

1 A bill to be entitled
2 An act relating to military affairs; amending s.
3 110.205, F.S.; removing requirements for certain
4 military positions to have the same salary and
5 benefits as career service positions; amending s.
6 121.055, F.S.; revising military positions required to
7 participate in the Senior Management Service Class;
8 amending s. 250.10, F.S.; revising requirements for
9 appointment as Adjutant General, Assistant Adjutant
10 General for Army, and Assistant Adjutant General for
11 Air; requiring the Adjutant General to serve as the
12 Commanding General of the state's organized militia;
13 amending s. 250.35, F.S.; establishing the Florida
14 Code of Military Justice (FCMJ); authorizing courts-
15 martial to try a member of the Florida National Guard
16 for offenses punishable by the FCMJ; specifying that
17 courts-martial are administrative proceedings in the
18 executive branch; revising procedures and personnel
19 qualifications for convening and trial of general,
20 special, and summary courts-martial; prohibiting
21 delegation of the duty of convening such courts-
22 martial; revising punishments that may be adjudged by
23 such courts; revising provisions relating to
24 imposition of nonjudicial punishment; revising
25 punishments that may be adjudged; authorizing and

26 providing requirements for suspension of nonjudicial
27 punishment; specifying types of nonjudicial
28 punishment; authorizing certain commanders to reduce
29 personnel pay grades; authorizing appeal of a specific
30 charge or specification; providing appeal
31 requirements; amending s. 250.36, F.S.; authorizing
32 any military judge to issue pretrial confinement
33 warrants, subpoenas, and subpoenas duces tecum;
34 authorizing the Adjutant General or a military judge
35 to issue and execute search authorizations under
36 certain circumstances; revising provisions related to
37 care required to be provided by a sheriff or jailer to
38 a person convicted by court-martial; amending s.
39 250.40, F.S.; revising membership, terms, and meeting
40 requirements of the Armory Board; amending s. 250.351,
41 F.S.; providing that members of the Florida National
42 Guard are subject to the FCMJ whether in civilian or
43 military status; providing requirements for
44 establishment of jurisdiction; removing references to
45 a court of inquiry; amending s. 250.375, F.S.;
46 revising circumstances under which a physician may
47 practice medicine during an emergency, a disaster, or
48 federal military training; providing an effective
49 date.

50

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

52

53 Section 1. Paragraph (p) of subsection (2) of section
54 110.205, Florida Statutes, is amended to read:

55 110.205 Career service; exemptions.—

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

58 (p)~~1~~. All military personnel of the Department of Military
59 Affairs. Unless otherwise fixed by law, the salary and benefits
60 for such military personnel shall be set by the Department of
61 Military Affairs in accordance with the appropriate military pay
62 schedule.

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

67 Section 2. Paragraph (g) of subsection (1) of section
68 121.055, Florida Statutes, is amended to read:

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

73 (1)

74 (g) Effective July 1, 1996, participation in the Senior
75 Management Service Class shall be compulsory for any member of

76 | the Florida Retirement System employed with the Department of
 77 | Military Affairs in the positions of the Adjutant General,
 78 | Assistant Adjutant General-Army, Assistant Adjutant General-Air,
 79 | State Quartermaster, Director of Human Resources ~~Military~~
 80 | ~~Personnel~~, Director of Legislative Affairs ~~Administration~~,
 81 | Inspector General, Executive Officer, and additional directors
 82 | as designated by the agency head, not to exceed a total of 10
 83 | positions. In lieu of participation in the Senior Management
 84 | Service Class, such members may participate in the Senior
 85 | Management Service Optional Annuity Program as established in
 86 | subsection (6).

87 | Section 3. Paragraphs (a) through (n) of subsection (2) of
 88 | section 250.10, Florida Statutes, are redesignated as paragraphs
 89 | (b) through (o), respectively, subsections (1), (4), and (5) of
 90 | that section are amended, and a new paragraph (a) is added to
 91 | subsection (2) of that section, to read:

92 | 250.10 Appointment and duties of the Adjutant General.—

93 | (1) In case of a vacancy, the Governor shall, subject to
 94 | confirmation by the Senate, appoint a federally recognized
 95 | officer of the Florida National Guard, who has served in the
 96 | Florida National Guard for at least ~~the preceding~~ 5 of the last
 97 | 10 years and attained the rank of colonel or higher, to be the
 98 | Adjutant General of the state with the rank of not less than
 99 | brigadier general or such higher rank as authorized by
 100 | applicable tables of organization of the Department of the Army

101 or the Department of the Air Force. The Adjutant General and all
102 other military personnel of the Florida National Guard on full-
103 time military duty with the Department of Military Affairs,
104 except military police and firefighters, who are paid from state
105 funds shall receive the pay and allowances of their respective
106 grade as prescribed by applicable pay tables of the national
107 military establishment for similar grade and period of service
108 of personnel, unless a different rate of pay and allowances is
109 specified in an appropriation act of the Legislature. An
110 officer, with his or her consent, may be ordered to state active
111 duty for administrative duty with the Department of Military
112 Affairs at a grade lower than the officer currently holds.

113 (2) The Adjutant General shall:

114 (a) Serve as the Commanding General of the state's
115 organized militia.

116 (4) (a) The Adjutant General shall, subject to confirmation
117 by the Senate, employ a federally recognized officer of the
118 Florida National Guard, who has served in the Florida Army Guard
119 for at least 3 ~~the preceding 5~~ years and attained the rank of
120 colonel or higher at the time of appointment, to be the
121 Assistant Adjutant General for Army.

122 (b) The Adjutant General may, subject to confirmation by
123 the Senate, employ an additional, federally recognized officer
124 of the Florida National Guard, who has served in the Florida
125 Army Guard for at least 3 ~~the preceding 5~~ years and attained the

126 rank of colonel or higher at the time of appointment, to be a
127 second Assistant Adjutant General for Army.

128
129 Each officer shall perform the duties required by the Adjutant
130 General.

131 (5) The Adjutant General shall, subject to confirmation by
132 the Senate, employ a federally recognized officer of the Florida
133 National Guard, who has served in the Florida Air Guard for at
134 least 3 ~~the preceding 5~~ years and attained the rank of colonel
135 or higher at the time of appointment, to be the Assistant
136 Adjutant General for Air. The officer shall perform the duties
137 required by the Adjutant General.

138 Section 4. Section 250.35, Florida Statutes, is amended to
139 read:

140 250.35 Military justice ~~Courts-martial~~.—

141 (1) The Uniform Code of Military Justice (UCMJ), 10 U.S.C.
142 ss. 801 et seq., and the Manual for Courts-Martial (2019 ~~2012~~
143 Edition) are adopted for use by the Florida National Guard,
144 except as otherwise provided by this chapter, and together with
145 this chapter may be referred to as the Florida Code of Military
146 Justice (FCMJ).

147 (2) Courts-martial may try a member of the Florida
148 National Guard for any crime or offense made punishable by the
149 FCMJ ~~Uniform Code of Military Justice (2012 Edition)~~, except
150 that a commissioned officer, warrant officer, or cadet may not

151 be tried by summary courts-martial.

152 (3) Courts-martial in this state are administrative
153 proceedings in the executive branch and are not courts under
154 Art. V of the State Constitution.

155 (4)~~(3)~~ Courts-martial in the state shall be of three
156 kinds, namely: general courts-martial, special courts-martial,
157 and summary courts-martial. General courts-martial and special
158 courts-martial shall be tried by a military judge and a panel of
159 officers pursuant to the Manual for Courts-Martial, except as
160 otherwise provided by regulations adopted by the Florida ~~as~~
161 ~~designated in applicable~~ National Guard ~~regulations~~. However, a
162 panel may include enlisted members, at the request of an
163 enlisted accused ~~defendant~~. The military judge in a general
164 court-martial or special court-martial must be qualified by
165 attendance at appropriate Judge Advocate General schools or ~~and~~
166 must be certified as qualified by the Adjutant General of
167 Florida. In a general and special court-martial, the accused
168 ~~defendant~~ may waive trial by panel and request trial by military
169 judge alone. The granting of such waiver shall be in the
170 military judge's discretion. The military judge in a summary
171 court-martial must be a commissioned officer who is appointed by
172 the Summary Courts-Martial Convening Authority or a higher
173 authority.

174 (5)~~(4)~~ General courts-martial in the Florida National
175 Guard may be convened by order of the President of the United

176 States, the Governor, or the Adjutant General. This duty is not
 177 delegable. ~~as delegated by the Governor, and Such courts may,~~
 178 upon a finding of guilt, adjudge no punishment or adjudge one or
 179 more of the following punishments:

180 (a) Confinement in an appropriate penal institution for up
 181 to 367 days.

182 (b) Dismissal or discharge from the Florida National Guard
 183 with such characterization of service deemed appropriate by the
 184 military judge or panel members, including a dishonorable or bad
 185 conduct discharge.

186 (c) A fine of up to not exceeding \$500 per specification.~~7~~
 187 ~~confinement not in excess of 200 days;~~

188 (d) Forfeiture of all or a portion of pay and allowances.~~7~~
 189 ~~reprimand, dismissal, or dishonorable discharge from the~~
 190 ~~service; and~~

191 (e) Reduction to the lowest enlisted pay grade or any
 192 intermediate pay grade for enlisted personnel.

193 (f) A written reprimand, which shall be included in the
 194 accused's official military personnel file ~~Any two or more of~~
 195 ~~such punishments may be combined in the sentence authorized in~~
 196 ~~this section.~~

197 (6) (5) Special courts-martial authorized to adjudicate a
 198 bad conduct discharge in ~~When not in the active service of the~~
 199 ~~United States, the commanding officer of each major command of~~
 200 ~~the Florida National Guard or his or her superior commander may~~

201 be convened by order of commanding officers of the Florida
202 National Guard who are in the chain of command of the accused
203 and hold the rank of colonel or by order of a person authorized
204 to convene a general court-martial ~~convene special courts-~~
205 ~~martial empowered to adjudicate a bad conduct discharge from the~~
206 ~~service,~~ subject to the procedural protections provided in 10
207 U.S.C. s. 819. This duty is not delegable ~~Special courts-martial~~
208 ~~with bad conduct discharge authority have the same powers of~~
209 ~~punishment as do general courts-martial, except that fines~~
210 ~~adjudged by special courts-martial may not exceed \$300 and~~
211 ~~confinement may not exceed 100 days. Special courts-martial with~~
212 ~~bad conduct discharge authority may adjudicate a bad conduct~~
213 ~~discharge from the service, but may not adjudicate a dismissal~~
214 ~~or dishonorable discharge from the service.~~ Such courts may,
215 upon a finding of guilt, adjudge no punishment or adjudge one or
216 more of the following punishments:

217 (a) Confinement in an appropriate penal institution for up
218 to 100 days.

219 (b) Discharge from the Florida National Guard with a bad
220 conduct discharge.

221 (c) A fine of up to \$400 per specification.

222 (d) Forfeiture of all or a portion of pay and allowances
223 for up to 1 year.

224 (e) Reduction to the lowest enlisted pay grade or any
225 intermediate pay grade for enlisted personnel.

226 (f) A written reprimand, which shall be included in the
227 accused's official military personnel file.

228 (7) Special courts-martial not authorized to adjudicate a
229 bad conduct discharge in the Florida National Guard may be
230 convened by order of commanding officers of the Florida National
231 Guard who are in the chain of command of the accused and hold
232 the rank of lieutenant colonel or by order of a person
233 authorized to convene a general court-martial or special court-
234 martial authorized to adjudicate a bad conduct discharge. This
235 duty is not delegable. Such courts may, upon a finding of guilt,
236 adjudge no punishment or adjudge one or more of the following
237 punishments:

238 (a) Confinement in an appropriate penal institution for up
239 to 100 days.

240 (b) A fine of up to \$300 per specification.

241 (c) Forfeiture of all or a portion of pay and allowances
242 for up to 60 days.

243 (d) Reduction to the lowest enlisted pay grade or any
244 intermediate pay grade for enlisted personnel.

245 (e) A written reprimand, which shall be included in the
246 accused's official military personnel file.

247 (8) Summary courts-martial in the Florida National Guard
248 may be convened by order of commanding officers of the Florida
249 National Guard who are in the chain of command of the accused
250 and hold the rank of lieutenant colonel or by order of a person

251 authorized to convene a general court-martial or special court-
252 martial. This duty is not delegable. Such courts may, upon a
253 finding of guilt, adjudge no punishment or adjudge one or more
254 of the following punishments:

255 (a) Confinement in an appropriate penal institution for up
256 to 25 days.

257 (b) A fine of up to \$200 per specification.

258 (c) Forfeiture of all or a portion of pay and allowances
259 for up to 60 days.

260 (d) Reduction by no more than two pay grades for enlisted
261 personnel.

262 (e) A reprimand.

263 ~~(6) When not in the active service of the United States,~~
264 ~~the commanding officer of each garrison, fort, post, camp, air~~
265 ~~base, auxiliary air base, any other place where troops are on~~
266 ~~duty, division, brigade, group, regiment, battalion, wing, or~~
267 ~~squadron may convene special courts-martial for his or her~~
268 ~~command; but such special courts-martial may be convened by~~
269 ~~superior commanders when advisable. Special courts-martial have~~
270 ~~the same powers of punishment as general courts-martial, except~~
271 ~~that fines adjudged by special courts-martial may not exceed~~
272 ~~\$300 and confinement may not exceed 100 days, and dismissal or~~
273 ~~discharge from the service may not be adjudicated.~~

274 ~~(7) When not in the active service of the United States,~~
275 ~~the commanding officer of each battalion, higher headquarters,~~

276 ~~or similar type unit may convene summary courts-martial for such~~
277 ~~place or command. Any person who may convene a general court-~~
278 ~~martial or special court-martial may convene a summary court-~~
279 ~~martial. Summary courts-martial may adjudge a fine not in excess~~
280 ~~of \$200 per offense, confinement not in excess of 25 days,~~
281 ~~forfeiture of pay and allowances, and reduction by one grade of~~
282 ~~members whom the convening authority had the authority to~~
283 ~~promote to their present grade. Any two or more of such~~
284 ~~punishments may be combined in the sentence authorized to be~~
285 ~~imposed by such courts, except that confinement may not be~~
286 ~~combined with a fine.~~

287 (9)-(8) Commanding officers ~~When not in the active service~~
288 ~~of the United States, commanders~~ may impose nonjudicial
289 punishment under regulations adopted by the Florida National
290 Guard. Enlisted personnel may receive nonjudicial punishment
291 from their unit commander or from a higher commander in their
292 chain of command. Company grade and warrant officers may receive
293 nonjudicial punishment from a commander who is a field grade or
294 general officer in their chain of command. Field grade officers
295 may receive nonjudicial punishment from a commander who is a
296 general officer in their chain of command. Such commanders may,
297 upon a finding of guilt, adjudge no punishment or adjudge one or
298 more of the following punishments in accordance with 10 U.S.C.
299 s. 815, except that punishment may not exceed:

300 (a) Oral or written reprimand.

301 (b) Extra duty of up to ~~for~~ 14 days of state active duty,
302 annual training, or similar duty, or up to 14 unit training
303 assemblies.

304 (c) Restriction to the armory, training site, or other
305 specified limits, with or without suspension from duty; up to
306 ~~for~~ 14 days of state active duty, annual training, or similar
307 duty; or up to 14 unit training assemblies.

308 (d) A fine ~~Fines~~ of up to \$200 per specification.

309 (e) 1. For enlisted personnel in pay grades above E-4,
310 reduction by one pay grade ~~of a member whom the commander had~~
311 ~~the authority to promote.~~

312 2. For enlisted personnel in pay grades E-4 and below,
313 reduction by two pay grades.

314 (f) Forfeiture of base pay for up to 14 days of state
315 active duty, annual training, or similar duty, or up to 14 unit
316 training assemblies.

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

321 (10) A commander who imposes nonjudicial punishment, or a
322 successor in command over the person punished, may, at any time,
323 suspend any part or amount of the punishment, subject to the
324 following:

325 (a) Any part or amount of the unexecuted punishment may,

326 at any time, be suspended.

327 (b) An executed punishment of reduction, fine, or
328 forfeiture of pay may be suspended only within 8 months after
329 the date of execution.

330 (c) Suspension of a punishment may not be for longer than
331 12 months from the date of the suspension, and the expiration of
332 the current enlistment or term of service of the servicemember
333 involved automatically terminates the period of suspension.

334 (11) Regulations adopted by the Florida National Guard may
335 provide for two types of nonjudicial punishment: plenary and
336 summarized.

337 (12) (a) Unless jurisdiction is withheld by a higher-level
338 commander, commanders in command positions authorized the rank
339 of captain may reduce personnel currently serving in pay grades
340 E-2 through E-4.

341 (b) Unless jurisdiction is withheld by a higher-level
342 commander, commanders in command positions authorized the rank
343 of lieutenant colonel may reduce personnel currently serving in
344 pay grades E-2 through E-6.

345 (c) Unless jurisdiction is withheld by a higher-level
346 commander, commanders in command positions authorized the rank
347 of colonel and above may reduce personnel currently serving in
348 pay grades E-2 through E-9.

349 (13) (a) ~~(9)~~ A finding of guilt and the sentence of a
350 summary court-martial may be appealed to the convening

351 authority. If a sentence of imprisonment has been adjudged, the
 352 findings and sentence may be appealed to the Adjutant General.

353 (b)-(10)-(a) A finding of guilt and the sentence of a court-
 354 martial convened under this chapter, as approved by the
 355 convening authority and the Adjutant General if a sentence of
 356 imprisonment has been adjudged, may be appealed to the First
 357 District Court of Appeal.

358 (c)-(b) A Any dismissal of a general or special court-
 359 martial case, or a specific charge or specification, by the
 360 military judge which does not violate the accused's ~~defendant's~~
 361 constitutional rights may be appealed by the Florida National
 362 Guard to the First District Court of Appeal.

363 (d) A finding of guilt and the sentence of a nonjudicial
 364 punishment may be appealed to the next higher commander in the
 365 chain, but such appeal shall be the only and final appeal.

366 (14)-(11) When the Florida National Guard is not in the
 367 active service of the United States, a sentence of dismissal
 368 from the service or dishonorable discharge from the service,
 369 imposed by court-martial, may not be executed until approved by
 370 the Governor.

371 Section 5. Section 250.36, Florida Statutes, is amended to
 372 read:

373 250.36 Mandates and process.—

374 (1) Military courts may issue all process and mandates,
 375 including writs, warrants, and subpoenas, necessary to carry out

376 the powers vested in the courts. Such mandates and process may
377 be directed to the sheriff of a ~~any~~ county and must be in the
378 form prescribed by the Adjutant General in the rules issued by
379 him or her under this chapter. All officers to whom such
380 mandates and process are directed must execute the same and make
381 returns of their acts thereunder according to the requirements
382 of the form of process. A ~~Any~~ sheriff or other officer who
383 neglects or refuses to perform the duty enjoined upon him or her
384 by this chapter is subject to the same liabilities, penalties,
385 and punishments as are prescribed by the law for neglect or
386 refusal to perform any other duty of his or her office.

387 (2) When not in the active service of the United States,
388 the Adjutant General, or his or her designee, or a military
389 judge ~~of the Florida National Guard~~ may issue a pretrial
390 confinement warrant for the purpose of securing the presence of
391 an accused at trial. The warrant must be directed to the sheriff
392 of the county, directing the sheriff to arrest the accused and
393 bring the accused before the court for trial if the accused has
394 disobeyed an order in writing to appear before the court which
395 was delivered to the accused in person or mailed to the
396 accused's last known address, along with a copy of the charges.
397 Pretrial confinement may not exceed 48 hours. However, the
398 Adjutant General or military judge may extend pretrial
399 confinement for up to ~~not more than~~ 15 days in order to
400 facilitate the presence of the accused at trial. For purposes of

401 this subsection, the term "military judge" does not include a
402 summary court-martial officer who is not qualified to act as a
403 military judge in general or special courts-martial.

404 (3) When not in the active service of the United States,
405 the Adjutant General, or his or her designee, or a military
406 judge ~~of the Florida National Guard~~ may issue subpoenas and
407 subpoenas duces tecum and enforce by attachment the attendance
408 of witnesses and the production of documents and other items of
409 evidentiary value.

410 (4) When not in the active service of the United States,
411 the Adjutant General, or his or her designee, or a military
412 judge may issue and execute search authorizations when the
413 Florida National Guard or Department of Military Affairs has
414 control over the location where the property or person to be
415 searched is situated or found or, if the location is not under
416 military control, when the commander has control over persons
417 subject to military law or law of war.

418 (5)~~(4)~~ When a sentence of confinement is imposed by a ~~any~~
419 court-martial of the Florida National Guard, the Adjutant
420 General or his or her designee whose approval makes effective
421 the sentence imposed by the court-martial shall issue a warrant
422 directing the sheriff of the appropriate county to take the
423 convicted person into custody and confine him or her in the jail
424 of such county for the period specified in the sentence of the
425 court. A ~~Any~~ sheriff who receives ~~receiving~~ such warrant must

426 promptly execute the warrant by taking the convicted person into
 427 custody and confining him or her in jail. The sheriff or jailer
 428 in charge of a ~~any~~ county jail shall receive a ~~any~~ person
 429 committed for confinement in such jail under proper process from
 430 a court-martial, and provide for the care, subsistence, and
 431 safekeeping of such prisoner just as the sheriff or jailer would
 432 a prisoner properly committed for custody under the sentence of
 433 any civil or criminal court.

434 ~~(6)-(5)~~ All sums of money collected through fines adjudged
 435 by a general, special, or summary court-martial or through the
 436 imposition of nonjudicial punishment of the Florida National
 437 Guard shall be paid over at once by the officer collecting the
 438 fine to the commanding officer of the organization to which the
 439 member belongs and be deposited in accordance with s.
 440 250.40(5)(c)1.

441 Section 6. Subsections (2) and (3) and paragraph (c) of
 442 subsection (5) of section 250.40, Florida Statutes, are amended
 443 to read:

444 250.40 Armory Board; creation; membership, terms, and
 445 compensation; duties and responsibilities.-

446 (2) (a) Voting members of the Armory Board include the
 447 Governor as Commander in Chief and chair of the board, the
 448 Adjutant General as vice chair, the Assistant Adjutants General
 449 of the Army, and major subordinate command commanders ~~reporting~~
 450 ~~directly to the Adjutant General~~, in the active Florida Army

451 National Guard.

452 (b) ~~A~~ ~~If necessary due to exigencies of military duty, any~~
453 member of the board may request excusal from an Armory Board
454 meeting by the Adjutant General or his or her designee. A member
455 so excused may delegate his or her deputy commander or executive
456 officer to attend the meeting ~~meetings~~ as an alternate member
457 with voting privileges.

458 (c) ~~(b)~~ The Governor may appoint one representative from
459 his or her staff to attend meetings of the Armory Board. The
460 appointee shall serve as a nonvoting advisory member and liaison
461 to the board.

462 (d) ~~(e)~~ The State Quartermaster shall act as the recorder
463 and secretary of the Armory Board. In addition, the State
464 Quartermaster shall execute the policy, decisions, and official
465 actions of the board. When the board is in recess, the State
466 Quartermaster shall conduct the day-to-day business of the
467 board. The State Quartermaster and his or her staff are not
468 liable, civilly or criminally, for any lawful act done by them
469 in the performance of their duty~~r~~ while acting in good faith~~r~~
470 and while acting in the scope of either state or federal duty.

471 (3) The term of each member of the Armory Board is the
472 period during which the member possesses the title and
473 qualifications for such membership provided in this chapter
474 ~~under subsection (1)~~.

475 (5) The Armory Board must:

476 (c) Receive from counties, municipalities, and other
477 sources donations of land, services, or money to aid in
478 providing, operating, improving, and maintaining armories and
479 other facilities used for military purposes. The national
480 military policy recognizes the Florida National Guard as an
481 important component of the United States Army and Air Force, and
482 a member of the total force, sharing in the defense of the
483 country. The Florida National Guard is available to assist the
484 state and local governments in the event of an emergency.
485 Therefore, it is reasonable and equitable that the expense of
486 maintaining the Florida National Guard be shared by the federal,
487 state, and local governments. As the Federal Government is
488 providing liberally for the equipment and training of the
489 Florida National Guard and the state for its administration,
490 management, and maintenance, local governments are encouraged to
491 provide services at no cost to Florida National Guard armories.

492 1. Any contributions of money, any moneys derived from the
493 rental of armories and other facilities, the armory-operations
494 allowances provided in s. 250.20, and all money collected
495 through fines imposed by a court-martial or nonjudicial
496 proceeding of the Florida National Guard, as provided in s.
497 250.36(6) ~~s. 250.36(5)~~, shall be received on behalf of the
498 Armory Board by the post commander of such facility and must be
499 deposited into a federal depository, approved by the Department
500 of Military Affairs, in an account in a banking institution in

501 the county in which such facility is located.

502 2. The funds received shall be disbursed for the purposes
503 enumerated in this subsection at the discretion of the post
504 commander.

505 3. Any real property donated shall be held as other
506 property for use by the state, and counties and municipalities
507 may make donations of lands by deed or long-term lease and
508 contributions of moneys for the purposes set forth in this
509 section, and may issue bonds or certificates of indebtedness to
510 provide funds for such purposes. Boards of county commissioners
511 may levy taxes, not to exceed 1 mill, to provide funds for the
512 construction of armories or for the retirement of bonds or
513 certificates of indebtedness issued to provide funds for the
514 construction of armories. Counties and municipalities may
515 construct armories upon state-owned land, which may be made
516 available for such purpose by action of the Armory Board.
517 Counties and municipalities may also grant to the Armory Board,
518 by deed or long-term leases, property that is acquired or
519 buildings that are constructed for military purposes. Each local
520 government is encouraged to provide economic incentives to
521 reduce the cost of locating Florida National Guard facilities in
522 its jurisdiction. A local government may appropriate funds to
523 pay expenses of the Florida National Guard unit in its
524 jurisdiction. Such funds will be received, accounted for, and
525 dispersed as other funds received by the unit.

526 Section 7. Section 250.351, Florida Statutes, is amended
527 to read:

528 250.351 Courts-martial ~~Court-martial~~; jurisdiction.-

529 (1) Members of the Florida National Guard are subject to
530 this chapter and the Florida ~~Uniform~~ Code of Military Justice,
531 including the punitive provisions thereof, at all times during
532 their enlistment or appointment, whether in civilian or military
533 status and whether serving in this state or outside the state.
534 Jurisdiction is based exclusively on membership in the Florida
535 National Guard and not subject to any additional requirements.

536 (2) Subject matter jurisdiction is established if a nexus
537 exists between an offense, either military or nonmilitary, and
538 the state military force. Courts-martial under the Florida Code
539 of Military Justice have primary jurisdiction over military
540 offenses committed when not in the active service of the United
541 States. A proper civilian court has primary jurisdiction over a
542 nonmilitary offense when an act or omission violates both the
543 Florida Code of Military Justice and local criminal law, foreign
544 or domestic. In such a case, a court-martial may be initiated
545 only after the civilian authority has declined to prosecute or
546 has dismissed the charge, provided jeopardy has not attached.
547 Jurisdiction over attempted crimes, conspiracy crimes,
548 solicitation, and accessory crimes must be determined by the
549 underlying offense. Courts-martial under the Florida Code of
550 Military Justice may be initiated for offenses committed by a

551 Florida National Guard member while in the active service of the
552 United States only after the commander with authority over the
553 offense under the Uniform Code of Military Justice has declined
554 to prosecute or has dismissed the charge, provided jeopardy has
555 not attached.

556 (3)-(2) Courts-martial ~~A court-martial or court of inquiry~~
557 may be convened and held in a unit of the Florida National Guard
558 serving outside the state, and the court has the same
559 jurisdiction and powers as if the courts-martial ~~court-martial~~
560 ~~or court of inquiry~~ were held within the state. An offense
561 committed outside the state may be tried and punished outside
562 the state or within the state.

563 Section 8. Section 250.375, Florida Statutes, is amended
564 to read:

565 250.375 Medical officer authorization.—A physician
566 ~~Physicians~~ who holds ~~hold~~ an active license to practice medicine
567 in any ~~other~~ state, a United States territory, or the District
568 of Columbia or Puerto Rico, while serving as a medical officer
569 with or in support of ~~medical officers in~~ the Florida National
570 Guard, pursuant to federal or state orders, may ~~are expressly~~
571 ~~authorized to~~ practice medicine on military personnel or
572 civilians during an emergency or ~~7~~ declared disaster~~7~~, or during
573 federal military training.

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