

Committee Substitute for Senate Bill No. 684

An act relating to military affairs; amending s. 250.01, F.S.; providing definitions; amending s. 250.02, F.S.; specifying persons exempt from military duty; amending ss. 250.03, 250.04, F.S.; providing for the military law of the state; providing duties and authority of the Governor; amending s. 250.05, F.S.; designating the Adjutant General as head of the Department of Military Affairs; amending s. 250.06, F.S.; providing additional duties of the Governor as commander in chief of the militia of the state; authorizing the Governor to delegate to the Adjutant General the authority to convene a general court-martial; amending s. 250.07, F.S.; providing that persons declaring an intention to become citizens may be members of the Florida National Guard; specifying qualifications for certain officers of the Florida National Guard; amending ss. 250.08, 250.09, F.S.; providing duties and authority of the Governor with respect to the Florida National Guard; amending s. 250.10, F.S.; revising the qualifications and duties of the Adjutant General; authorizing the Adjutant General to order troops to state active duty under certain circumstances; specifying qualifications for Assistant Adjutant Generals of the Florida National Guard; specifying requirements for tuition assistance programs and a tuition exemption program for members of the Florida National Guard; providing penalties for failure to comply with program requirements; amending s. 250.115, F.S.; requiring the Adjutant General to appoint a president of the board of directors of the direct-support organization of the Department of Military Affairs; specifying duties of the Department of Military Affairs with respect to the organization; amending ss. 250.12, 250.16, F.S., relating to officers; conforming provisions to changes made by the act; amending s. 250.175, F.S.; specifying trust funds of the Department of Military Affairs; amending s. 250.18, F.S.; revising requirements for officers for providing of equipment and uniforms; amending ss. 250.19, 250.20, F.S.; providing requirements for the payment of expenses and allowances; conforming provisions to changes made by the act; providing requirements for accounting practices of military posts; amending ss. 250.23, 250.24, F.S., relating to pay and expenses for personnel in state active duty; conforming provisions to changes made by the act; providing for the deposit of moneys used to pay activated troops; amending ss. 250.25, 250.26, F.S.; authorizing the borrowing of money and transfer of funds; amending s. 250.28, F.S.; revising provisions relating to the activation of troops; amending ss. 250.29, 250.30, 250.31, F.S., relating to orders of civil authorities and immunity from liability for members of the Florida National Guard; increasing the penalty imposed for violations involving failure to provide assistance to civil authorities; conforming provisions to changes made by the act; amending ss. 250.32, 250.33, F.S., relating to duties of commanding officers; conforming provisions to changes made by the act; amending s. 250.34, F.S., relating to injury or death in state active duty; clarifying that injuries resulting from a preexisting condition are not

compensable; providing for coverage under the Workers' Compensation Law under certain circumstances; amending s. 250.341, F.S.; providing requirements for continuing or reinstating health insurance when an employee is activated for duty; providing certain exceptions to a requirement that an employer be notified of such duty; amending s. 250.35, F.S.; prohibiting the trial of a warrant officer or cadet by a summary court-martial; providing for waiver of trial by panel and for trial by a military judge; authorizing the Adjutant General to convene a general court-martial; clarifying penalties involving a reduction in grade; prohibiting a punishment of imprisonment and a fine; limiting certain nonjudicial punishments; providing for a finding of guilt to be appealed to the District Court of Appeal; creating s. 250.351, F.S.; providing that ch. 250, F.S., applies within or outside the state; providing for jurisdiction of a court-martial or court of inquiry within or outside the state; amending s. 250.36, F.S.; authorizing the Adjutant General and certain other military officers to issue pretrial confinement warrants and subpoenas and enforce the attendance of witnesses and the production of documents; amending s. 250.37, F.S.; providing for payment of expenses in a court-martial; amending s. 250.375, F.S.; authorizing medical officers to practice medicine on military personnel or civilians under certain circumstances; amending s. 250.38, F.S.; prohibiting certain actions or proceedings against a member of a military court or certain other persons; amending s. 250.39, F.S.; revising penalties imposed for contempt; amending s. 250.40, F.S.; revising the authority and responsibilities of the Armory Board; including a representative of the Governor on the board; amending ss. 250.43, 250.44, 250.45, F.S.; increasing the penalties imposed for violations involving wearing a uniform or insignia of rank without authorization, the theft of military equipment, or discrimination against military personnel; amending ss. 250.46, 250.47, 250.48, F.S., relating to pay and leaves of absence; conforming provisions to changes made by the act; providing certain protections for an employee of a school district while on leave for active state duty; limiting the duration of a leave of absence with pay; amending ss. 250.481, 250.482, F.S., relating to employment discrimination and other penalties; clarifying that a state employer, including a school district or vocational or technical school, may not penalize a member of the Florida National Guard who is ordered into state active duty; amending s. 250.49, F.S.; providing for rations and payment of expenses for officers and enlisted personnel under certain circumstances; amending ss. 250.51, 250.52, F.S.; increasing 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; conforming provisions to changes made by the act; amending ss. 250.5201, 250.5202, 250.5204, 250.5205, F.S., relating to proceedings and other actions against a person called into state active duty or active duty; conforming provisions to changes made by the act; requiring the Florida National Guard to provide training, support, and facilities for the state's drug interdiction efforts, subject to an appropriation; repealing ss. 250.13, 250.21, 250.27, 250.41, 250.42,

250.601, F.S., relating to general officers, retired officers and personnel, active service, military properties and lands, and the Emergency Response Trust Fund; providing an effective date.

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

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

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

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

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

(2) “Air National Guard” means that part of the National Guard of a state or territory of the United States, Puerto Rico, or the District of Columbia, active or inactive, which is:

(a) An air force;

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

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

(d) Federally recognized.

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

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

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

(6) “Army National Guard” means that part of the National Guard of a state or territory of the United States, Puerto Rico, or the District of Columbia, active or inactive, which is:

(a) A land force;

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

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

(d) Federally recognized.

(7) “Army National Guard of the United States” means the reserve component of the Army, the membership of which consists of members of the Army National Guard.

(8) “Convening authority” means a commissioned officer in command and his or her successors in command.

(9) “Enlisted personnel” means persons enlisted, inducted, called, or conscripted into an armed force in an enlisted grade.

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

(11) “Military judge” means the presiding officer of a general or special court-martial. Except as otherwise expressly provided, in the context of a summary court-martial the term “military judge” includes the summary court-martial officer.

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

(13) “National Guard” means the Army National Guard and the Air National Guard.

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

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

(16) “Officer” means a commissioned officer or warrant officer.

(17) “Rank” means the order of precedence among members of the armed forces.

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

(19) “State active duty” means full-time duty in active military service of the State of Florida when ordered by the Governor or Adjutant General in accordance with s. 250.06, s. 250.10, or s. 250.28 to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, enhance security and respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34 or to imminent danger of an emergency, enforce the law, carry out counter-drug operations, provide training, provide

for the security of the rights or lives of the public, protect property, or conduct ceremonies. The term includes the duties of officers or enlisted personnel who are employed under the order of the Governor in recruiting; making tours of instruction; inspecting troops, armories, storehouses, campsites, rifle ranges, or military property; sitting on general or special courts-martial, boards of examination, courts of inquiry, or boards of officers; or making or assisting in physical examinations.

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

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

250.02 Militia.—

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

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

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

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

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

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

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

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

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

250.05 Department of Military Affairs.—

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

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

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

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

250.06 Commander in chief.—

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

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

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

(4) The Governor ~~may~~ shall have the power, in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, ~~or~~ respond to an emergency as defined in s. 252.34(3) or imminent danger thereof, or respond to any need for emergency aid to civil authorities as specified in s. 250.28, ~~to~~ order into state

active duty service of the state all or any part of the militia ~~which that he or she deems may deem proper. During the absence of any organization in the service of the United States, its state designation shall not be given to any new organization.~~

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

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

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

250.07 Florida National Guard; composition; departmental organization.—

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

(2) All general officers of the Florida National Guard must be federally recognized and appointed by the Governor, subject to confirmation by the Senate. be organized so as to establish a department for army and a department for air. The state headquarters will be under the administration of the state Adjutant General, who shall hold the rank of major general or such higher rank as may be authorized by applicable tables of organization of the Department of the Army. There shall be an Assistant Adjutant General for Army who shall hold rank, not higher than brigadier general, and who shall assist and advise the Adjutant General in the supervision and operation of the Florida Army National Guard, and an Assistant Adjutant General for Air who shall hold rank, not higher than brigadier general, and who shall assist and advise the Adjutant General in the supervision and operation of the Florida Air National Guard. Each of the three aforementioned officers shall be a federally recognized officer of the Florida National Guard, who shall have served therein as such for at least 5 years and has attained the rank of major or higher.

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

250.08 Florida National Guard organized.—The Governor of Florida may perform ~~any and all acts, and make and publish all such rules and regulations,~~ as he or she considers may deem necessary to organize effect the

~~organization or reorganize reorganization~~ of the Florida National Guard, in conformity to ~~federal law the terms of the National Defense Act,~~ and the rules, regulations, and ~~proclamations of promulgated by the President of the~~ United States or the Department of Defense, relating to the National Guard of this state or the United several States.

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

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

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

250.10 Appointment and duties of the Adjutant General.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(k)(4) Provide~~ The Adjutant General shall, upon request, ~~provide~~ a summary to the Governor on the number and condition of the Florida National Guard organized militia, and the number and condition of the arms and ~~property accouterments~~ in the custody of the state, and shall transmit to the Governor at ~~that~~ said time a detailed report of all funds and moneys received and disbursed by the Department of Military Affairs. The Adjutant General may also ~~recommend make such recommendations as to~~ needed legislation as he or she ~~deems may deem~~ proper.

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

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

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

2. Forward March is a job-readiness program for economically disadvantaged participants who are directed to Forward March by the local Regional Workforce Development Boards. The Adjutant General shall provide job-readiness services in the Forward March program for WAGES Program participants who are directed to Forward March by local WAGES coalitions. The Forward March program shall provide training on topics that directly relate to the skills required for real-world success. The program shall emphasize functional life skills, computer literacy, interpersonal relationships, critical-thinking skills, business skills, preemployment and work maturity skills, job-search skills, exploring careers activities, how to be a successful

and effective employee, and some job-specific skills. The program also shall provide extensive opportunities for participants to practice generic job skills in a supervised work setting. Upon completion of the program, Forward March shall return participants to the local Regional Workforce Development Boards ~~WAGES coalition~~ for placement in a job placement pool.

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

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

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

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

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

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

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

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

1. Be 17 years of age or older.
2. Be presently domiciled in the state.
3. Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.
4. Maintain continuous satisfactory participation in the active Florida National Guard for any school term for which exemption benefits are received.
5. Upon enrollment in a program specified in subsection (8) or subsection (9), complete a memorandum of agreement to comply with the rules of the program and Agree in writing to serve in the active Florida National Guard for 3 years after completion of the studies for which an exemption is granted or tuition and fees are paid.

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

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

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

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

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

1. Such members ~~shall~~ include, but are not be limited to:
 - a. Any member, commissioned officer, ~~or~~ warrant officer, or enlisted person, who has a baccalaureate degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) College preparatory classes are authorized courses.

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

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

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

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

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

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

250.115 Department of Military Affairs direct-support organization.—

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

(a) “Direct-support organization” means an organization that is:

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

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

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

(b) “Personal services” includes full-time or part-time personnel as well as payroll processing.

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

(3) USE OF PROPERTY.—

(a) ~~The Department of Military Affairs may~~ Adjutant General is author-~~ized to~~ permit the use of property, facilities, and personal services of the

Department of Military Affairs by the direct-support organization, subject to the provisions of this section.

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

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

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

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

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

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

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

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

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

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

250.175 Trust funds; authorization; name; purpose ~~Federal Law Enforcement Trust Fund.~~—

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

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

(2)(a) The Emergency Response Trust Fund is created within the Department of Military Affairs. Reimbursements from the Federal Emergency Management Agency for the costs of activating the Florida National Guard and transfers of state funds approved by budget amendments processed under chapter 216 shall be deposited into the trust fund. The trust fund shall be used to pay all operational costs incurred by the Florida National Guard when called to active duty.

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

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

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

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

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

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

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

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

250.18 Commissioned officers and warrant officers; clothing and uniform allowance.—Each commissioned officer and warrant officer of the Florida National Guard must provide his or her own uniform.

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

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

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

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

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

250.20 Armory operations; Maintenance allowances.—

~~(1) A monetary allowance There shall be paid quarterly to the post commander of each Florida National Guard armory from funds appropriated to the Department of Military Affairs, upon the approval of the Adjutant General, a monetary allowance based on a calculation of need as determined by the Adjutant General, exclusive of any space utilized and maintained by a federally funded activity of the Florida National Guard. The allowance shall cover costs for the operation, maintenance, and repair of the armory facilities, and for necessary expenses of the units located at the armory. The~~

amount of the allowance shall be computed by the Adjutant General as of June 30 of each year for purposes of determining the total amounts payable for inclusion in his or her budget request to the Legislature.

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

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

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

250.23 Pay for state active duty ~~service in state.~~—

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

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

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

250.24 Pay and expenses; appropriation; procedures.—

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

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

(3) Notwithstanding ~~the provision of~~ s. 216.271, moneys for pay and allowances of the troops ~~ordered to state out in active duty service of the state~~ shall be deposited in the Emergency Response Trust Fund ~~a separate revolving fund~~, which must ~~shall~~ be approved by the Comptroller and is ~~shall be~~ subject to the provisions of s. 18.101(2). The Department of Military Affairs shall administer the fund. Frequency of payments to such troops shall be at the discretion of the Adjutant General. The Department of Military Affairs shall present to the Comptroller audit documentation of such payments. The Department of Military Affairs shall maintain all employee records relating to payments made pursuant to this subsection and shall furnish to the Comptroller the information necessary to update the payroll master record of each employee.

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

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

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

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

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

250.26 Transfer of funds.—Where the available funds are not sufficient for the purposes specified in ss. 250.23, 250.24, and 250.34, the Governor and Comptroller may transfer from any available fund in the State Treasury the, such sum as may be necessary to meet the such emergency, and the said moneys must, so transferred, shall be repaid to the fund from which transferred when moneys become available for that purpose by legislative appropriation or otherwise.

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

250.28 Military support Order for troops to aid civil authorities.—When an invasion or insurrection in the state is made or threatened, or whenever there exists a threat to security, a terrorist threat or attack, a riot, a mob, an unlawful assembly, a breach of the peace, or resistance to the execution of the laws of the state, or there is imminent danger thereof, which and the

civil authorities are unable to suppress ~~the same~~, the Governor, or in case the Governor cannot be reached and the emergency will not permit of awaiting his or her orders, the successor as provided in s. 14.055, or, if the appropriate successor cannot be reached and the emergency will not permit awaiting his or her orders, the Adjutant General, shall issue an order to the officer in command of the body of troops best suited for the duty for which a military force is required, directing the officer to proceed with the troops, or as many thereof as may be necessary, with all possible promptness, to respond to suppress the invasion, insurrection, threat to security, terrorist threat or attack, riot, mob, unlawful assembly, breach of the peace, or resistance to execution of the laws of the state ~~same~~.

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

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

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

250.30 Orders of civil authorities; tactical direction of troops; efforts to disperse before attack.—When an armed force is called out in aid of the civil authorities, the orders of the civil officer or officers may extend to a direction of the general or specific objects to be accomplished and the duration of service by the Florida National Guard active militia, but the tactical direction of the troops, the kind and extent of force to be used, and the particular means to be employed to accomplish the objects specified by the civil officers, are left solely to the officers of the Florida National Guard active militia. Every endeavor consistent with the preservation of life and property must be made, both by the civil officers and officers commanding the troops, to induce rioters or persons lawlessly assembled to disperse before an attack is made upon them by which their lives may be endangered.

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

250.31 Liability of members of the organized militia; defense of actions or proceedings.—

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

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

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

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

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

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

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

250.33 Powers of commanding officer on state ~~in~~ active duty service.—The commanding officer of troops on state ~~in camp, garrison, or other~~ active duty service may incarcerate and detain, until such person can be turned over to the civil authorities, any person guilty of drunkenness, breach of the

peace, or disorderly conduct, within 1 mile of a such camp, garrison, or station. ~~The Such~~ commanding officer may also abate any menace to the health or safety of his or her command, camp, garrison, or station.

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

250.34 Injury or death on state in active duty service.—

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

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

(3) After the expiration of 1 year ~~following from~~ the date of injury or disability, such individual shall be provided hospitalization, medical services and supplies, and compensation for wages and compensation for disability based on the average weekly wages of such injured individual on pay status in state the active duty service of the state or in his or her civilian occupation or employment, whichever is greater, in amounts provided under chapter 440 [F. S. 1973], as if such individual were covered under the Workers' Compensation Law, except that payments made during the first year after the such injury may shall not be duplicated after the expiration of that year. The Division of Risk Management of the Department of Insurance shall process ~~is responsible for processing all claims for~~ benefits under this subsection. The Division of Risk Management shall forward each January, to the Department of Military Affairs, an invoice of the payments and associated legal costs made under this subsection during the prior calendar year. The Department of Military Affairs shall incorporate the amount of the

invoice in its annual legislative budget request that begins the following July. The Department of Military Affairs shall reimburse the Division of Risk Management for the invoiced amount upon receipt of the funds.

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

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

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

250.341 Cancellation of health insurance.—

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

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

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

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

(3)(4) The employee or other appropriate military authority must notify his or her employer of his or her reserve or National Guard status and the employee's intent to invoke the provisions of subsection (1) ~~subsections (1)~~

~~and (2)~~ prior to leaving his or her employer to report for active duty or state active military duty. Prior notice to the employer is not required if such notice is precluded by military necessity or if such notice is impossible or unreasonable.

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

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

250.35 Courts-martial.—

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

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

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

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

(5) When not in the active service of the United States, the commanding officer of each major command of the Florida National Guard or his or her superior commander may convene a special courts-martial court-martial empowered to adjudicate a bad conduct discharge from the service for that command, subject to the procedural protections provided in 10 U.S.C. s. 819. Special courts-martial with bad conduct discharge authority ~~shall~~ have the same powers of punishment as do general courts-martial, except that fines

adjudged by ~~such~~ special courts-martial may shall not exceed \$300 and confinement may not exceed 100 days. Special courts-martial with bad conduct discharge authority may shall specifically have the authority to adjudicate dismissal or a bad conduct discharge from the service, but may not adjudicate a dismissal or dishonorable discharge from the service.

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

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

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

- (a) Oral or written reprimand.
- (b) Extra duty for 14 days.
- (c) Restriction for 14 days.
- (d) Fines of \$200.
- (e) Reduction by one grade of a member whom the commander had the authority to promote.
- (f) Any combination of paragraphs (a)-(e), except that a combination of punishment imposed under paragraphs (b) and (c) may not exceed 14 days.

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

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

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

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

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

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

250.351 Court-martial; jurisdiction.—

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

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

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

250.36 Mandates and process.—

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

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

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

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

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

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

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

~~(4) When a sentence of confinement is imposed by any court-martial of the Florida National Guard, the Adjutant General or his or her the Adjutant General's designee whose approval makes effective the sentence imposed by the court-martial shall issue a his or her warrant directing the sheriff of the appropriate county to take the convicted person delinquent into custody and confine him or her in the jail of such county for the period specified in the sentence of the court. Any sheriff receiving such warrant must shall promptly execute the warrant same by taking the convicted person delinquent into custody and confining causing him or her to be confined in said~~

jail. The sheriff or jailer in charge of any county jail shall receive any person committed for confinement in such jail under proper process from a court-martial, and provide for the care, subsistence, and safekeeping of such prisoner just as the sheriff or jailer would a prisoner properly committed for custody under the sentence of any civil court.

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

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

250.37 Expenses of courts-martial.—

(1) All expenses incurred in a court-martial proceeding, including the payment of court reporters, sheriff's fees for service of warrants, summons, subpoenas, and all other necessary and lawful fees to civil officers for service, and witness fees at the same rate allowed by law in criminal cases, together with the pay, subsistence, and necessary expenses of the members of the court, shall, except as provided in subsection (4) below, be paid by the state in the usual manner upon the approval of the Governor. Members of the court are entitled to reimbursement ~~shall be reimbursed~~ for travel expenses as provided in s. 112.061. Courts-martial may subpoena any witness residing within the state to appear and testify before it, and the sheriff of any county upon receiving any subpoena issued by direction of a court-martial, and signed by the military judge or president thereof ~~or summary court officer~~, shall make service and return of service as provided by law in criminal cases.

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

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

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

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

250.375 Medical officer authorization.—Physicians who hold an active license to practice medicine in any other state or Puerto Rico, while serving

in Florida as medical officers in the Florida National Guard, pursuant to federal or state orders, are expressly authorized to practice medicine in Florida on military personnel or civilians during an emergency, declared disaster, or during federal military training.

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

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

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

250.39 Penalty for contempt.—~~A Any person may not use who shall be~~ guilty of disorderly, contemptuous, or indecorous language or expression to or before any military court, or any member of such court, in open court, tending to interrupt its proceedings, or ~~to~~ impair the respect due its authority, commit or who shall commit any breach of the peace, or make any noises or other disturbances, directly tending to interrupt its proceedings. After hearing before the military judge, any person who is found to have violated this subsection may be committed by warrant by under the hand of the Adjutant General or a military judge for not more than 30 days to the jail of the county in which the said court sits shall sit, or may be fined up to \$100 per offense there to remain without bail in confinement for a time to be limited, not exceeding 3 days. For purposes of this subsection, a summary court-martial officer who is not qualified to act as a military judge in general or special courts-martial may conduct the contempt hearing and adjudicate a fine, but may not issue a warrant for confinement.

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

250.40 Armory Board; creation; membership, terms, and compensation; duties and responsibilities ~~armories, how obtained.~~—

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

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

sion and control of all military buildings and real property within the state applied to military uses.

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

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

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

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

(5)(4) The Armory Board must:

(a) Supervise and control all Florida National Guard armories, military buildings, and real property within the state used for military purposes. It shall be the duty of the Armory Board to consider

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

(c)(5) Receive from counties, municipalities, and other sources donations of land, services, or money to aid in providing, operating, improving, and maintaining armories and other facilities used for military purposes. The Since our national military policy recognizes the Florida as enunciated in the National Defense Act recognized the National Guard as an important and necessary component of the United States Army and Air Force, and a member of the total force, sharing in the defense of the country. The Florida National Guard is available to assist the state and local governments in the event of an emergency. Therefore, it is reasonable and equitable that the expense of maintaining the Florida National Guard be shared by the federal, state, and local governments. Army of the United States, and as the defense of the country is a joint responsibility of all political divisions and subdivisions thereof, and since the National Guard is a citizen force by reason of its militia status, it is considered equitable that the expense of the maintenance of the National Guard be not only shared by the state with the Federal

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

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

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

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

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

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

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

~~(d)(9) Exercise the right of eminent domain to acquire private property for armories, buildings, and other facilities needed for military purposes, when in the public interest. Whenever it becomes necessary in the public interest to acquire private property in order to provide necessary land for campgrounds, rifle ranges, or armories for the organized militia of the state, and the property same cannot be acquired by agreement satisfactory to the Armory Board and the parties interested in, or the owners of, the such private property, the armory board is authorized and empowered to exercise the right of eminent domain may be used and to proceed to condemn such property in the manner provided by law. Any suit or action brought by the Armory Board to condemn property, as provided for under this section, shall be brought in the name of the Armory Board; and it shall be the duty of the Department of Legal Affairs shall of the state to conduct the proceedings for and to act as the counsel of the board in such matters.~~

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

~~(f) Adopt rules for managing armories and other facilities under the control of the Department of Military Affairs. The rules must ensure that federal and state military property is secure. Each unit commander shall provide for the safekeeping, accountability, and proper care of such property and for its protection against misappropriation or loss. An armory, while it is occupied and in use by troops, is a military post and must be under the control and jurisdiction of the post commander. A building that is not under the control and supervision of the post commander or other properly constituted military authority may not be used to house or train troops or to store military property.~~

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

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

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

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

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

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

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

250.43 Wearing of uniform and insignia of rank; penalty.—

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

(2) Every person other than an officer or enlisted person of the Florida National Guard, naval militia, or marine corps of this state, ~~or any other state, Puerto Rico, or the District of Columbia, or of the United States Army, Navy, Marine Corps, or Air Force, or Revenue Service, who wears the uniform of the United States Army, Navy, Marine Corps, Air Force Forces, or Revenue Service, or National Guard, Air National Guard, Naval Militia, or Marine Corps or any part of such uniform, or a uniform or part of uniform similar thereto, or in imitation thereof, within the bounds of the state, except in cases where the wearing of such uniform is permitted by the laws of the United States and the regulations of the Secretary of Defense, commits a misdemeanor of the first second degree, punishable as provided in s. 775.082 or s. 775.083. Nothing in This section does not prohibit chapter shall be construed as prohibiting~~ persons in the theatrical profession from wearing such uniforms while actually engaged in such profession, in any playhouse or theater, in a production in no way reflecting upon such uniform; does not and provided, that nothing in this chapter shall prohibit the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; and does provided further, that this section shall not apply to cadets of any military school or to Boy Scouts or Girl Scouts.

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

250.44 Military equipment regulations; penalties.—

(1) Any person who ~~sells~~ shall sell, ~~offers or offer~~ for sale, ~~barters, exchanges barter or exchange, pledges pledge, loans, gives loan or give away, secretes secrete, or retains retain~~ after demand ~~is~~ made by civil or military officers of the state, any clothing, arms, military outfits or ~~property accouterments~~, furnished by or through the state to any member of the militia, or who ~~receives shall receive~~ by purchase, barter, exchange, pledge, loan, or gift, any such clothing, arms, military outfits or ~~property commits theft as provided in chapter 812 accouterments~~, shall be guilty of a misdemeanor of the second degree, punishable as provided in ~~s. 775.082 or s. 775.083~~.

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

(3) The clothing, arms, military outfits, and ~~property accouterments~~, furnished by or through the state to any member of the militia, ~~may shall~~ not be sold, bartered, loaned, exchanged, pledged, or given away. ~~A, and no person who is not a member of the military forces of this state or the United States, or an duly authorized agent of this state or the United States, who possesses has possession of such clothing, arms, military outfits, or property that is unlawfully disposed of has no accouterments so furnished, and which have been subject to any such unlawful disposition, shall have any right, title, or interest therein, and the clothing, arms, military outfits, or property but the same shall be seized and taken wherever found by any civil or military officer of the state, and shall thereupon be delivered to any commanding officer, or other authorized officer authorized to receive the same, who must shall make an immediate report to the Adjutant General. The possession of any such clothing, arms, military outfits, or property accouterments by any person not a member of the military forces of this state, or any~~

other state, or of the United States, ~~is shall be~~ presumptive evidence of such sale, barter, loan, exchange, pledge, or gift and is punishable as provided in chapter 812.

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

250.45 Military uniform discriminated against; penalty.—Any proprietor, manager, or employee of any theater or other public place of entertainment or amusement within this state, who discriminates shall discriminate against any person lawfully wearing the uniform of any branch of the military or naval service of the United States or of the state, because of that uniform, ~~commits shall be guilty of~~ a misdemeanor of the first second degree, punishable as provided in ~~s. 775.082 or s. 775.083.~~

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

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

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

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

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

250.48 Leaves of absence.—Any officer or employee of the state, of any county or school district of the state, or of any municipality or political subdivision of the state who is a member of the Florida National Guard is entitled to leave of absence from his or her respective duties, without loss of pay, time, or efficiency rating, on all days during which the officer or employee is engaged in active state duty for a named event, declared disaster, or operation, pursuant to s. 250.28 or s. 252.36. However, a leave of absence without loss of pay, granted under ~~the provisions of this section,~~ may not exceed 30 days for each emergency or disaster, as established by executive order at any one time.

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

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

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

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

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

(2) If the Adjutant General certifies that there is probable cause to believe there has been a violation of this section, an employee who has been employed for a period of at least 1 year prior to being ordered into state active duty service so injured by a violation of this section may bring civil action against an employer violating ~~the provisions of~~ this section in a court of competent jurisdiction of the county in which the alleged violator resides or has his or her principal place of business, or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant is ~~shall~~ be liable for actual damages or \$500, whichever is greater. The prevailing party in any litigation proceedings is ~~shall~~ be entitled to recover their ~~their~~ reasonable attorney's fees and reasonable ~~reasonable~~ court costs.

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

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

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

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

250.51 Insult to troops; penalty.—When troops of the Florida National Guard ~~organized militia of the state~~ are at drill in their respective armories, on the streets, public roads, or other places, where such drills are conducted or when they are performing other duties required of them by the state or the United States, a ~~it is unlawful for any person~~ may not ~~to~~ make any disloyal or insulting remark ~~either to or about~~ the ~~said~~ troops or ~~to~~ make any sign, motion, or gesture calculated to insult or humiliate the ~~said~~ troops,;

and Any person ~~who makes a found guilty of making any such~~ disloyal or insulting remark, or ~~who makes of making any such~~ sign, motion, or gesture, for the purpose and in the manner prohibited in this section as aforesaid, commits ~~shall be guilty~~ of a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

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

250.52 Unlawful to persuade citizens not to enlist; penalty.—Whenever the United States is at war, or our foreign relations tend to indicate an impending war or state of war, ~~a it is unlawful for any person may not or persons to~~ solicit or persuade a citizen ~~or citizens~~ of the United States not to enlist or serve in the Army, Air Force, Marine Corps, Coast Guard, or Navy ~~thereof~~, or in any reserve component thereof, or in the Florida National Guard or active militia of the state, or to publicly attempt to dissuade any such citizen ~~or citizens~~ from so enlisting; ~~the provisions of This section does chapter~~ shall not apply to the ~~such~~ soliciting or persuading done by any person related by affinity or consanguinity to the person solicited or persuaded or whose advice is requested by the person solicited or persuaded. Any person ~~who violates adjudged guilty of a violation of this section~~ commits ~~shall be guilty~~ of a misdemeanor of the first ~~second~~ degree, punishable as provided in s. 775.082 or s. 775.083.

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

250.5201 Stay of proceedings where troops called out into state active duty or active duty service.—

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

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

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

(4) Before a soldier ~~is~~ ~~shall be~~ entitled to any of the provisions of this section, that soldier must ~~shall~~ furnish to the affected creditor, landlord, court, or other affected person a copy of his or her ~~the soldier's~~ orders, together with a written statement from the Adjutant General of the State of Florida, or his or her designee, that the soldier has served continuously on state orders for the period commencing with the date of the orders through the date of the statement. The ~~creditor, landlord, court, or other affected person~~ may require the soldier to furnish a recertification every 30

days thereafter, which shall be furnished to the soldier by the Adjutant General upon request.

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

250.5202 Actions for rent or possession by landlord during state active duty.—

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

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

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

250.5204 Installment contracts for purchase of property; penalty.—

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

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

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

250.5205 Mortgages, trust deeds, etc.; penalty.—

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

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

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

Section 54. Subject to an annual appropriation, the Florida National Guard shall provide training, training support, and facilities to facilitate the state's attainment of its goals to reduce the supply of and demand for illegal drugs.

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

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

Approved by the Governor June 2, 2003.

Filed in Office Secretary of State June 2, 2003.