~. Up to 15 additional members may ~~shall~~ be appointed by
2 the board of directors. The terms of office of the members
3 shall be 3 years. Members must be residents of the state and
4 highly knowledgeable about the United States military, its
5 service personnel, and its missions. In making appointments,
6 the board must consider a potential member's background in
7 community service. The board ~~Adjutant General~~ may remove any
8 member for cause and shall fill vacancies that occur.

9 (3) USE OF PROPERTY.--

10 (a) The Department of Military Affairs ~~may Adjutant~~
11 ~~General is authorized to~~ permit the use of property,
12 facilities, and personal services of the Department of
13 Military Affairs by the direct-support organization, subject
14 to the provisions of this section.

15 (b) The Department of Military Affairs ~~Adjutant~~
16 ~~General~~ may prescribe by rule any condition with which a
17 direct-support organization organized under this section must
18 comply in order to use property, facilities, or personal
19 services of the Department of Military Affairs.

20 (c) The Department of Military Affairs ~~Adjutant~~
21 ~~General~~ may not permit the use of its property, facilities, or
22 personal services ~~of the Department of Military Affairs~~ by any
23 direct-support organization organized under this section which
24 ~~that~~ does not provide equal employment opportunities to all
25 persons regardless of race, color, national origin, gender
26 ~~sex~~, age, or religion.

27 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or
28 agreement between the direct-support organization organized
29 pursuant to this section and another direct-support
30 organization or center of technology innovation designated
31

1 under s. 1004.77 must be approved by the Department of
2 Military Affairs Adjutant General.

3 (5) ANNUAL BUDGETS AND REPORTS.--The direct-support
4 organization shall submit to the Department of Military
5 Affairs Adjutant General its federal Internal Revenue Service
6 Application for Recognition of Exemption form (Form 1023) and
7 its federal Internal Revenue Service Return of Organization
8 Exempt from Income Tax form (Form 990).

9 (6) ANNUAL AUDIT.--The direct-support organization
10 shall provide for an annual financial audit in accordance with
11 s. 215.981.

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

14 250.12 Appointment of commissioned and warrant
15 officers.--The appointment of commissioned officers and
16 warrant officers shall conform in number, rank, and
17 designation, and shall be based upon and made in conformity
18 with tables of organization for the National Guard as
19 prescribed in National Guard regulations published by the
20 National Guard Bureau. The appointees shall hold their
21 appointments subject to continuance of federal recognition, or
22 attainment of age 64 years, unless relieved by reason of
23 resignation or disability, or for a cause to be determined by
24 a court-martial or efficiency board, legally convened for that
25 purpose. Vacancies shall, when practicable, be filled by
26 appointment from personnel of the Florida National Guard ~~of~~
27 ~~this state~~.

28 Section 13. Section 250.16, Florida Statutes, is
29 amended to read:

30 250.16 Authority to incur charge against state.--An ~~No~~
31 officer of the militia or Florida National Guard may not ~~shall~~

1 make any purchases or enter into any contract or agreement for
2 purchases or services as a charge against the state without
3 the authority of the Adjutant General.

4 Section 14. Section 250.175, Florida Statutes, is
5 amended to read:

6 250.175 Trust funds; authorization; name; purpose
7 ~~Federal Law Enforcement Trust Fund.--~~

8 (1)(a) The Federal Law Enforcement Trust Fund is
9 created within the Department of Military Affairs. The
10 department shall deposit into the trust fund moneys received
11 from the forfeiture of assets obtained through illegal drug
12 activities, which shall be used to support law enforcement and
13 counter-drug activities and drug interdiction programs of the
14 Florida National Guard.~~The department may deposit into the~~
15 ~~trust fund receipts and revenues received as a result of~~
16 ~~federal criminal, administrative, or civil forfeiture~~
17 ~~proceedings and receipts and revenues received from federal~~
18 ~~asset-sharing programs. The trust fund is exempt from the~~
19 ~~service charges imposed by s. 215.20.~~

20 (b)(2) ~~Notwithstanding the provisions of s. 216.301~~
21 ~~and pursuant to s. 216.351, any balance in the trust fund at~~
22 ~~the end of any fiscal year will shall remain in the trust fund~~
23 ~~at the end of the year and shall be available for carrying out~~
24 ~~the purposes of the trust fund. This trust fund is exempt from~~
25 ~~the service charges imposed by s. 215.20.~~

26 (2)(a) The Emergency Response Trust Fund is created
27 within the Department of Military Affairs. Reimbursements from
28 the Federal Emergency Management Agency for the costs of
29 activating the Florida National Guard and transfers of state
30 funds approved by budget amendments processed under chapter
31 216 shall be deposited into the trust fund. The trust fund

1 shall be used to pay all operational costs incurred by the
2 Florida National Guard when called to active duty.

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

8 (c) Notwithstanding s. 216.301 and pursuant to s.
9 216.351, any balance in the trust fund at the end of any
10 fiscal year shall remain in the trust fund and is available
11 for carrying out the purposes of the trust fund. The trust
12 fund is exempt from the service charges imposed by s. 215.20.

13 (3)(a) The Camp Blanding Management Trust Fund is
14 created within the Department of Military Affairs. The
15 department shall deposit funds generated by revenue-producing
16 activities on the Camp Blanding Military Reservation into the
17 trust fund, which shall be used to support required training
18 of the Florida National Guard.

19 (b) Notwithstanding s. 216.301 and pursuant to s.
20 216.351, any balance in the trust fund at the end of any
21 fiscal year shall remain in the trust fund and is available
22 for carrying out the purposes of the trust fund. The trust
23 fund is exempt from the service charges imposed by s. 215.20.

24 (4)(a) The Cooperative Agreement Trust Fund is created
25 within the Department of Military Affairs. The department
26 shall deposit into the trust fund federal funds received by
27 the department under cooperative agreements between the
28 federal and state governments, which shall be used to perform
29 the functions and tasks specified in the agreements. The
30 department shall also deposit into the trust fund other funds
31 received by the department.

1 (b) Notwithstanding s. 216.301 and pursuant to s.
2 216.351, any balance in the trust fund at the end of any
3 fiscal year shall remain in the trust fund and is available
4 for carrying out the purposes of the trust fund.

5 Section 15. The Legislature intends to codify section
6 1 of chapter 2002-167, Florida Statutes, which created the
7 Emergency Response Trust Fund within the Department of
8 Military Affairs, as section 250.175(2), Florida Statutes; to
9 codify as section 250.175(3), Florida Statutes, the Camp
10 Blanding Management Trust Fund within the Department of
11 Military Affairs, FLAIR number 62-2-069; and to codify as
12 section 250.175(4), Florida Statutes, the Armory Board Trust
13 Fund within the Department of Military Affairs, FLAIR number
14 62-2-039, which is redesignated as the Cooperative Agreement
15 Trust Fund.

16 Section 16. Section 250.18, Florida Statutes, is
17 amended to read:

18 250.18 Commissioned officers and warrant officers;7
19 clothing and uniform allowance.--Each commissioned officer and
20 warrant officer of the Florida National Guard must provide his
21 or her own uniform,

22 ~~(1) Acceptance of appointment as a commissioned or~~
23 ~~warrant officer in the National Guard of Florida shall involve~~
24 ~~an obligation upon the part of the appointee to immediately~~
25 ~~supply such arms, uniform, and articles of personal military~~
26 ~~equipment as are prescribed under Department of the Army and~~
27 ~~Department of the Air Force regulations for commissioned or~~
28 ~~warrant officers of the National Guard or officers of the Army~~
29 ~~or Air Force of the United States, of like grade and office.~~

30 ~~(2) There shall be paid, upon appointment, to each~~
31 ~~federally recognized commissioned and warrant officer in the~~

1 ~~Florida National Guard, upon the officer's requisition,~~
2 ~~approved by the Adjutant General, the sum of \$100 as a uniform~~
3 ~~allowance.~~

4 Section 17. Section 250.19, Florida Statutes, is
5 amended to read:

6 250.19 Expenses for travel on military business.--Any
7 officer or enlisted person of the Florida National Guard,
8 traveling on military business not with troops, in obedience
9 to the orders of the Governor, must ~~shall~~ be reimbursed for
10 expenses incurred in the performance of such duties as
11 prescribed by law for state officers and employees.

12 Section 18. Section 250.20, Florida Statutes, is
13 amended to read:

14 250.20 Armory operations;~~Maintenance~~ allowances.--

15 (1) A monetary allowance ~~There~~ shall be paid quarterly
16 to the post commander of each Florida National Guard armory
17 from funds appropriated to the Department of Military Affairs,
18 upon the approval of the Adjutant General, ~~a monetary~~
19 ~~allowance~~ based on a calculation of need ~~as~~ determined by the
20 Adjutant General, exclusive of any space utilized and
21 maintained by a federally funded activity of the Florida
22 National Guard. The allowance shall cover costs for the
23 operation, maintenance, and repair of the armory facilities,
24 ~~and for necessary expenses of the units located at the armory.~~
25 The amount of the allowance shall be computed by the Adjutant
26 General as of June 30 of each year for purposes of determining
27 the total amounts payable for inclusion in his or her budget
28 request to the Legislature.

29 (2) Payment of all allowances authorized under this
30 section are ~~shall be~~ subject to ~~such rules as may be~~
31 prescribed by the Adjutant General and all moneys ~~so~~ paid are

1 ~~shall be treated as~~ public moneys and must be accounted for as
2 prescribed by rules. All funds must be deposited into a
3 federal depository approved by the Department of Military
4 Affairs.

5 (3) ~~If in the event~~ an insufficient appropriation is
6 ~~be~~ made to the Department of Military Affairs to pay the
7 allowances ~~hereinabove~~ set forth in subsection (1), or if for
8 other sufficient reason the said amounts require
9 redistribution among the National Guard armories, ~~then~~ the
10 amount to be paid to such armories shall be adjusted as ~~may be~~
11 administratively determined by the Adjutant General. Each post
12 commander is responsible for the proper receipt and
13 distribution of the post armory operations allowance, as
14 directed by the Department of Military Affairs.

15 Section 19. Section 250.23, Florida Statutes, is
16 amended to read:

17 250.23 Pay for state active duty ~~service in state.~~--

18 (1) Officers and enlisted personnel of the Florida
19 National Guard, when ordered to state active duty ~~service by~~
20 ~~the state, as now defined by law,~~ shall receive the pay and
21 allowance ~~as~~ prescribed in the applicable pay tables for
22 similar grades and periods of service of personnel in the
23 United States Army or Air Force. All ~~Enlisted~~ personnel shall
24 be provided subsistence in kind or commutation therefor in the
25 ~~such~~ amount ~~as may be~~ prescribed by the Adjutant General.

26 (2) Enlisted personnel of the Florida National Guard
27 who are ordered to state active duty ~~service by the state, as~~
28 ~~now defined by law,~~ shall be paid \$20 per day in addition to
29 any ~~and all~~ other compensation provided.

30 Section 20. Section 250.24, Florida Statutes, is
31 amended to read:

1 250.24 Pay and expenses; appropriation; procedures.--
2 (1) The pay and expenses of troops ordered to state
3 ~~out in active duty service of the state~~ shall be paid from any
4 appropriation for preserving the public peace or from the pay
5 and expenses of troops ordered out in aid of civil
6 authorities. Payments shall be made upon prescribed forms of
7 payrolls and vouchers, accompanied by copies of the order
8 under which troops were acting, certified by the Adjutant
9 General and approved by the Governor. In those instances
10 where the payment will be made from the Department of Military
11 Affairs annual appropriation, the payroll need not be approved
12 by the Governor. The Adjutant General shall be the sole
13 authority of ~~said pay for state active duty~~.
14 (2) An estimated cost for pay, allowances, and
15 expenses shall be calculated by the Adjutant General as soon
16 as possible after the troops are ordered to state ~~out in~~
17 ~~active duty service of the state~~; and the Adjutant General
18 shall request a release of moneys for such purpose.
19 (3) Notwithstanding ~~the provision of~~ s. 216.271,
20 moneys for pay and allowances of the troops ordered to state
21 ~~out in active duty service of the state~~ shall be deposited in
22 the Emergency Response Trust Fund ~~a separate revolving fund~~,
23 which must ~~shall~~ be approved by the Comptroller and is ~~shall~~
24 ~~be~~ subject to ~~the provisions of~~ s. 18.101(2). The Department
25 of Military Affairs shall administer the fund. Frequency of
26 payments to such troops shall be at the discretion of the
27 Adjutant General. The Department of Military Affairs shall
28 present to the Comptroller audit documentation of such
29 payments. The Department of Military Affairs shall maintain
30 all employee records relating to payments made pursuant to
31 this subsection and shall furnish to the Comptroller the

1 information necessary to update the payroll master record of
2 each employee.

3 (4) The fund balance remaining in the Emergency
4 Response Trust Fund ~~this separate revolving fund~~ after a final
5 accounting of all expenditures for pay and allowances of the
6 troops shall be returned for deposit to the State Treasury
7 within 45 days after the termination of state active duty of
8 the troops, except that an operating balance in an amount
9 mutually agreed upon by the Comptroller and the Department of
10 Military Affairs shall be retained in the fund.

11 (5) Vouchers for expenditures other than such pay and
12 allowances shall be presented to the Comptroller for approval
13 and payment as prescribed by law.

14 Section 21. Section 250.25, Florida Statutes, is
15 amended to read:

16 250.25 Governor and Comptroller authorized to borrow
17 money.--When a ~~there is no~~ state appropriation is not
18 available for the pay and expenses of troops called to state
19 ~~out in~~ active duty ~~service~~ to preserve the peace or in aid of
20 civil authorities, and funds are not immediately available for
21 this purpose, the Governor and Comptroller may borrow money to
22 make such payments, in the ~~such sum or sums as may from time~~
23 ~~to time be~~ required, and any such loans, ~~so obtained,~~ shall be
24 promptly repaid out of the first funds that become available
25 for that ~~such~~ use.

26 Section 22. Section 250.26, Florida Statutes, is
27 amended to read:

28 250.26 Transfer of funds.--Where the available funds
29 are not sufficient for the purposes specified in ss. 250.23,
30 250.24, and 250.34, the Governor and Comptroller may transfer
31 from any available fund in the State Treasury the, ~~such sum as~~

1 ~~may be~~ necessary to meet the ~~such~~ emergency, and the ~~said~~
2 moneys must, ~~so transferred,~~ shall be repaid to the fund from
3 which transferred when moneys become available for that
4 purpose by legislative appropriation or otherwise.

5 Section 23. Section 250.28, Florida Statutes, is
6 amended to read:

7 250.28 Military support ~~Order for troops~~ to aid civil
8 authorities.--When an invasion or insurrection in the state is
9 made or threatened, or whenever there exists a threat to
10 security, a terrorist threat or attack, a riot, a mob, an
11 unlawful assembly, a breach of the peace, or resistance to the
12 execution of the laws of the state, or ~~there is~~ imminent
13 danger thereof, which and the civil authorities are unable to
14 suppress ~~the same~~, the Governor, or in case the Governor
15 cannot be reached and the emergency will not permit ~~of~~
16 awaiting his or her orders, the Adjutant General, shall issue
17 an order to the officer in command of the body of troops best
18 suited for the duty for which a military force is required,
19 directing the officer to proceed with the troops, or as many
20 thereof as ~~may be~~ necessary, with all possible promptness, to
21 respond to suppress the invasion, insurrection, threat to
22 security, terrorist threat or attack, riot, mob, unlawful
23 assembly, breach of the peace, or resistance to execution of
24 the laws of the state ~~same~~.

25 Section 24. Section 250.29, Florida Statutes, is
26 amended to read:

27 250.29 Duty of officer receiving order to provide
28 emergency aid to civil authority; penalty for failure to
29 comply.--Any officer receiving an order to provide emergency
30 aid to a civil authority ~~such orders~~ shall immediately notify
31 ~~the officers and enlisted~~ personnel under his or her command,

1 and as soon as the ~~officer's~~ troops can be assembled, proceed
2 to the duty site. If responding to a civil disturbance, ~~place~~
3 ~~where such mob or body of riotous persons assembled to break~~
4 ~~the law may be,~~ and the officer, or the sheriff of the county
5 or other law enforcement ~~peace~~ officer accompanying the
6 officer, shall warn all such persons to desist and disperse,
7 and shall use the ~~such~~ force ~~as may be~~ necessary to restore
8 peace and overcome resistance. Any officer who fails ~~failing~~
9 to comply with ~~the provisions of~~ this section and any officer
10 or enlisted person who is ~~so~~ notified by his or her commanding
11 officer ~~and,~~ who fails ~~shall fail~~ to obey such order, unless
12 prevented by physical disability, commits a misdemeanor of the
13 first ~~second~~ degree, punishable as provided in s. 775.082 or
14 s. 775.083, and may also be punished as a court-martial
15 ~~directs dismissed or dishonorably discharged by sentence of~~
16 ~~court-martial.~~

17 Section 25. Section 250.30, Florida Statutes, is
18 amended to read:

19 250.30 Orders of civil authorities; tactical direction
20 of troops; efforts to disperse before attack.--When an armed
21 force is called out in aid of the civil authorities, the
22 orders of the civil officer or officers may extend to a
23 direction of the general or specific objects to be
24 accomplished and the duration of service by the Florida
25 National Guard ~~active militia~~, but the tactical direction of
26 the troops, the kind and extent of force to be used, and the
27 particular means to be employed to accomplish the objects
28 specified by the civil officers, are left solely to the
29 officers of the Florida National Guard ~~active militia~~. Every
30 endeavor consistent with the preservation of life and property
31 must be made, both by the civil officers and officers

1 commanding the troops, to induce rioters or persons lawlessly
2 assembled to disperse before an attack is made upon them by
3 which their lives may be endangered.

4 Section 26. Section 250.31, Florida Statutes, is
5 amended to read:

6 250.31 Liability of members of the organized militia;
7 defense of actions or proceedings.--

8 (1) Members of the Florida National Guard ~~organized~~
9 ~~militia~~ ordered into state ~~the~~ active duty or full-time
10 National Guard duty ~~service of the state~~ or ordered into
11 federal training or duty are ~~shall not be~~ liable, civilly or
12 criminally, for any lawful act ~~or acts~~ done by them in the
13 performance of their duty, while acting in good faith and
14 while acting in the scope of either state or federal duty. For
15 purposes of this section, Florida National Guard personnel
16 serving in any drug interdiction program under the authority
17 of the Governor are ~~shall be considered to be~~ in state ~~the~~
18 active duty ~~service of the state~~.

19 (2) In any action or proceeding of any nature, civil
20 or criminal, commenced in any court by any person or by the
21 state against any member of the Florida National Guard
22 ~~organized militia~~ because of any ~~such~~ act done or caused,
23 ordered, or directed to be done, the defendant in such action
24 or proceeding, upon his or her request, shall be defended at
25 the expense of the state by a qualified attorney ~~or attorneys~~
26 designated by the Department of Legal Affairs. However,
27 ~~nothing in~~ this section does not ~~shall~~ prohibit ~~any~~ such
28 defendant from employing his or her own private counsel at the
29 defendant's own expense.

30 (3) A ~~Such~~ defendant may be ordered to state active
31 duty with full pay and allowances for the ~~such~~ time ~~as~~ his or

1 her presence is required in defense of such actions or
2 proceedings.

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

9 Section 27. Section 250.32, Florida Statutes, is
10 amended to read:

11 250.32 Commanding officer's control of arms
12 sales.--When any part of the militia of Florida is on state ~~in~~
13 active duty ~~service~~ by the order of the Governor to aid in the
14 enforcement of the laws, the commanding officer of such troops
15 may order the closing of any places where arms, ammunition,
16 dynamite, explosives, or intoxicating liquors, are sold, and
17 may forbid the selling, bartering, lending, or giving away of
18 any of those ~~said~~ commodities in the city, town, or village
19 where the troops are on duty, or in the vicinity of such
20 place, for so long as any of the troops remain on duty in the
21 ~~said~~ vicinity. Such orders shall take effect whether any
22 civil officer has issued a similar order; and the commanding
23 officer of the ~~such~~ troops may continue to enforce the ~~said~~
24 prohibition ~~in force~~ until the departure of the troops,
25 although the sheriff, mayor, or intendant of the county, city,
26 town, or village may have prescribed an earlier or different
27 date after which such selling, bartering, lending, or giving
28 away may ~~shall~~ be carried on.

29 Section 28. Section 250.33, Florida Statutes, is
30 amended to read:

31

1 250.33 Powers of commanding officer on state ~~in~~ active
2 duty service.--The commanding officer of troops on state ~~in~~
3 ~~camp, garrison, or other~~ active duty service may incarcerate
4 and detain, until such person can be turned over to the civil
5 authorities, any person guilty of drunkenness, breach of the
6 peace, or disorderly conduct, within 1 mile of a a ~~such~~ camp,
7 garrison, or station. The ~~Such~~ commanding officer may also
8 abate any menace to the health or safety of his or her
9 command, camp, garrison, or station.

10 Section 29. Section 250.34, Florida Statutes, is
11 amended to read:

12 250.34 Injury or death on state ~~in~~ active duty
13 service.--

14 (1) Every member of the Florida National Guard
15 ~~organized militia~~ who is ~~shall be~~ injured or disabled while on
16 state ~~in the~~ active duty ~~must~~ military service of the state
17 ~~under competent orders shall~~ be furnished medical attention
18 and necessary hospitalization at the expense of the state, and
19 must ~~shall~~ be continued in a pay status on state ~~in the~~ active
20 duty service of the state until ~~such time as~~ a board of
21 inquiry, appointed by the Adjutant General, determines ~~may~~
22 ~~determine~~ that the disability no longer justifies such pay,
23 hospitalization, or medical attention. ~~However, provided that~~
24 ~~in no instance will~~ such pay, hospitalization, or medical
25 attention may not be provided for ~~a period extending~~ more than
26 1 year after ~~from~~ the date that the ~~such~~ injury or disability
27 was incurred; and the ~~provided further, that~~ ~~such~~ injury or
28 disability must have been ~~was~~ incurred in the line of duty,
29 may and not have been due to the misconduct of the ~~such~~
30 individual who was ~~so~~ injured or disabled, and may not be a
31

1 ~~preexisting condition as determined by a line of duty board~~
2 ~~appointed by the Adjutant General.~~

3 (2) The pay such individual is ~~shall be~~ entitled to
4 receive up to ~~during the period of~~ 1 year after ~~from~~ the date
5 of injury or disability shall be either the full military pay
6 and allowances to which the ~~such~~ individual would be entitled
7 if on full-time state active duty ~~service~~ or the amount of
8 compensation provided under ss. 440.14~~[F. S. 1973]~~ and 440.15
9 ~~[F. S. 1973]~~, based on the ~~such~~ individual's average weekly
10 wages in his or her civilian occupation or employment at the
11 time of entry into state active duty ~~service of the state~~
12 during which such injury arose, whichever amount is greater.
13 If a person receiving pay under this subsection obtains
14 gainful employment, whether part time or full time, the pay
15 that he or she is entitled to under this subsection shall be
16 reduced during the duration of that gainful employment by an
17 amount equal to the amount earned from that gainful
18 employment.

19 (3) After the expiration of 1 year following ~~from~~ the
20 date of injury or disability, such individual shall be
21 provided hospitalization, medical services and supplies, and
22 compensation for wages and compensation for disability based
23 on the average weekly wages of such injured individual on pay
24 status in state ~~the~~ active duty ~~service of the state~~ or in his
25 or her civilian occupation or employment, whichever is
26 greater, in amounts provided under chapter 440~~[F. S. 1973]~~,
27 as if such individual were covered under the Workers'
28 Compensation Law, except that payments made during the first
29 year after the ~~such~~ injury may ~~shall~~ not be duplicated after
30 the expiration of that year. The Division of Risk Management
31 of the Department of Insurance shall process ~~is responsible~~

1 ~~for processing all claims for~~ benefits under this subsection.
2 The Division of Risk Management shall forward each January, to
3 the Department of Military Affairs, an invoice of the payments
4 and associated legal costs made under this subsection during
5 the prior calendar year. The Department of Military Affairs
6 shall incorporate the amount of the invoice in its annual
7 legislative budget request that begins the following July. The
8 Department of Military Affairs shall reimburse the Division of
9 Risk Management for the invoiced amount upon receipt of the
10 funds.

11 (4) Each ~~Every~~ member of the Florida National Guard
12 ~~organized militia~~ who is ~~shall be~~ killed, or who dies ~~shall~~
13 ~~die~~ as the result of injuries incurred, while on state ~~in~~
14 active duty ~~military service of the state~~ under competent
15 orders qualifies ~~shall qualify~~ for benefits as a law
16 enforcement officer pursuant to ~~the provisions of~~ s. 112.19 or
17 any successor statute providing for death benefits for law
18 enforcement officers, and the decedent's survivors or estate
19 are ~~shall be~~ entitled to the death benefits provided in s.
20 112.19 ~~therein~~. However, ~~nothing in~~ this section does not
21 ~~shall~~ prohibit survivors or the estate of the ~~any such~~
22 decedent from presenting a claim bill for approval by ~~of~~ the
23 Legislature in addition to the death benefits provided in this
24 section.

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

30 Section 30. Section 250.341, Florida Statutes, is
31 amended to read:

1 250.341 Cancellation of health insurance.--

2 (1) Any health insurance policy, certificate, or
3 evidence of health coverage, ~~which was in effect on April 30,~~
4 ~~1991, or which is issued or renewed after such date that~~
5 provides coverage to a member of the Florida National Guard,
6 or a member of any branch of the United States military
7 reserves who is a resident of this state, called to active
8 duty or state active military duty, must:

9 (a)~~(1)~~ Continue all coverages that ~~which~~ were in
10 effect for the person, or the person's dependents covered by
11 the same policy, at the premium in effect for all insured
12 under the same contract, unless the employee or insured
13 requests coverage changes that ~~which~~ might alter the premium
14 he or she was paying prior to such activation during the time
15 he or she serves on active duty.

16 (b)~~(2)~~ Reinstate the coverage for any such person who
17 elects not to continue it while on active duty or state active
18 duty, at the person's request upon return from active duty or
19 state active duty, without a waiting period or
20 disqualification for any condition that ~~which~~ existed at the
21 time he or she was called to active duty or state active duty.
22 Such reinstatement must be requested within 30 days after
23 returning to work with the same employer or within 60 days if
24 the policy is an individual policy.

25 (2)~~(3)~~ Any coverage available to the insured
26 employee's dependent under any insurance sponsored by the
27 Department of Defense must ~~the CHAMPUS program will~~ be
28 considered in the payment of any benefits.

29 (3)~~(4)~~ The employee or other appropriate military
30 authority must notify his or her employer of his or her
31 reserve or National Guard status and the employee's intent to

1 invoke the provisions of subsection (1)~~subsections (1) and~~
2 ~~(2)~~ prior to leaving his or her employer to report for active
3 duty or state active military duty. Prior notice to the
4 employer is not required if such notice is precluded by
5 military necessity or if such notice is impossible or
6 unreasonable.

7 ~~(4)(5) Nothing in This section does not is intended to~~
8 require an employee group health insurance policy to provide
9 coverage to a person serving on state active military duty.

10 Section 31. Section 250.35, Florida Statutes, is
11 amended to read:

12 250.35 Courts-martial.--

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

18 (2) Courts-martial may try any member of ~~the organized~~
19 ~~militia or~~ the Florida National Guard for any crime or offense
20 made punishable by the Uniform Code of Military Justice (2002
21 Edition)~~as of January 1, 1992,~~ except that a commissioned
22 officer, warrant officer, or cadet may not be tried by summary
23 courts-martial.

24 (3) Courts-martial in the state shall be of three
25 kinds, namely: general courts-martial, special courts-martial,
26 and summary courts-martial. General courts-martial and special
27 courts-martial shall be tried by a military judge and a panel
28 of officers ~~and noncommissioned officers~~ as designated in
29 applicable National Guard regulations. However, a panel may
30 include enlisted members, at the request of an enlisted
31 defendant. The military judge must ~~shall~~ be qualified by

1 attendance at appropriate Judge Advocate General schools and
2 ~~must shall~~ be certified as qualified by the Adjutant General
3 of Florida. In a general and special court-martial, the
4 defendant may waive trial by panel and request trial by
5 military judge alone. The granting of such waiver shall be in
6 the military judge's discretion.

7 (4) General courts-martial in the Florida National
8 Guard may be convened by order of the President of the United
9 States, the Governor, or the Adjutant General as delegated by
10 the Governor, and such courts may shall have the power to
11 adjudge a fine not exceeding \$200; \$500, confinement not in
12 excess of 200 days; , forfeiture of all pay and allowances; ,
13 reprimand, dismissal, or dishonorable discharge from the
14 service; , and reduction to the lowest enlisted grade or any
15 intermediate grade for enlisted personnel. Any two or more of
16 such punishments may be combined in the sentence ~~herein~~
17 authorized in this section ~~to be adjudged by such courts.~~

18 (5) When not in the active service of the United
19 States, the commanding officer of each major command of the
20 Florida National Guard or his or her superior commander may
21 convene ~~a special courts-martial court-martial~~ empowered to
22 adjudicate a bad conduct discharge from the service for that
23 ~~command~~, subject to the procedural protections provided in 10
24 U.S.C. s. 819. Special courts-martial with bad conduct
25 discharge authority ~~shall~~ have the same powers of punishment
26 as do general courts-martial, except that fines adjudged by
27 ~~such~~ special courts-martial may shall not exceed \$100 for a
28 single offense ~~\$300~~ and confinement may not exceed 100 days.
29 Special courts-martial with bad conduct discharge authority
30 may shall ~~specifically have the authority to~~ adjudicate
31 ~~dismissal or~~ a bad conduct discharge from the service, but may

1 not adjudicate a dismissal or dishonorable discharge from the
2 service.

3 (6) When not in the active service of the United
4 States, the commanding officer of each garrison, fort, post,
5 camp, air base, auxiliary air base, any other place where
6 troops are on duty, division, brigade, group, regiment,
7 battalion, wing, or squadron may convene special
8 courts-martial for his or her command; but such special
9 courts-martial may ~~in any case~~ be convened by superior
10 commanders when ~~by the latter deemed~~ advisable. Special
11 courts-martial ~~shall~~ have the same powers of punishment as ~~do~~
12 general courts-martial, except that fines adjudged by ~~such~~
13 special courts-martial may ~~shall~~ not exceed \$100 for a single
14 offense, ~~\$300 and~~ confinement may not exceed 100 days, and
15 dismissal or discharge from the service may not be
16 adjudicated.

17 (7) When not in the active service of the United
18 States, the commanding officer of each battalion, higher
19 headquarters, or similar type unit may convene summary
20 courts-martial for such place or command. Any person who may
21 convene a general court-martial or special court-martial may
22 convene a summary court-martial. A Summary courts-martial may
23 court ~~shall have the power to~~ adjudge a fine not in excess of
24 \$25~~\$200~~ per offense, confinement not in excess of 25 days ~~per~~
25 court-martial, forfeiture of pay and allowances, and reduction
26 by one grade ~~per court-martial~~ of members whom the convening
27 authority had the authority to promote to their present grade.
28 Any two or more of such punishments may be combined in the
29 sentence authorized to be imposed by such courts, except that
30 confinement may not be combined with a fine.

31

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

5 (a) Oral or written reprimand.

6 (b) Extra duty for 14 days.

7 (c) Restriction for 14 days.

8 (d) Fines of \$25~~\$200~~.

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

11 (f) Any combination of paragraphs (a)-(e), except that
12 a combination of punishment imposed under paragraphs (b) and
13 (c) may not exceed 14 days.

14 (9) A finding of guilt and the sentence of a summary
15 court-martial may be appealed to the convening authority. If a
16 sentence of imprisonment has been adjudged, the findings and
17 sentence may be appealed to the Adjutant General.

18 ~~(10)(9)~~(a) A finding of guilt and the sentence of a
19 court-martial convened under this chapter, as approved by the
20 convening authority and the Adjutant General if a sentence of
21 imprisonment has been adjudged, may be appealed to the First
22 District Court of Appeal for the district in which the
23 court-martial was held.

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

29 ~~(10)~~ A finding of guilt and the sentence of a summary
30 court-martial may be appealed to the convening authority. In
31

1 ~~cases where a sentence of imprisonment has been adjudged the~~
2 ~~findings and sentence may be appealed to the Adjutant General.~~

3 (11) When the Florida National Guard is not in the
4 active service of the United States, a sentence of dismissal
5 from the service or dishonorable discharge from the service
6 ~~same~~, imposed by court-martial, may ~~shall~~ not be executed
7 until approved by the Governor.

8 Section 32. Section 250.351, Florida Statutes, is
9 created to read:

10 250.351 Court-martial; jurisdiction.--

11 (1) Members of the Florida National Guard are subject
12 to this chapter and the Uniform Code of Military Justice at
13 all times during their enlistment or appointment, whether
14 serving in this state or outside the state.

15 (2) A court-martial or court of inquiry may be
16 convened and held in a unit of the Florida National Guard
17 serving outside the state, and the court has the same
18 jurisdiction and powers as if the court-martial or court of
19 inquiry were held within the state. An offense committed
20 outside the state may be tried and punished outside the state
21 or within the state.

22 Section 33. Section 250.36, Florida Statutes, is
23 amended to read:

24 250.36 Mandates and process.--

25 (1) Military courts may issue all process and
26 mandates, including writs, warrants, and subpoenas, necessary
27 ~~and proper~~ to carry out ~~into full effect~~ the powers vested in
28 the said courts. Such mandates and process may be directed to
29 the sheriff of any county and must ~~shall~~ be in the ~~such~~ form
30 ~~as may, from time to time, be prescribed and published~~ by the
31 Adjutant General in the rules ~~and regulations~~ issued by him or

1 her under this chapter. All officers to whom such mandates
2 and process are directed must ~~shall~~ execute the same and make
3 returns of their acts thereunder, according to the
4 requirements of the form of process. Any sheriff or other
5 officer who neglects or refuses ~~shall neglect or refuse~~ to
6 perform the duty enjoined upon him or her by this chapter is
7 ~~shall be~~ subject to the same liabilities, penalties, and
8 punishments as are prescribed by the law for neglect or
9 refusal to perform any other duty of his or her office.

10 (2) When not in the active service of the United
11 States, the Adjutant General, or his or her designee, or a ~~and~~
12 military judge ~~judges~~ of the Florida National Guard may issue
13 a pretrial confinement warrant for the purpose of securing the
14 presence of an accused at trial. The warrant must be directed
15 to the sheriff of the county, directing the sheriff to arrest
16 the accused and bring the accused before the court for trial
17 if the accused has disobeyed an order in writing to appear
18 before the court which was delivered to the accused in person
19 or mailed to the accused's last known address, along with a
20 copy of the charges. Pretrial confinement may not exceed 48
21 hours. However, the Adjutant General or military judge may
22 extend pretrial confinement for not more than 15 days in order
23 to facilitate the presence of the accused at trial. For
24 purposes of this subsection, the term "military judge" does
25 not include a summary court-martial officer who is not
26 qualified to act as a military judge in general or special
27 courts-martial.+

28 (a) ~~Execute a pretrial confinement warrant directing~~
29 ~~the sheriff of any county to hold an accused who has failed to~~
30 ~~appear for court-martial for a period of 48 hours. The~~

31

1 ~~Adjutant General may extend such pretrial confinement for a~~
2 ~~period not to exceed 15 days;~~

3 ~~(b) Issue subpoenas and subpoenas duces tecum and~~
4 ~~enforce by attachment the attendance of witnesses and the~~
5 ~~production of books and papers; and~~

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

8
9 ~~Such warrants, subpoenas, and other process shall run~~
10 ~~throughout the state as in the trial of civil actions in the~~
11 ~~circuit courts of the state.~~

12 ~~(3) When not in the active service of the United~~
13 ~~States, the Adjutant General, or his or her designee, or a~~
14 ~~military judge of the Florida National Guard may issue~~
15 ~~subpoenas and subpoenas duces tecum and enforce by attachment~~
16 ~~the attendance of witnesses and the production of documents~~
17 ~~and other items of evidentiary value.~~~~The Adjutant General or~~
18 ~~military judge may issue warrants, directed to the sheriff of~~
19 ~~any county in the state, directing the sheriff to arrest the~~
20 ~~accused and to bring the accused before the court for trial~~
21 ~~whenever any such accused shall have disobeyed an order in~~
22 ~~writing, such order having been delivered to the accused in~~
23 ~~person or mailed to the accused's last known address from the~~
24 ~~convening authority to appear before such courts, a copy of~~
25 ~~the charges having been delivered to the accused with such~~
26 ~~orders.~~

27 ~~(4) When a sentence of confinement is imposed by any~~
28 ~~court-martial of the Florida National Guard, the Adjutant~~
29 ~~General or his or her the Adjutant General's designee whose~~
30 ~~approval makes effective the sentence imposed by the~~
31 ~~court-martial shall issue a ~~his or her~~ warrant directing the~~

1 sheriff of the appropriate county to take the convicted person
2 ~~delinquent~~ into custody and confine him or her in the jail of
3 such county for the period specified in the sentence of the
4 court. Any sheriff receiving such warrant must ~~shall~~ promptly
5 execute the warrant ~~same~~ by taking the convicted person
6 ~~delinquent~~ into custody and confining ~~causing~~ him or her ~~to be~~
7 ~~confined~~ in ~~said~~ jail. The sheriff or jailer in charge of any
8 county jail shall receive any person committed for confinement
9 in such jail under proper process from a court-martial, and
10 provide for the care, subsistence, and safekeeping of such
11 prisoner just as the sheriff or jailer would a prisoner
12 properly committed for custody under the sentence of any civil
13 court.

14 (5) All sums of money collected through fines adjudged
15 by a general, special, or summary court-martial or through the
16 imposition of nonjudicial punishment, of the Florida National
17 Guard shall be paid over at once by the officer collecting the
18 fine to the commanding officer of the organization to which
19 the member belongs and be deposited in accordance with s.
20 250.40(5)(c)1.s. ~~250.40(6)(a)1.~~

21 Section 34. Section 250.37, Florida Statutes, is
22 amended to read:

23 250.37 Expenses of courts-martial.--

24 (1) All expenses incurred in a court-martial
25 proceeding, including the payment of court reporters,
26 sheriff's fees for service of warrants, summons, subpoenas,
27 and all other necessary and lawful fees to civil officers for
28 service, and witness fees at the same rate allowed by law in
29 criminal cases, together with the pay, subsistence, and
30 necessary expenses of the members of the court, shall, except
31 as provided in subsection (4) ~~below~~, be paid by the state in

1 the usual manner upon the approval of the Governor. Members of
2 the court are entitled to reimbursement ~~shall be reimbursed~~
3 for travel expenses as provided in s. 112.061. Courts-martial
4 may subpoena any witness residing within the state to appear
5 and testify before it, and the sheriff of any county upon
6 receiving any subpoena issued by direction of a court-martial,
7 and signed by the military judge or president thereof ~~or~~
8 ~~summary court officer~~, shall make service and return of
9 service as provided by law in criminal cases.

10 (2) The employment of a court reporter shall be
11 authorized by the convening authority for all general
12 courts-martial, and may be authorized by the convening
13 authority for special courts-martial. When a court reporter is
14 employed, he or she shall be paid upon the certificate of the
15 military judge or president of the court and the approval of
16 the Adjutant General from the military appropriation, such
17 fees as are provided for official reporters.

18 (3) Fees for the service of all process issuing out of
19 military courts and for the attendance of witnesses to attend
20 such courts shall be the same as provided by law for the
21 service of similar process issued by the civil courts of the
22 state.

23 (4) In trials by summary court, the sheriff's costs
24 and fees, including costs of subsistence of the soldier ~~or~~
25 ~~soldiers~~, if sentenced to confinement, shall be paid by the
26 county in which the summary court convenes and exercises its
27 jurisdiction and powers. Such costs, fees, and subsistence
28 charges to be made from the fine and forfeiture fund of any
29 such county.

30 Section 35. Section 250.375, Florida Statutes, is
31 amended to read:

1 250.375 Medical officer authorization.--Physicians who
2 hold an active license to practice medicine in any other state
3 or Puerto Rico, while serving ~~in Florida~~ as medical officers
4 in the Florida National Guard, pursuant to federal or state
5 orders, are expressly authorized to practice medicine ~~in~~
6 ~~Florida~~ on military personnel or civilians during an
7 emergency, declared disaster, or during federal military
8 training.

9 Section 36. Section 250.38, Florida Statutes, is
10 amended to read:

11 250.38 Liability.--~~An~~ No action or proceeding may not
12 ~~shall~~ be prosecuted or maintained against a member of a ~~the~~
13 military court or officer or person acting under its authority
14 or reviewing its proceeding, ~~on account of the approval,~~or
15 imposition, or execution of any sentence; ~~or~~ the imposition or
16 collection of a fine or penalty; ~~or~~ the execution of any
17 warrant, writ, execution, process, or mandate of any military
18 court. The jurisdiction of the courts and boards established
19 by this chapter is ~~the code shall be~~ presumed, and the burden
20 of proof rests ~~will rest~~ upon any person seeking to divest
21 ~~oust~~ such courts or boards of jurisdiction in any action or
22 proceeding.

23 Section 37. Section 250.39, Florida Statutes, is
24 amended to read:

25 250.39 Penalty for contempt.--A ~~Any~~ person may not use
26 ~~who shall be guilty of~~ disorderly, contemptuous, or indecorous
27 language or expression to or before any military court, or any
28 member of such court, in open court, tending to interrupt its
29 proceedings, or ~~to~~ impair the respect due its authority,
30 commit ~~or who shall commit~~ any breach of the peace, or make
31 any noises or other disturbances, ~~directly tending to~~

1 interrupt its proceedings. After hearing before the military
2 judge, any person who is found to have violated this
3 subsection may be committed by warrant ~~by~~ ~~under the hand of~~
4 the Adjutant General or a military judge for not more than 30
5 days to the jail of the county in which ~~the said court sits~~
6 ~~shall sit, or may be fined up to \$100 per offense there to~~
7 ~~remain without bail in confinement for a time to be limited,~~
8 ~~not exceeding 3 days. For purposes of this subsection, a~~
9 ~~summary court-martial officer who is not qualified to act as a~~
10 ~~military judge in general or special courts-martial may~~
11 ~~conduct the contempt hearing and adjudicate a fine, but may~~
12 ~~not issue a warrant for confinement.~~

13 Section 38. Section 250.40, Florida Statutes, is
14 amended to read:

15 250.40 Armory Board; creation; membership, terms, and
16 compensation; duties and responsibilities ~~armories, how~~
17 ~~obtained.--~~

18 (1) There is created an ~~The~~ Armory Board, which is
19 charged with the supervision and control of all Florida
20 National Guard armories, facilities, and real property within
21 the state used for military purposes.

22 (2)(a) Voting members of the Armory Board include ~~of~~
23 ~~the state shall consist of~~ the Governor as Commander in Chief
24 and chair of the board, the Adjutant General as vice chair,
25 the Assistant Adjutants General, ~~the state quartermaster,~~ and
26 major command commanders reporting directly to the Adjutant
27 General, in the active Florida National Guard ~~of the state.~~ If
28 necessary due to exigencies of military duty, any member of
29 the board may delegate his or her deputy commander to attend
30 the meetings as an alternate member with voting privileges.

31 ~~This board is charged with the supervision and control of all~~

1 ~~military buildings and real property within the state applied~~
2 ~~to military uses.~~

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

7 (c) The State Quartermaster shall act as the recorder
8 and secretary of the Armory Board. In addition, the State
9 Quartermaster shall execute the policy, decisions, and
10 official actions of the board. When the board is in recess,
11 the State Quartermaster shall conduct the day-to-day business
12 of the board. The State Quartermaster and his or her staff are
13 not liable, civilly or criminally, for any lawful act done by
14 them in the performance of their duty, while acting in good
15 faith, and while acting in the scope of either state or
16 federal duty.

17 (3)(2) The term of each member of the Armory Board is
18 shall be the period during which the member possesses the
19 qualifications for such membership under the provisions of
20 subsection (1) of this section.

21 (4)(3) The members of the Armory Board must shall
22 perform the duties imposed upon them by the provisions of this
23 chapter without any special compensation for their services;
24 however, members of the Armory Board are eligible for
25 reimbursement shall be reimbursed for travel expenses as
26 provided in s. 112.061, and such expenses must shall be paid
27 from the expense appropriation from the Department of Military
28 Affairs for the expenses of the Florida National Guard.

29 (5)(4) The Armory Board must:

30 (a) Supervise and control all Florida National Guard
31 armories, military buildings, and real property within the

1 state used for military purposes.~~It shall be the duty of the~~
2 ~~Armory Board to consider~~

3 (b) Consider and approve the plans for ~~or of~~ all
4 armories and other buildings before such buildings are rented,
5 constructed, or otherwise acquired for military purposes ~~uses~~
6 ~~by the state.~~

7 (c)(5) Receive from counties, municipalities, and
8 other sources donations of land, services, or money to aid in
9 providing, operating, improving, and maintaining armories and
10 other facilities used for military purposes. The ~~Since our~~
11 national military policy recognizes the Florida ~~as enunciated~~
12 ~~in the National Defense Act recognized the National Guard as~~
13 ~~an important and necessary component of the~~ United States Army
14 and Air Force, and a member of the total force, sharing in the
15 defense of the country. The Florida National Guard is
16 available to assist the state and local governments in the
17 event of an emergency. Therefore, it is reasonable and
18 equitable that the expense of maintaining the Florida National
19 Guard be shared by the federal, state, and local governments.
20 ~~Army of the United States, and as the defense of the country~~
21 ~~is a joint responsibility of all political divisions and~~
22 ~~subdivisions thereof, and since the National Guard is a~~
23 ~~citizen force by reason of its militia status, it is~~
24 ~~considered equitable that the expense of the maintenance of~~
25 ~~the National Guard be not only shared by the state with the~~
26 ~~Federal Government, but that it should properly be shared also~~
27 ~~by the counties, cities, and other subdivisions of the state.~~
28 As the Federal Government is providing liberally for the
29 equipment and training of the Florida National Guard and the
30 state for its administration, and management, and maintenance,
31 local governments are encouraged to provide services at no

1 ~~cost to Florida National Guard armories.~~an equitable division
2 ~~of the responsibility of maintenance would leave with the~~
3 ~~communities in which units of the National Guard are~~
4 ~~established the duty of supplying the necessary personnel and~~
5 ~~adequate housing for the organization.~~

6 ~~(6) In order to provide for the cooperative support of~~
7 ~~the National Guard, and in order that armories may be provided~~
8 ~~which will furnish suitable training facilities and adequate~~
9 ~~storage accommodations for all arms, equipment, and other~~
10 ~~military property, the Armory Board is authorized to receive,~~
11 ~~from counties, municipalities, and other sources, donations of~~
12 ~~land and contributions of money to aid in providing,~~
13 ~~improving, and maintaining arsenals, armories, campsites,~~
14 ~~target ranges, and other facilities throughout the state.~~

15 ~~(a)1. Any contributions of money so donated, any~~
16 ~~moneys derived from the rental of armories and other~~
17 ~~facilities, any money derived from the rental of billeting~~
18 ~~operations at Camp Blanding Training Site, the~~
19 ~~armory-operations maintenance allowances provided in s.~~
20 ~~250.20, and all sums of money collected through fines imposed~~
21 ~~by a court-martial or nonjudicial proceeding a general,~~
22 ~~special, or summary court of the Florida National Guard, as~~
23 ~~provided in s. 250.36(5), shall be received on behalf of the~~
24 ~~Armory Board by the post commander commanding officer of such~~
25 ~~facility and must shall be deposited into a federal~~
26 ~~depository, approved by the Department of Military Affairs, in~~
27 ~~an account in a banking institution in the county in which~~
28 ~~such facility is located.~~

29 2. The funds ~~so~~ received shall be disbursed for the
30 purposes enumerated in this subsection at the discretion of
31 the post commander ~~council~~ according to rules ~~and regulations~~

1 established by the Armory Board. ~~The post council shall be~~
2 ~~made up of such members as are designated in the rules and~~
3 ~~regulations of the Armory Board; and the council is authorized~~
4 ~~to employ personnel to perform such functions as bookkeeping,~~
5 ~~maintenance, and janitorial services.~~

6 3.(b) Any real property ~~so~~ donated shall be held as
7 other property for ~~the~~ by of the state, and ~~such~~ counties
8 and municipalities may ~~are authorized and empowered to~~ make
9 ~~such~~ donations of lands by deed or long-term lease and
10 contributions of moneys for the purposes ~~herein~~ set forth in
11 this section, and may ~~to~~ issue bonds or certificates of
12 indebtedness to provide funds for such purposes. ~~and~~ Boards
13 of county commissioners may ~~are authorized to~~ levy taxes, not
14 to exceed 1 mill, to provide funds for the construction of
15 armories or for the retirement of ~~such~~ bonds or certificates
16 of indebtedness issued to provide funds for the construction
17 of armories.

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

21 ~~(8)~~ Counties and municipalities may ~~are~~ also
22 ~~authorized to~~ grant to the ~~State~~ Armory Board, ~~for military~~
23 ~~uses,~~ by deed or long-term leases, property that is ~~may have~~
24 ~~been~~ acquired, ~~or~~ buildings that are ~~may have been~~ constructed
25 for military purposes. Each local government is encouraged to
26 provide economic incentives to reduce the cost of locating
27 Florida National Guard facilities in its jurisdiction. A local
28 government may appropriate funds to pay expenses of the
29 Florida National Guard unit in its jurisdiction. Such funds
30 will be received, accounted for, and dispersed as other funds

31

1 received by the unit.~~by them, for use as armories and rifle~~
2 ~~ranges.~~

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

6 Whenever it becomes necessary in the public interest to
7 acquire private property ~~in order to provide necessary land~~
8 ~~for campgrounds, rifle ranges, or armories for the organized~~
9 ~~militia of the state, and the property same cannot be acquired~~
10 ~~by agreement satisfactory to the Armory Board and the parties~~
11 ~~interested in, or the owners of, the such private property,~~
12 ~~the armory board is authorized and empowered to exercise the~~
13 ~~right of eminent domain may be used and to proceed to condemn~~
14 ~~such property in the manner provided by law. Any suit or~~
15 ~~action brought by the Armory Board to condemn property, as~~
16 ~~provided for under this section, shall be brought in the name~~
17 ~~of the Armory Board; and it shall be the duty of the~~
18 ~~Department of Legal Affairs shall of the state to conduct the~~
19 ~~proceedings for and to act as the counsel of the board in such~~
20 ~~matters.~~

21 (e) Accept and hold title to real property, by deed or
22 long-term lease, from federal, state, or local governments, or
23 from private interests, for use as armories or for other
24 military purposes.

25 (f) Adopt rules for managing armories and other
26 facilities under the control of the Department of Military
27 Affairs. The rules must ensure that federal and state military
28 property is secure. Each unit commander shall provide for the
29 safekeeping, accountability, and proper care of such property
30 and for its protection against misappropriation or loss. An
31 armory, while it is occupied and in use by troops, is a

1 military post and must be under the control and jurisdiction
2 of the post commander. A building that is not under the
3 control and supervision of the post commander or other
4 properly constituted military authority may not be used to
5 house or train troops or to store military property.

6 (g) Supervise, manage, and maintain any permanent
7 structures or facilities used for military purposes which are
8 the property of the Department of Military Affairs or, if
9 property of the United States, are provided to the Department
10 of Military Affairs for military purposes. The Armory Board
11 may provide for the maintenance and care of armories and other
12 state facilities used for military purposes from any funds
13 that are available for that purpose. All moneys accruing to
14 the Armory Board from the operation, management, and sale of
15 properties or facilities as authorized in this paragraph may
16 be used for maintaining state properties under the control of
17 the Armory Board.

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

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

23 (j) Enter into a lease-purchase, sale-leaseback, or
24 tax-exempt leveraged lease contract or other financing
25 arrangement for acquiring, renovating, or constructing needed
26 facilities, subject to authorization by an appropriations act.
27 Each capital outlay project or other contract, agreement, or
28 transaction authorized under this paragraph must be
29 specifically approved by the Legislature.

30 (k) Report annually to the Adjutant General on the
31 proceedings incident to locating and managing armories and on

1 the management of other property entrusted to the care of the
2 Armory Board. The report must include a detailed account of
3 all disbursements and be made a part of the annual report of
4 the Department of Military Affairs.

5 ~~(10) The county commissioners, or municipal~~
6 ~~authorities, may, in their discretion, appropriate a~~
7 ~~sufficient sum, not otherwise appropriated, to pay the~~
8 ~~necessary expenses of any unit of the organized militia of the~~
9 ~~state located in their respective counties or municipalities,~~
10 ~~to be accounted for to the Adjutant General by the~~
11 ~~organization receiving such appropriation as other military~~
12 ~~funds.~~

13 Section 39. Section 250.43, Florida Statutes, is
14 amended to read:

15 250.43 Wearing of uniform and insignia of rank;
16 penalty.--

17 (1) The uniform or insignia of rank worn by officers
18 of the Florida National Guard shall be worn only by persons
19 entitled thereto by commission under the laws of the state or
20 the United States. Any person violating ~~any provision of this~~
21 subsection commits ~~section shall be~~ guilty of a misdemeanor of
22 the first ~~second~~ degree, punishable as provided in s. 775.082
23 or s. 775.083, and may also be punished as a court-martial
24 directs.

25 (2) Every person other than an officer or enlisted
26 person of the Florida National Guard, naval militia, or marine
27 corps of this state, ~~or any other state, Puerto Rico, or the~~
28 District of Columbia, or of the United States Army, Navy,
29 Marine Corps, or Air Force, ~~or Revenue Service,~~ who wears the
30 uniform of the United States Army, Navy, Marine Corps, Air
31 Force ~~Forces, or Revenue Service, or National Guard, Air~~

1 ~~National Guard~~, Naval Militia, or Marine Corps or any part of
2 such uniform, or a uniform or part of uniform similar thereto,
3 or in imitation thereof, within the bounds of the state,
4 except in cases where the wearing of such uniform is permitted
5 by the laws of the United States and the regulations of the
6 Secretary of Defense, commits a misdemeanor of the first
7 ~~second~~ degree, punishable as provided in s. 775.082 or s.
8 775.083. ~~Nothing in This section does not prohibit chapter~~
9 ~~shall be construed as prohibiting~~ persons in the theatrical
10 profession from wearing such uniforms while actually engaged
11 in such profession, in any playhouse or theater, in a
12 production in no way reflecting upon such uniform; does not
13 ~~and provided, that nothing in this chapter shall prohibit the~~
14 uniform rank of civic societies parading or traveling in a
15 body or assembling in a lodge room; and does provided further,
16 ~~that this section shall not apply to cadets of any military~~
17 school or to Boy Scouts or Girl Scouts.

18 Section 40. Section 250.44, Florida Statutes, is
19 amended to read:

20 250.44 Military equipment regulations; penalties.--

21 (1) Any person who sells ~~shall sell, offers or offer~~
22 for sale, barters, exchanges ~~barter or exchange, pledges~~
23 pledge, loans, gives loan or give away, secretes ~~secrete, or~~
24 retains ~~retain~~ after demand is made by civil or military
25 officers of the state, any clothing, arms, military outfits or
26 property accouterments, furnished by or through the state to
27 any member of the militia, or who receives ~~shall receive~~ by
28 purchase, barter, exchange, pledge, loan, or gift, any such
29 clothing, arms, military outfits or property ~~commits theft as~~
30 provided in chapter 812 accouterments, shall be guilty of a
31

1 ~~misdemeanor of the second degree, punishable as provided in s.~~
2 ~~775.082 or s. 775.083.~~

3 (2) All members ~~personnel~~ in the military service of
4 the Florida National Guard who, due to their military
5 responsibilities, to whom shall have been entrusted any
6 military property, must account for such property according to
7 applicable ~~by reason of their being in such military service,~~
8 ~~shall account for the same to the proper military authority in~~
9 ~~accordance with the rules and regulations or special orders~~
10 ~~made by superior authority. Such in reference to the same, and~~
11 ~~such~~ military property may shall not be removed without proper
12 authority. Any person who fails beyond the limits of the
13 ~~county in which the post is located without authority of the~~
14 ~~Adjutant General, and any person, whether in the military~~
15 ~~service or not, or whether the person's enlistment or~~
16 ~~appointment shall have expired or not, who shall fail to~~
17 ~~account for or return to proper military authority any~~
18 ~~property in that which shall have come into the person's~~
19 ~~possession to which the state military authorities are may be~~
20 ~~entitled, or who conceals shall conceal or converts the~~
21 property convert the same to the person's own use, commits
22 theft as provided in chapter 812 or remove the same from the
23 ~~county in which the same came into the person's possession,~~
24 ~~commits a misdemeanor of the second degree, punishable as~~
25 ~~provided in s. 775.082 or s. 775.083. Any prosecution had~~
26 ~~under the provisions of this section may be abated upon making~~
27 ~~full satisfaction being made~~ for such property to the military
28 authorities of the state and paying ~~the payment of~~ all court
29 costs resulting from the ~~accruing by reason of the institution~~
30 ~~of any such prosecution.~~

31

1 (3) The clothing, arms, military outfits, and property
2 ~~accouterments~~, furnished by or through the state to any member
3 of the militia, may ~~shall~~ not be sold, bartered, loaned,
4 exchanged, pledged, or given away. ~~A, and no person who is~~ not
5 a member of the military forces of this state or the United
6 States, or an ~~duly~~ authorized agent of this state or the
7 United States, who possesses ~~has possession of~~ such clothing,
8 arms, military outfits, or property that is unlawfully
9 disposed of ~~has no accouterments so furnished, and which have~~
10 ~~been subject to any such unlawful disposition, shall have any~~
11 ~~right, title, or interest therein, and the clothing, arms,~~
12 military outfits, or property ~~but the same~~ shall be seized and
13 taken wherever found by any civil or military officer of the
14 state, ~~and shall thereupon be~~ delivered to any commanding
15 officer, or other authorized ~~authorized to receive the~~
16 ~~same,~~ who must ~~shall~~ make an immediate report to the Adjutant
17 General. The possession of any such clothing, arms, military
18 outfits, or property ~~accouterments~~ by any person not a member
19 of the military forces of this state, or any other state, or
20 of the United States, is ~~shall be~~ presumptive evidence of such
21 sale, barter, loan, exchange, pledge, or gift ~~and is~~
22 punishable as provided in chapter 812.

23 Section 41. Section 250.45, Florida Statutes, is
24 amended to read:

25 250.45 Military uniform discriminated against;
26 penalty.--Any proprietor, manager, or employee of any theater
27 or other public place of entertainment or amusement within
28 this state, who discriminates ~~shall discriminate~~ against any
29 person lawfully wearing the uniform of any branch of the
30 military or naval service of the United States or of the
31 state, because of that uniform, commits ~~shall be guilty of~~ a

1 misdemeanor of the first ~~second~~ degree, punishable as provided
2 in s. 775.082 or s. 775.083.

3 Section 42. Section 250.46, Florida Statutes, is
4 amended to read:

5 250.46 Salaried employees not entitled to additional
6 pay.--Officers and enlisted personnel of the Florida National
7 Guard ~~militia~~ employed by the Department of Military Affairs,
8 who receive monthly salaries from the state for military
9 duties, are ~~shall~~ not ~~be~~ entitled to any other pay from the
10 state for military service of any character. However, ~~+~~
11 ~~provided, that the provisions of this section does~~ shall not
12 prohibit any officer or enlisted person from receiving pay
13 from the United States for participation in maneuvers, camps,
14 field service, or other service or duty.

15 Section 43. Section 250.47, Florida Statutes, is
16 amended to read:

17 250.47 Governor's permission for unit to leave
18 state.--A No unit of the Florida National Guard may not leave
19 ~~shall go out of~~ the state without ~~first securing~~ permission of
20 the Governor.

21 Section 44. Section 250.48, Florida Statutes, is
22 amended to read:

23 250.48 Leaves of absence.--Any officer or employee of
24 the state, of any county or school district of the state, or
25 of any municipality or political subdivision of the state who
26 is a member of the Florida National Guard is entitled to leave
27 of absence from his or her respective duties, without loss of
28 pay, time, or efficiency rating, on all days during which the
29 officer or employee is engaged in active state duty for a
30 named event, declared disaster, or operation, pursuant to s.
31 250.28 or s. 252.36. However, a leave of absence without loss

1 of pay, granted under ~~the provisions of~~ this section, may not
2 exceed 30 days for each emergency or disaster, as established
3 by executive order ~~at any one time.~~

4 Section 45. Section 250.481, Florida Statutes, is
5 amended to read:

6 250.481 Reserve components; employment discrimination
7 prohibited.--Any person who seeks or holds an employment
8 position may ~~shall~~ not be denied employment or retention in
9 employment, or any promotion or advantage of employment,
10 because of any obligation as a member of a reserve component
11 of the Armed Forces.

12 Section 46. Section 250.482, Florida Statutes, is
13 amended to read:

14 250.482 Troops ordered into state active service; not
15 to be penalized by employers and postsecondary institutions.--

16 (1) ~~If in the event that~~ a member of the Florida
17 National Guard is ordered into state active duty service
18 pursuant to this chapter, a ~~no~~ private or public employer, or
19 an ~~and no~~ employing or appointing authority of this state, its
20 counties, school districts, municipalities, political
21 subdivisions, vocational or technical schools, community
22 colleges, or universities, may not ~~shall~~ discharge, reprimand,
23 or in any other way penalize such member because of his or her
24 absence by reason of state active duty.

25 (2) If the Adjutant General certifies that there is
26 probable cause to believe there has been a violation of this
27 section, an employee who has been employed for a period of at
28 least 1 year prior to being ordered into state active duty
29 service so injured by a violation of this section may bring
30 civil action against an employer violating ~~the provisions of~~
31 this section in a court of competent jurisdiction of the

1 county in which the alleged violator resides or has his or her
2 principal place of business, or in the county wherein the
3 alleged violation occurred. Upon adverse adjudication, the
4 defendant ~~is shall be~~ liable for actual damages or \$500,
5 whichever is greater. The prevailing party in any litigation
6 proceedings ~~is shall be~~ entitled to recover ~~their~~ reasonable
7 attorney's fees and ~~reasonable~~ court costs.

8 (3) The certification of probable cause may not be
9 issued until the Adjutant General, or his or her designee, has
10 investigated the issues. All employers and other personnel
11 involved with the issues of such investigation must cooperate
12 with the Adjutant General in the investigation.

13 Section 47. Section 250.49, Florida Statutes, is
14 amended to read:

15 250.49 Annual encampment.--Subject to the restrictions
16 of federal law ~~the National Defense Act~~, the Governor may
17 annually order into service the whole, or any such portion of
18 the Florida National Guard, ~~as the Governor may deem proper~~.
19 The period of such service shall to be fixed by the Governor,
20 ~~subject to the restrictions mentioned above~~. When ~~so~~ ordered
21 onto state active duty into the service of the state, and if
22 ~~such~~ rations are not furnished by the United States
23 Government, the state must shall furnish rations for the
24 officers and enlisted personnel of the same quality as the
25 rations furnished by the regular army, and must pay the such
26 expenses of the said encampment as the Governor considers may
27 ~~deem~~ proper, including the travel expenses of officers and
28 enlisted personnel incurred in obeying such orders, when such
29 expenses are not paid by the Government of the United States.

30 Section 48. Section 250.51, Florida Statutes, is
31 amended to read:

1 250.51 Insult to troops; penalty.--When troops of the
2 Florida National Guard ~~organized militia of the state~~ are at
3 drill in their respective armories, on the streets, public
4 roads, or other places, where such drills are conducted or
5 when they are performing other duties required of them by the
6 state or the United States, a ~~it is unlawful for any person~~
7 may not ~~to~~ make any disloyal or insulting remark ~~either~~ to or
8 about the said troops or ~~to~~ make any sign, motion, or gesture
9 calculated to insult or humiliate the said troops. ~~and Any~~
10 person who makes a found guilty of making any such disloyal or
11 insulting remark, or who makes of making any such sign,
12 motion, or gesture, for the purpose and in the manner
13 prohibited in this section as aforesaid, commits shall be
14 ~~guilty of~~ a misdemeanor of the first ~~second~~ degree, punishable
15 as provided in s. 775.082 or s. 775.083.

16 Section 49. Section 250.52, Florida Statutes, is
17 amended to read:

18 250.52 Unlawful to persuade citizens not to enlist;
19 penalty.--Whenever the United States is at war, or our foreign
20 relations tend to indicate an impending war or state of war, a
21 ~~it is unlawful for any person may not or persons to~~ solicit or
22 persuade a citizen ~~or citizens~~ of the United States not to
23 enlist or serve in the Army, Air Force, Marine Corps, Coast
24 Guard, or Navy ~~thereof~~, or in any reserve component thereof,
25 or in the Florida National Guard ~~or active militia of the~~
26 ~~state~~, or ~~to~~ publicly attempt to dissuade any such citizen ~~or~~
27 ~~citizens~~ from ~~so~~ enlisting. ~~the provisions of This section~~
28 does ~~chapter shall~~ not apply to the ~~such~~ soliciting or
29 persuading done by any person related by affinity or
30 consanguinity to the person solicited or persuaded or whose
31 advice is requested by the person solicited or persuaded. Any

1 person who violates ~~adjudged guilty of a violation of~~ this
2 section commits ~~shall be guilty of~~ a misdemeanor of the first
3 ~~second~~ degree, punishable as provided in s. 775.082 or s.
4 775.083.

5 Section 50. Section 250.5201, Florida Statutes, is
6 amended to read:

7 250.5201 Stay of proceedings where troops called out
8 into state active duty or active duty ~~service~~.--

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

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

19 (3) Notwithstanding the definition in ~~s. 250.01 s.~~
20 ~~250.27~~, "state active duty or active duty ~~service~~" as used in
21 ss. 250.5201-250.5205 is limited to service that exceeds 17
22 days and that is ordered by the Governor ~~for the enforcement~~
23 ~~of the law, the preservation of the peace, the security of the~~
24 ~~rights or lives of citizens, or protection of the property.~~

25 (4) Before a soldier ~~is~~ shall be entitled to any of
26 the provisions of this section, that soldier must ~~shall~~
27 furnish to the affected creditor, landlord, court, or other
28 affected person a copy of his or her ~~the soldier's~~ orders,
29 together with a written statement from the Adjutant General of
30 the State of Florida, or his or her designee, that the soldier
31 has served continuously on state orders for the period

1 commencing with the date of the orders through the date of the
2 statement. The ~~creditor, landlord, court, or other affected~~
3 ~~person~~ may require the soldier to furnish a recertification
4 every 30 days thereafter, which shall be furnished to the
5 soldier by the Adjutant General upon request.

6 Section 51. Section 250.5202, Florida Statutes, is
7 amended to read:

8 250.5202 Actions for rent or possession by landlord
9 during state active duty.--

10 ~~(1)~~ An eviction, distress action, or requirement for
11 deposit of accrued rent into the registry of the court, as
12 provided in part II of chapter 83, may not proceed against ~~as~~
13 ~~to any member such person~~ who is called into state active duty
14 ~~military service for this state~~ during the period of such
15 state active duty or active duty if ~~service provided~~ the
16 service member ~~person~~ has given written notice to the affected
17 landlord with regard to any premises where the agreed upon
18 rent does not exceed \$1,200 per month and where the rental
19 unit is occupied chiefly as a residential dwelling by the
20 service member, the service member's spouse, or dependent.
21 ~~Notwithstanding, a court of competent jurisdiction may allow~~
22 ~~such an action to proceed based upon a finding of no~~
23 ~~substantive prejudice to the service person as a result of the~~
24 ~~ordered military service.~~

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

30 Section 52. Section 250.5204, Florida Statutes, is
31 amended to read:

1 250.5204 Installment contracts for purchase of
2 property; penalty.--

3 (1) If a creditor ~~who~~ has received a deposit or
4 installment of the purchase price under an installment
5 contract for the purchase of real or personal property from a
6 member of the Florida National Guard,~~who,~~after the date of
7 the payment of such deposit or installment,is called into
8 state active duty or active duty ~~service,~~ and has provided
9 ~~that~~ written notice to the creditor of the state active duty
10 or active duty ~~military service has been given to the~~
11 ~~creditor,~~ the creditor may not exercise any right or option
12 under such contract to rescind or terminate the contract or
13 resume possession of the property for nonpayment of any
14 installment ~~thereunder~~ due, or for any other breach of the
15 terms of the contract ~~thereof~~ occurring during the period of
16 state active duty or active duty ~~service~~, except upon
17 affirmative authorization by a court of competent
18 jurisdiction.

19 (2) Upon ~~the~~ hearing of such action, the court may
20 order the repayment of prior installments or deposits,or any
21 part thereof, as a condition of terminating the contract and
22 resuming possession of the property, or may, ~~in its~~
23 ~~discretion,~~ on its own motion, and shall, on application to it
24 by such person in state active duty or active duty or some
25 person on his or her behalf, order a stay of proceedings,
26 unless, in the opinion of the court, the ability of the
27 defendant to comply with the terms of the contract is not
28 materially affected by reason of such service. Alternatively,
29 the court may otherwise dispose of the case as is in the
30 interest of all parties.

31

1 Section 53. Section 250.5205, Florida Statutes, is
2 amended to read:

3 250.5205 Mortgages, trust deeds, etc.; penalty.--

4 (1) In any proceeding commenced during the period of
5 state active duty or active duty ~~service~~ to enforce
6 obligations secured by mortgage, trust deed, or other security
7 upon real or personal property owned prior to the commencement
8 of a period of state active duty or active duty ~~service~~, the
9 court may on its own motion stay the proceedings or otherwise
10 dispose of the case as is equitable to conserve the interests
11 of all parties. The court shall stay the proceedings upon the
12 application of a person or agent of the person in state active
13 duty or active duty ~~service~~ unless, in the opinion of the
14 court, the ability of the defendant to comply with the terms
15 of the obligations is not materially affected.

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

23 (3) This section applies only to obligations secured
24 by a mortgage, trust deed, or other security in the nature of
25 a mortgage upon real or personal property owned by a person in
26 state active duty or active duty ~~service~~ at the commencement
27 of the period of state active service and still owed by her or
28 him, which obligation originated prior to such person's period
29 of state active service.

30 Section 54. Subject to an annual appropriation, the
31 Florida National Guard shall provide training, training

1 support, and facilities to facilitate the state's attainment
2 of its goals to reduce the supply of and demand for illegal
3 drugs.

4 Section 55. Sections 250.13, 250.21, 250.27, 250.41,
5 and 250.42, Florida Statutes, and section 250.601, Florida
6 Statutes, as created by section 1 of chapter 2002-167, Laws of
7 Florida, are repealed.

8 Section 56. This act shall take effect upon becoming a
9 law.

10 *****

11 SENATE SUMMARY

12
13 Revises and clarifies various provisions of part I of ch.
14 250, F.S., governing military affairs. Specifies the
15 duties and authority of the Governor, as Commander in
16 Chief of the militia of the state, and the Adjutant
17 General, as head of the Department of Military Affairs.
18 Provides that a person who declares an intention to
19 become a citizen is eligible for membership in the
20 Florida National Guard. Revises qualifications for
21 certain officers of the Florida National Guard. Provides
22 for tuition assistance programs and a tuition exemption
23 program for members of the Florida National Guard.
24 Specifies the trust funds within the Department of
25 Military Affairs. Increases the penalties imposed for
26 violations involving failure to provide assistance to
27 civil authorities, wearing a uniform or insignia of rank
28 without authorization, the theft of military equipment,
29 or discrimination against military personnel. Provides
30 for military personnel to be covered under the Workers'
31 Compensation Law under certain circumstances. Provides
requirements for continuing or reinstating health
insurance when an employee is activated for duty. Revises
the requirements for a trial of a warrant officer or
cadet. Authorizes the Adjutant General to convene a
general court-martial. Revises the amount of certain
fines imposed by a court-martial and limits certain
nonjudicial punishments. Provides for certain appeals to
the District Court of Appeal. Revises the authority,
responsibilities, and membership of the Armory Board.
Increases the penalties imposed for making an insulting
remark or gesture toward the Florida National Guard or
unlawfully persuading a person not to enlist in the armed
forces. Requires that the Florida National Guard provide
support for the state's drug interdiction efforts. (See
bill for details.)