

By Senator Burgess

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1 A bill to be entitled
2 An act relating to military affairs; amending s.
3 110.205, F.S.; deleting a provision requiring that
4 certain military personnel have the same salary and
5 benefits as career service employees; amending s.
6 121.055, F.S.; revising the list of positions in the
7 Department of Military Affairs subject to compulsory
8 membership in the Senior Management Service Class of
9 the Florida Retirement System; amending s. 250.10,
10 F.S.; modifying minimum qualifications and duties of
11 the Adjutant General; modifying the minimum
12 qualifications for additional officers appointed by
13 the Adjutant General; amending s. 250.35, F.S.;
14 designating the provisions of ch. 250, F.S., and the
15 Uniform Code of Military Justice as the Florida Code
16 of Military Justice; specifying that a court-martial
17 is an administrative procedure under the executive
18 branch of state government; revising procedures
19 applicable to various court-martial proceedings;
20 revising the types of punishments a person found
21 guilty in a court-martial proceeding is subject to;
22 authorizing certain commanders to suspend punishment,
23 subject to specified limitations; authorizing Florida
24 National Guard regulations to provide for nonjudicial
25 punishment; specifying the authority of certain
26 commanders to reduce grades of enlisted personnel,
27 subject to specified limitations; modifying procedures
28 governing appeals of a court-martial finding and
29 sentence; amending s. 250.351, F.S.; revising

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30 provisions governing the applicability of ch. 250,
31 F.S., and the Florida Code of Military Justice;
32 specifying conditions under which subject matter
33 jurisdiction is established in certain cases; amending
34 s. 250.36, F.S.; authorizing the Adjutant General, the
35 Adjutant General's designee, or a military judge to
36 issue and execute search authorizations under
37 specified circumstances; amending s. 250.375, F.S.;
38 revising authorization for certain physicians serving
39 as medical officers with, or in support of, the
40 Florida National Guard to practice medicine under
41 certain circumstances; amending s. 250.40, F.S.;
42 revising the composition of the Armory Board;
43 authorizing board members to request excusal from an
44 Armory Board meeting; providing for the designation of
45 an alternate board member in the event of an excusal;
46 modifying a provision governing the length of the term
47 of board members; conforming a cross-reference;
48 providing an effective date.

49

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

51

52 Section 1. Paragraph (p) of subsection (2) of section
53 110.205, Florida Statutes, is amended to read:

54 110.205 Career service; exemptions.—

55 (2) EXEMPT POSITIONS.—The exempt positions that are not
56 covered by this part include the following:

57 (p)~~1~~. All military personnel of the Department of Military
58 Affairs. Unless otherwise fixed by law, the salary and benefits

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59 for such military personnel shall be set by the Department of
60 Military Affairs in accordance with the appropriate military pay
61 schedule.

62 ~~2. The military police chiefs, military police officers,~~
63 ~~firefighter trainers, firefighter rescuers, and electronic~~
64 ~~security system technicians shall have salary and benefits the~~
65 ~~same as career service employees.~~

66 Section 2. Paragraph (g) of subsection (1) of section
67 121.055, Florida Statutes, is amended to read:

68 121.055 Senior Management Service Class.—There is hereby
69 established a separate class of membership within the Florida
70 Retirement System to be known as the "Senior Management Service
71 Class," which shall become effective February 1, 1987.

72 (1)

73 (g) Effective July 1, 1996, participation in the Senior
74 Management Service Class is ~~shall be~~ compulsory for any member
75 of the Florida Retirement System employed with the Department of
76 Military Affairs in the positions of the Adjutant General,
77 Assistant Adjutant General-Army, Assistant Adjutant General-Air,
78 State Quartermaster, Director of Human Resources, Director of
79 Legislative Affairs, Inspector General, Executive Officer
80 ~~Military Personnel, Director of Administration,~~ and additional
81 directors as designated by the agency head, not to exceed a
82 total of 10 positions. In lieu of participation in the Senior
83 Management Service Class, such members may participate in the
84 Senior Management Service Optional Annuity Program ~~as~~
85 established in subsection (6) if enrolled in the program before
86 July 1, 2017.

87 Section 3. Subsections (1), (2), (4), and (5) of section

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88 250.10, Florida Statutes, are amended to read:

89 250.10 Appointment and duties of the Adjutant General.—

90 (1) In case of a vacancy, the Governor shall, subject to
91 confirmation by the Senate, appoint a federally recognized
92 officer of the Florida National Guard, who has served in the
93 Florida National Guard for at least ~~the preceding~~ 5 years and
94 attained the rank of colonel or higher, to be the Adjutant
95 General of the state with the rank of not less than brigadier
96 general or such higher rank as authorized by applicable tables
97 of organization of the Department of the Army or the Department
98 of the Air Force. The Adjutant General and all other military
99 personnel of the Florida National Guard on full-time military
100 duty with the Department of Military Affairs, except military
101 police and firefighters, who are paid from state funds shall
102 receive the pay and allowances of their respective grade as
103 prescribed by applicable pay tables of the national military
104 establishment for similar grade and period of service of
105 personnel, unless a different rate of pay and allowances is
106 specified in an appropriation act of the Legislature. An
107 officer, with his or her consent, may be ordered to state active
108 duty for administrative duty with the Department of Military
109 Affairs at a grade lower than the officer currently holds.

110 (2) The Adjutant General shall:

111 (a) Serve as the commanding general of Florida's organized
112 militia.

113 (b) Supervise the receipt, preservation, repair,
114 distribution, issue, and collection of all arms and military
115 equipment of the state.

116 (c) ~~(b)~~ Supervise all troops and branches of the Florida

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117 National Guard, including their organization, armament,
118 discipline, training, recruiting, inspection, instruction, pay,
119 subsistence, and supplies.

120 (d)~~(e)~~ Maintain records of all military personnel of the
121 Florida National Guard, and maintain copies of all orders,
122 reports, and communications received and issued by him or her.

123 (e)~~(d)~~ Cause the law and orders relating to the Florida
124 National Guard to be indexed, printed, and bound, and prepare
125 and publish blank books, forms, and stationery when necessary,
126 and furnish them at the expense of the state.

127 (f)1.~~(e)~~1. Prepare and publish by order of the Governor
128 orders, rules, and regulations, consistent with law, to bring
129 the organization, armament, equipment, training, and discipline
130 of the Florida National Guard to a state of efficiency as near
131 as possible to that of the regular United States Army and Air
132 Force, and the Adjutant General shall attest all orders of the
133 commander in chief relating to the Florida National Guard.

134 2. Establish by directive an organized and supervised
135 physical fitness program for military personnel of the
136 Department of Military Affairs, provided that the program does
137 not exceed 1 hour per day, for a maximum of 3 hours per week,
138 and originates and terminates at the normal worksite. All fees,
139 membership dues, equipment, and clothing relating to such
140 physical fitness program shall be at no cost to the state.
141 Administrative leave, not to exceed 3 hours per week, shall be
142 provided by the department to all personnel authorized to
143 participate in the physical fitness program.

144 3. Establish by directive a post exchange store for members
145 of the Florida National Guard, their families, guests, and other

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146 authorized users. The post exchange store shall be located at
147 the Camp Blanding Training Site. The primary purpose of the
148 store is to provide for the morale, recreation, and welfare of
149 all servicemembers training at the Camp Blanding Training Site.
150 The operation of the post exchange store must be in accordance
151 with state and federal laws, rules, and regulations. Profits of
152 the post exchange store, if any, shall be deposited in the Camp
153 Blanding Management Trust Fund and shall be used to enhance the
154 facilities and services provided by the Camp Blanding Training
155 Site. The Adjutant General may establish an account with a
156 federally insured financial institution in the state to
157 facilitate the operations of the post exchange store.

158 (g)~~(f)~~ Prepare reports required by the Secretary of
159 Defense.

160 (h)~~(g)~~ Perform other duties required of the Adjutant
161 General by the commander in chief.

162 (i)~~(h)~~ Employ personnel as necessary for the proper conduct
163 of the Department of Military Affairs. The Adjutant General may
164 accept personnel provided by the Federal Government.

165 (j)~~(i)~~ Establish and maintain as part of the Adjutant
166 General's office a repository of records of the services of
167 Florida troops during all wars, and be the custodian of all
168 records, relics, trophies, colors, and histories relating to
169 such wars which are possessed or acquired by the state.

170 (k)~~(j)~~ Maintain a seal of office, approved by the commander
171 in chief, and all copies of papers in his or her office, duly
172 certified and authenticated under the seal, are admissible in
173 evidence in all cases in like manner as if the original were
174 produced.

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175 (l)~~(k)~~ Provide, upon request, a summary to the Governor on
176 the number and condition of the Florida National Guard and the
177 number and condition of the arms and property in the custody of
178 the state, and transmit to the Governor at that time a detailed
179 report of all funds and moneys received and disbursed by the
180 Department of Military Affairs. The Adjutant General may also
181 recommend needed legislation as he or she deems proper.

182 (m)~~(l)~~ Subject to annual appropriations, administer youth
183 About Face programs and adult Forward March programs at sites to
184 be selected by the Adjutant General. Both programs must provide
185 schoolwork assistance, focusing on the skills needed to master
186 basic high school competencies and functional life skills,
187 including teaching students to work effectively in groups;
188 providing basic instruction in computer skills; teaching basic
189 problem-solving, decisionmaking, and reasoning skills; teaching
190 how the business world and free enterprise work through computer
191 simulations; and teaching home finance and budgeting and other
192 daily living skills.

193 1. About Face is a summer and year-round after-school life-
194 preparation program for economically disadvantaged and at-risk
195 youths from 13 through 17 years of age. The program must provide
196 training in academic study skills, and the basic skills that
197 businesses require for employment consideration.

198 2. Forward March is a job-readiness program for
199 economically disadvantaged participants who are directed to
200 Forward March by the local workforce development boards. The
201 Forward March program shall provide training on topics that
202 directly relate to the skills required for real-world success.
203 The program shall emphasize functional life skills, computer

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204 literacy, interpersonal relationships, critical-thinking skills,
205 business skills, preemployment and work maturity skills, job-
206 search skills, exploring careers activities, how to be a
207 successful and effective employee, and some job-specific skills.
208 The program also shall provide extensive opportunities for
209 participants to practice generic job skills in a supervised work
210 setting. Upon completion of the program, Forward March shall
211 return participants to the local workforce development boards
212 for placement in a job placement pool.

213 (n)~~(m)~~ Order troops to state active duty for training,
214 subject to approved appropriations or grants.

215 (o)~~(n)~~ Issue decorations and awards pursuant to military
216 regulations and instructions.

217 (4) (a) The Adjutant General shall, subject to confirmation
218 by the Senate, employ a federally recognized officer of the
219 Florida National Guard, who has served in the Florida Army Guard
220 for at least 3 ~~the preceding 5~~ years and attained the rank of
221 colonel or higher at the time of appointment, to be the
222 Assistant Adjutant General for Army.

223 (b) The Adjutant General may, subject to confirmation by
224 the Senate, employ an additional, federally recognized officer
225 of the Florida National Guard, who has served in the Florida
226 Army Guard for at least 3 ~~the preceding 5~~ years and attained the
227 rank of colonel or higher at the time of appointment, to be a
228 second Assistant Adjutant General for Army.

229
230 Each officer shall perform the duties required by the Adjutant
231 General.

232 (5) The Adjutant General shall, subject to confirmation by

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233 the Senate, employ a federally recognized officer of the Florida
234 National Guard, who has served in the Florida Air Guard for at
235 least 3 ~~the preceding 5~~ years and attained the rank of colonel
236 or higher at the time of appointment, to be the Assistant
237 Adjutant General for Air. The officer shall perform the duties
238 required by the Adjutant General.

239 Section 4. Section 250.35, Florida Statutes, is amended to
240 read:

241 250.35 Florida Code of Military Justice Courts-martial.—

242 (1) The Uniform Code of Military Justice (UCMJ), 10 U.S.C.
243 ss. 801 et seq., and the Manual for Courts-Martial (2019 ~~2012~~
244 Edition) are adopted for use by the Florida National Guard,
245 except as otherwise provided by this chapter. The UCMJ, together
246 with the provisions of this chapter, shall be referred to as the
247 Florida Code of Military Justice (FCMJ).

248 (2) Courts-martial may try a member of the Florida National
249 Guard for any crime or offense made punishable under the FCMJ ~~by~~
250 ~~the Uniform Code of Military Justice (2012 Edition)~~, except that
251 a commissioned officer, warrant officer, or cadet may not be
252 tried by summary courts-martial.

253 (3) A court-martial in this state is an administrative
254 procedure of the executive branch and not a court under the
255 control of the judicial branch.

256 (4) Courts-martial in the state consist of ~~shall be of~~
257 ~~three kinds, namely:~~ general courts-martial, special courts-
258 martial, and summary courts-martial. General courts-martial and
259 special courts-martial shall be tried by a military judge and a
260 panel of officers pursuant to the Manual for Courts-Martial,
261 except as otherwise provided by Florida ~~as designated in~~

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262 ~~applicable~~ National Guard regulations. However, a panel may
263 include enlisted members, at the request of an enlisted person
264 who is accused of a crime or an offense ~~defendant~~. The military
265 judge in a general court-martial or special court-martial must
266 be qualified by attendance at appropriate Judge Advocate General
267 schools or ~~and~~ must be certified as qualified by the Adjutant
268 General of Florida. In a general and special court-martial, the
269 accused ~~defendant~~ may waive trial by panel and request trial by
270 military judge alone. The granting of such waiver is ~~shall be~~ in
271 the military judge's discretion. The military judge in a summary
272 court-martial must be a commissioned officer who is appointed by
273 the Summary Courts-Martial Convening Authority or any higher
274 authority.

275 (5) ~~(4)~~ General courts-martial in the Florida National Guard
276 may be convened by order of the President of the United States,
277 the Governor, or the Adjutant General. This duty may not be
278 delegated. as delegated by the Governor, and Such courts may,
279 upon a finding of guilt, adjudge no punishment or adjudge any
280 one or more of the following punishments:

281 (a) Confinement in an appropriate penal institution for a
282 period not to exceed 367 days.

283 (b) Dismissal or discharge from the Florida National Guard
284 with a characterization of service deemed appropriate by the
285 military judge or enlisted members, including a dishonorable or
286 bad conduct discharge.

287 (c) A fine not to exceed \$500 per violation.

288 (d) Forfeiture of all pay and allowances, or a portion
289 thereof.

290 (e) Reduction to the lowest or any intermediate pay grade

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291 of enlisted persons.

292 (f) A written reprimand filed in the official military
293 personnel file of the person found guilty ~~adjudge a fine not~~
294 ~~exceeding \$500, confinement not in excess of 200 days,~~
295 ~~forfeiture of all pay and allowances; reprimand, dismissal, or~~
296 ~~dishonorable discharge from the service; and reduction to the~~
297 ~~lowest enlisted grade or any intermediate grade for enlisted~~
298 ~~personnel. Any two or more of such punishments may be combined~~
299 ~~in the sentence authorized in this section.~~

300 (6)-(5) Special courts-martial authorized to adjudicate a
301 bad conduct discharge in ~~When not in the active service of the~~
302 ~~United States, the commanding officer of each major command of~~
303 ~~the Florida National Guard or his or her superior commander may~~
304 be convened by order of commanding officers of the Florida
305 National Guard who are in the accused's chain of command and
306 hold the rank of colonel, or any person who is authorized to
307 convene a general court-martial ~~convene special courts-martial~~
308 ~~empowered to adjudicate a bad conduct discharge from the~~
309 ~~service, subject to the procedural protections provided in 10~~
310 U.S.C. s. 819. This duty may not be delegated. Such a court-
311 martial may, upon a finding of guilt, adjudge no punishment or
312 adjudge any one or more of the following punishments:

313 (a) Confinement in an appropriate penal institution for a
314 period not to exceed 100 days.

315 (b) Discharge from the Florida National Guard with a bad
316 conduct discharge.

317 (c) A fine not to exceed \$400 per violation.

318 (d) Forfeiture of all pay and allowances, or a portion
319 thereof, for a period not to exceed 1 year.

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320 (e) Reduction to the lowest or any intermediate pay grade
321 of enlisted persons.

322 (f) A written reprimand filed in the official military
323 personnel file of the person found guilty ~~Special courts-martial~~
324 ~~with bad conduct discharge authority have the same powers of~~
325 ~~punishment as do general courts-martial, except that fines~~
326 ~~adjudged by special courts-martial may not exceed \$300 and~~
327 ~~confinement may not exceed 100 days. Special courts-martial with~~
328 ~~bad conduct discharge authority may adjudicate a bad conduct~~
329 ~~discharge from the service, but may not adjudicate a dismissal~~
330 ~~or dishonorable discharge from the service.~~

331 (7) ~~(6)~~ Special courts-martial not authorized to adjudicate
332 a bad conduct discharge in the Florida National Guard may be
333 convened by order of the commanding officers of the Florida
334 National Guard who are in the accused's chain of command and
335 hold the rank of lieutenant colonel, or any person who is
336 authorized to convene a general court-martial or special court-
337 martial that is authorized to adjudicate a bad conduct
338 discharge. This duty may not be delegated. Such a court-martial
339 may, upon a finding of guilt, adjudge no punishment or adjudge
340 one or more of the following punishments:

341 (a) Confinement in an appropriate penal institution for a
342 period not to exceed 100 days.

343 (b) A fine not to exceed \$300 per violation.

344 (c) Forfeiture of all pay and allowances, or a portion
345 thereof, for a period not to exceed 60 days.

346 (d) Reduction to the lowest or any intermediate pay grade
347 of enlisted persons.

348 (e) A written reprimand filed in the official military

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349 ~~personnel file of the person found guilty When not in the active~~
350 ~~service of the United States, the commanding officer of each~~
351 ~~garrison, fort, post, camp, air base, auxiliary air base, any~~
352 ~~other place where troops are on duty, division, brigade, group,~~
353 ~~regiment, battalion, wing, or squadron may convene special~~
354 ~~courts martial for his or her command; but such special courts-~~
355 ~~martial may be convened by superior commanders when advisable.~~
356 ~~Special courts martial have the same powers of punishment as~~
357 ~~general courts martial, except that fines adjudged by special~~
358 ~~courts martial may not exceed \$300 and confinement may not~~
359 ~~exceed 100 days, and dismissal or discharge from the service may~~
360 ~~not be adjudicated.~~

361 (8) Summary courts-martial in the Florida National Guard
362 may be convened by order of commanding officers of the Florida
363 National Guard who are in the accused's chain of command and
364 hold the rank of lieutenant colonel, or any person authorized to
365 convene a general court-martial or special court-martial. This
366 duty may not be delegated. Such courts-martial may, upon a
367 finding of guilt, adjudge no punishment or adjudge any one or
368 more of the following punishments:

369 (a) Confinement in an appropriate penal institution for a
370 period not to exceed 25 days.

371 (b) A fine not to exceed \$200 per violation.

372 (c) Forfeiture of all pay and allowances, or a portion
373 thereof, for a period not to exceed 60 days.

374 (d) Reduction to no more than two pay grades below the
375 person's current pay grade.

376 (e) A reprimand ~~When not in the active service of the~~
377 ~~United States, the commanding officer of each battalion, higher~~

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378 ~~headquarters, or similar type unit may convene summary courts-~~
379 ~~martial for such place or command. Any person who may convene a~~
380 ~~general court-martial or special court-martial may convene a~~
381 ~~summary court-martial. Summary courts-martial may adjudge a fine~~
382 ~~not in excess of \$200 per offense, confinement not in excess of~~
383 ~~25 days, forfeiture of pay and allowances, and reduction by one~~
384 ~~grade of members whom the convening authority had the authority~~
385 ~~to promote to their present grade. Any two or more of such~~
386 ~~punishments may be combined in the sentence authorized to be~~
387 ~~imposed by such courts, except that confinement may not be~~
388 ~~combined with a fine.~~

389 ~~(9)-(8) Commanding officers~~ When not in the active service
390 ~~of the United States, commanders~~ may impose nonjudicial
391 punishment in accordance with Florida National Guard
392 regulations. Enlisted personnel may receive nonjudicial
393 punishment from the unit commander or from any higher commander
394 in their chain of command. Company grade and warrant officers
395 may receive nonjudicial punishment from any commander who is a
396 field grade or general officer in their chain of command. Field
397 grade officers may receive nonjudicial punishment from any
398 commander who is a general officer in their chain of command.
399 Such commanders may, upon a finding of guilt, adjudge no
400 punishment or adjudge one or more of the following punishments
401 10 U.S.C. s. 815, except that punishment may not exceed:

402 (a) Oral or written reprimand.

403 (b) Extra duty for a period not to exceed 14 days of active
404 duty, whether state active duty, annual training, or any similar
405 duty, or 14 unit training assemblies.

406 (c) Restriction to the armory, training site, or any other

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407 specified limitations, with or without suspension from duty, for
408 a period not to exceed 14 days of active duty, whether state
409 active duty, annual training, or any similar duty, or 14 unit
410 training assemblies.

411 (d) A fine not to exceed ~~Fines of \$200 per violation.~~

412 (e) Reduction of up to two grades for enlisted personnel in
413 the E-4 pay grade or below and reduction of one grade of
414 enlisted personnel in the E-5 pay grade or above ~~by one grade of~~
415 ~~a member whom the commander had the authority to promote.~~

416 (f) Forfeiture of base pay for a period not to exceed 14
417 days of active duty, whether state active duty, annual training,
418 or any similar duty, or 14 unit training assemblies.

419 (g) Any combination of paragraphs (a)-(f) ~~(a)-(e)~~, except
420 that a combination of punishment imposed under paragraphs (b)
421 and (c) may not exceed 14 days or 14 unit training assemblies.

422 (10) The commander who imposes nonjudicial punishment, or a
423 successor in command over the person being punished, may suspend
424 any part or amount of the punishment at any time, subject to the
425 following conditions:

426 (a) Any unexecuted punishment may be suspended at any time.

427 (b) An executed punishment of any grade reduction, fine, or
428 forfeiture of pay may only be suspended within a period of 8
429 months after the date of execution.

430 (c) A punishment may not be suspended for a period
431 exceeding 12 months from the date of suspension, and the
432 expiration of the affected servicemember's current enlistment or
433 term of service automatically terminates the period of
434 suspension.

435 (11) Florida National Guard regulations may provide for

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436 plenary and summarized nonjudicial punishment.

437 (12) A commander is authorized to reduce the grade of
438 enlisted personnel in ranks through courts-martial or
439 nonjudicial punishment, subject to the following conditions:

440 (a) Unless jurisdiction is withheld by a higher level
441 commander, commanders in command positions with the rank of
442 captain are authorized to reduce grades of personnel serving in
443 grades E-2 through E-4.

444 (b) Unless jurisdiction is withheld by a higher level
445 commander, commanders in command positions with the rank of
446 lieutenant colonel are authorized to reduce grades of personnel
447 serving in grades E-2 through E-6.

448 (c) Unless jurisdiction is withheld by a higher level
449 commander, commanders in command positions with the rank of
450 colonel and above are authorized to reduce grades of personnel
451 serving in grades E-2 through E-9.

452 (13) (a) ~~(9)~~ A finding of guilt and the sentence of a summary
453 court-martial may be appealed to the convening authority. If a
454 sentence of imprisonment has been adjudged, the findings and
455 sentence may be appealed to the Adjutant General.

456 (b) ~~(10)~~ (a) A finding of guilt and the sentence of a court-
457 martial convened under this chapter, as approved by the
458 convening authority and the Adjutant General if a sentence of
459 imprisonment has been adjudged, may be appealed to the First
460 District Court of Appeal.

461 (c) ~~(b)~~ Any dismissal of a general or special court-martial
462 case, or any specific charge or offense, by the military judge
463 which does not violate the accused's ~~defendant's~~ constitutional
464 rights may be appealed by the Florida National Guard to the

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465 First District Court of Appeal.

466 (d) A finding of guilt and the sentence of a nonjudicial
467 punishment may be appealed only to the next highest commander in
468 the accused's chain of command. Any such appeal is final.

469 (14) ~~(11)~~ When the Florida National Guard is not in the
470 active service of the United States, a sentence of dismissal
471 from the service or dishonorable discharge from the service,
472 imposed by court-martial, may not be executed until approved by
473 the Governor.

474 Section 5. Section 250.351, Florida Statutes, is amended to
475 read:

476 250.351 Court-martial; jurisdiction.—

477 (1) Members of the Florida National Guard are subject to
478 this chapter and the Florida Uniform Code of Military Justice,
479 including any provision authorizing punishment, at all times
480 during their enlistment or appointment, regardless of whether in
481 civilian or military status or serving in this state or outside
482 the state. Jurisdiction is based exclusively on membership in
483 the Florida National Guard and is not subject to any additional
484 requirements.

485 (2) Subject matter jurisdiction is established if a nexus
486 exists between an offense, either military or nonmilitary, and
487 the state military force. Courts-martial under the Florida Code
488 of Military Justice have primary jurisdiction of military
489 offenses committed when the member is not in the active service
490 of the United States. A proper civilian court has primary
491 jurisdiction of a nonmilitary offense when an act or omission
492 violates both the Florida Code of Military Justice and local
493 criminal law, foreign or domestic. In such cases, a court-

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494 martial may be initiated only after the civilian authority has
495 declined to prosecute or has dismissed the charge, provided
496 jeopardy has not attached. Jurisdiction over attempted crimes,
497 conspiracy crimes, solicitation, and accessory crimes must be
498 determined by the underlying offense. Courts-martial under the
499 Florida Code of Military Justice may be initiated for offenses
500 committed by a Florida National Guard member while in the active
501 service of the United States only after the commander with
502 authority over the offense under the Uniform Code of Military
503 Justice has declined to prosecute or dismissed the charge,
504 provided jeopardy has not attached.

505 (3) Courts-martial ~~A court-martial or court of inquiry~~ may
506 be convened and held in a unit of the Florida National Guard
507 serving outside the state, and the court has the same
508 jurisdiction and powers as if the court-martial ~~or court of~~
509 ~~inquiry~~ were held within the state. An offense committed outside
510 the state may be tried and punished outside the state or within
511 the state.

512 Section 6. Section 250.36, Florida Statutes, is amended to
513 read:

514 250.36 Mandates and process.—

515 (1) Military courts may issue all process and mandates,
516 including writs, warrants, and subpoenas, necessary to carry out
517 the powers vested in the courts. Such mandates and process may
518 be directed to the sheriff of any county and must be in the form
519 prescribed by the Adjutant General in the rules issued by him or
520 her under this chapter. All officers to whom such mandates and
521 process are directed must execute the same and make returns of
522 their acts thereunder according to the requirements of the form

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523 of process. Any sheriff or other officer who neglects or refuses
524 to perform the duty enjoined upon him or her by this chapter is
525 subject to the same liabilities, penalties, and punishments as
526 are prescribed by the law for neglect or refusal to perform any
527 other duty of his or her office.

528 (2) When not in the active service of the United States,
529 the Adjutant General, or his or her designee, or a military
530 judge ~~of the Florida National Guard~~ may issue a pretrial
531 confinement warrant for the purpose of securing the presence of
532 an accused at trial. The warrant must be directed to the sheriff
533 of the county, directing the sheriff to arrest the accused and
534 bring the accused before the court for trial if the accused has
535 disobeyed an order in writing to appear before the court which
536 was delivered to the accused in person or mailed to the
537 accused's last known address, along with a copy of the charges.
538 Pretrial confinement may not exceed 48 hours. However, the
539 Adjutant General or military judge may extend pretrial
540 confinement for not more than 15 days in order to facilitate the
541 presence of the accused at trial. For purposes of this
542 subsection, the term "military judge" does not include a summary
543 court-martial officer who is not qualified to act as a military
544 judge in general or special courts-martial.

545 (3) When not in the active service of the United States,
546 the Adjutant General, or his or her designee, or a military
547 judge ~~of the Florida National Guard~~ may issue subpoenas and
548 subpoenas duces tecum and enforce by attachment the attendance
549 of witnesses and the production of documents and other items of
550 evidentiary value.

551 (4) When not in the active service of the United States,

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552 the Adjutant General, or his or her designee, or a military
553 judge may issue and execute search authorizations when the
554 Florida National Guard or the Department of Military Affairs has
555 control over the location where the property or the person to be
556 searched is situated or found. If the location is not under
557 military control, the commander has control over such property
558 or persons subject to military law or law of war.

559 (5) When a sentence of confinement is imposed by any court-
560 martial of the Florida National Guard, the Adjutant General or
561 his or her designee whose approval makes effective the sentence
562 imposed by the court-martial shall issue a warrant directing the
563 sheriff of the appropriate county to take the convicted person
564 into custody and confine him or her in the jail of such county
565 for the period specified in the sentence of the court. Any
566 sheriff receiving such warrant must promptly execute the warrant
567 by taking the convicted person into custody and confining him or
568 her in jail. The sheriff or jailer in charge of any county jail
569 shall receive any person committed for confinement in such jail
570 under proper process from a court-martial, and provide for the
571 care, subsistence, and safekeeping of such prisoner just as the
572 sheriff or jailer would a prisoner properly committed for
573 custody under the sentence of any civil or criminal court.

574 (6) ~~(5)~~ All sums of money collected through fines adjudged
575 by a general, special, or summary court-martial or through the
576 imposition of nonjudicial punishment of the Florida National
577 Guard shall be paid over at once by the officer collecting the
578 fine to the commanding officer of the organization to which the
579 member belongs and be deposited in accordance with s.
580 250.40(5)(c)1.

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581 Section 7. Section 250.375, Florida Statutes, is amended to
582 read:

583 250.375 Medical officer authorization.—Physicians who hold
584 an active license to practice medicine in any ~~other~~ state, any
585 territory of the United States, or the District of Columbia
586 ~~Puerto Rico~~, while serving as medical officers with, or in
587 support of, in the Florida National Guard, pursuant to federal
588 or state orders, are expressly authorized to practice medicine
589 on military personnel or civilians during an emergency, declared
590 disaster, or during federal military training.

591 Section 8. Subsections (2) and (3) and paragraph (c) of
592 subsection (5) of section 250.40, Florida Statutes, are amended
593 to read:

594 250.40 Armory Board; creation; membership, terms, and
595 compensation; duties and responsibilities.—

596 (2) (a) Voting members of the Armory Board include the
597 Governor as Commander in Chief and chair of the board, the
598 Adjutant General as vice chair, the Assistant Adjutants General
599 of the Army, and major subordinate command commanders ~~reporting~~
600 ~~directly to the Adjutant General~~, in the active Florida National
601 Guard. ~~If necessary due to exigencies of military duty, any~~
602 ~~member of the board may delegate his or her deputy commander to~~
603 ~~attend the meetings as an alternate member with voting~~
604 ~~privileges.~~

605 (b) Any member of the Armory Board may request excusal from
606 a meeting from the Adjutant General or his or her designee. Any
607 excused member may delegate his or her deputy commander or
608 executive officer to attend such meeting as an alternate member
609 with voting privileges.

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610 (c) The Governor may appoint one representative from his or
611 her staff to attend meetings of the Armory Board. The appointee
612 shall serve as a nonvoting advisory member and liaison to the
613 board.

614 (d)~~(e)~~ The State Quartermaster shall act as the recorder
615 and secretary of the Armory Board. In addition, the State
616 Quartermaster shall execute the policy, decisions, and official
617 actions of the board. When the board is in recess, the State
618 Quartermaster shall conduct the day-to-day business of the
619 board. The State Quartermaster and his or her staff are not
620 liable, civilly or criminally, for any lawful act done by them
621 in the performance of their duty, while acting in good faith,
622 and while acting in the scope of either state or federal duty.

623 (3) The term of each member of the Armory Board is the
624 period during which the member possesses the title and
625 qualifications for such membership as provided in this chapter
626 under subsection (1).

627 (5) The Armory Board must:

628 (c) Receive from counties, municipalities, and other
629 sources donations of land, services, or money to aid in
630 providing, operating, improving, and maintaining armories and
631 other facilities used for military purposes. The national
632 military policy recognizes the Florida National Guard as an
633 important component of the United States Army and Air Force, and
634 a member of the total force, sharing in the defense of the
635 country. The Florida National Guard is available to assist the
636 state and local governments in the event of an emergency.
637 Therefore, it is reasonable and equitable that the expense of
638 maintaining the Florida National Guard be shared by the federal,

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639 state, and local governments. As the Federal Government is
640 providing liberally for the equipment and training of the
641 Florida National Guard and the state for its administration,
642 management, and maintenance, local governments are encouraged to
643 provide services at no cost to Florida National Guard armories.

644 1. Any contributions of money, any moneys derived from the
645 rental of armories and other facilities, the armory-operations
646 allowances provided in s. 250.20, and all money collected
647 through fines imposed by a court-martial or nonjudicial
648 proceeding of the Florida National Guard, as provided in s.
649 250.36(6) ~~s. 250.36(5)~~, shall be received on behalf of the
650 Armory Board by the post commander of such facility and must be
651 deposited into a federal depository, approved by the Department
652 of Military Affairs, in an account in a banking institution in
653 the county in which such facility is located.

654 2. The funds received shall be disbursed for the purposes
655 enumerated in this subsection at the discretion of the post
656 commander.

657 3. Any real property donated shall be held as other
658 property for use by the state, and counties and municipalities
659 may make donations of lands by deed or long-term lease and
660 contributions of moneys for the purposes set forth in this
661 section, and may issue bonds or certificates of indebtedness to
662 provide funds for such purposes. Boards of county commissioners
663 may levy taxes, not to exceed 1 mill, to provide funds for the
664 construction of armories or for the retirement of bonds or
665 certificates of indebtedness issued to provide funds for the
666 construction of armories. Counties and municipalities may
667 construct armories upon state-owned land, which may be made

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668 available for such purpose by action of the Armory Board.
669 Counties and municipalities may also grant to the Armory Board,
670 by deed or long-term leases, property that is acquired or
671 buildings that are constructed for military purposes. Each local
672 government is encouraged to provide economic incentives to
673 reduce the cost of locating Florida National Guard facilities in
674 its jurisdiction. A local government may appropriate funds to
675 pay expenses of the Florida National Guard unit in its
676 jurisdiction. Such funds will be received, accounted for, and
677 dispersed as other funds received by the unit.

678 Section 9. This act shall take effect July 1, 2021.