

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/HB 873 — Military Affairs

by Local Administration and Veterans Affairs Subcommittee and Rep. Giallombardo and others (SB 770 by Senator Burgess)

CS/HB 873 revises several provisions relating to courts-martial of the Florida National Guard (FLNG), modifies the minimum prior-service requirement for a candidate for Adjutant General or Assistant Adjutant General, and specifies that the Adjutant General is the commanding general of the FLNG with authority to convene a general or special courts-martial.

Regarding courts-martial, the bill provides:

- The Uniform Code of Military Justice and the Manual for Courts-Martial, together with chapter 250 of the Florida Statutes, is to be referred to as the Florida Code of Military Justice (FCMJ).
- Members of the FLNG are subject to discipline under the FCMJ while in civilian status; under current law, members are subject to discipline only for offenses committed during military status.
- A court-martial has subject matter jurisdiction over an offense if a nexus exists between an offense and the state military force, regardless of whether the offense is an offense under military law.
- A civilian court has jurisdiction over a nonmilitary offense of both the FCMJ and local criminal law.
- The military judge in a general or special court-martial must be qualified by attendance at Judge Advocate General school *or* be certified as qualified by the Adjutant General—current law requires both.
- Increased possible punishments in a general court-martial.
- Modified punishment options in special and summary courts-martial.

Additionally, the bill provides more nonjudicial punishment options, greater specificity for existing punishment options, and authorization for a commander to suspend punishment.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 118-0