

Governor's Budget Recommendation Conforming Bill
Florida State Guard

1 A bill to be entitled
2 An act relating to the Florida State Guard; providing an
3 effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Section 251.001, Florida Statutes, is repealed.

8 Section 2. Section 251.003, Florida Statutes, is created to
9 read:

10 251.003 Florida State Guard Act.—

11 (1) CREATION, AUTHORIZATION, AND DEPLOYMENT.— The Florida
12 State Guard is created to protect and defend the people of
13 Florida from all threats to public safety and to augment all
14 existing state and local agencies. The Florida State Guard is
15 created as authorized under federal law for deployment only by
16 the Governor, and shall at all times be under the exclusive
17 command and control of the Governor as commander in chief of all
18 military and guard forces of the state. The Florida State Guard
19 is supported by, yet operationally independent from, the Florida
20 National Guard, except that it is administratively housed within
21 the department for services and administrative support.

22 (2) DEFINITIONS.—As used in this section:

23 (a) The term "Adjutant General" has the same meaning as in
24 s. 250.10.

25 (b) The term "department" means the Department of Military
26 Affairs as defined in s. 250.05.

27 (c) The term "Florida National Guard" has the same meaning
28 as in s. 250.01(13).

29 (d) The term "volunteer" means any person serving in the
30 Florida State Guard.

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31 (3) DIRECTOR OF THE FLORIDA STATE GUARD.—The Director of
32 the Florida State Guard commands the Florida State Guard subject
33 at all times to the Governor as commander in chief, and serves
34 at the pleasure of the Governor. The Director is responsible for
35 organizing, recruiting, training, equipping, managing, and
36 disciplining the Florida State Guard, including selecting units
37 for deployment as directed by the Governor and approving
38 applicants to serve with the Florida State Guard.

39 (4) PERSONNEL.—

40 (a) Subject to approval by the Governor, the Director shall
41 determine the number of volunteers.

42 (b) Each applicant for the Florida State Guard shall meet
43 the following qualifications:

44 1. The applicant shall be a citizen of the United States.

45 2. The applicant cannot have a felony conviction. Each
46 applicant shall submit a complete set of fingerprints and all
47 information required by state and federal law for the purposes
48 of conducting a criminal background screening pursuant to s.
49 435.04.

50 3. The applicant may not be an active duty military
51 servicemember, a member of the military armed forces reserves,
52 or a member of the Florida National Guard.

53 4. If the applicant is a former member of the armed forces,
54 the applicant must have been separated under terms no less than
55 a general discharge under honorable conditions.

56 (c) The Director shall establish minimum standards for the
57 age, physical and health condition, and physical fitness of
58 applicants.

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59 (d) The Director shall develop and implement a code of
60 regulations for the administration and discipline of volunteers
61 of the Florida State Guard.

62 (e) The Director shall organize a specialized unit within
63 the Florida State Guard that shall be considered a criminal
64 justice agency as defined in s. 943.045 while deployed. In
65 addition to the requirements set forth in (b), all volunteers of
66 the specialized unit must meet the requirements provided by s.
67 943.13, and must be certified as law enforcement officers as
68 defined in s. 943.10(1). All volunteers within the specialized
69 unit are vested with the authority to bear arms, detect,
70 apprehend and make arrests while deployed. Volunteers of the
71 specialized unit shall have the same law enforcement authority
72 that the law enforcement agency they are working in conjunction
73 with has when deployed.

74 (5) TRAINING, RECRUITMENT AND EQUIPMENT.—The Director shall
75 develop and implement a program for recruitment and training for
76 volunteers of the Florida State Guard.

77 (a) At the request of the Director, the Adjutant General
78 shall provide for staff to plan, supply, organize and conduct
79 training of volunteers.

80 (b) At the request of the Director, the Adjutant General
81 shall make available all material and equipment for the training
82 and operations of the Florida State Guard. The provisions of s.
83 250.44 apply to the allocation, delegation, use of, and
84 accounting for all material and equipment furnished to the
85 Florida State Guard under this section.

86 (c) At the request of the Director, the Adjutant General
87 shall make available for training, operations and other purposes
88 all facilities available for use by the Florida National Guard.

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89 (e) The Department shall provide administrative and other
90 support as well as information systems support to the Florida
91 State Guard. The Florida State Guard shall not be subject to
92 control, supervision, or direction by the Department in any
93 manner, including but not limited to purchasing, transactions
94 involving real or personal property, personnel, or budgetary
95 matters.

96 (6) REIMBURSEMENT AND COMPENSATION.—

97 (a) The Department shall reimburse volunteers of the
98 Florida State Guard for per diem and travel expenses incurred to
99 attend required training or in the event of deployment as
100 provided in s. 112.061.

101 (b) Volunteers of the Florida State Guard shall be
102 compensated for per diem time spent training in the event of
103 deployment at rates established by the Director.

104 (c) No volunteer of the Florida State Guard may make any
105 purchase or enter into any contract or agreement for purchases
106 or services as a charge against the state without the authority
107 of the Director, and consistent with applicable laws governing
108 purchasing unless waived during a state of emergency.

109 (7) EMPLOYMENT PROTECTION, SUSPENSION OF PROCEEDINGS,
110 LIABILITY, AND WORKERS' COMPENSATION.—

111 (a) The protections for members of the Florida National
112 Guard provided in ss. 250.48-250.483 and 250.5201-250.5205 shall
113 apply to each volunteer of the Florida State Guard engaged in
114 required training or deployment.

115 (b) Volunteers of the Florida State Guard deployed or
116 engaged in required training are not liable for any lawful act
117 done in performance of their duties under this section while
118 acting in good faith within the scope of those duties.

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119 (c) While deployed or in training, volunteers of the
120 Florida State Guard are considered volunteers for the state, as
121 defined in s. 440.02(15)(d)6., and are entitled to workers'
122 compensation protections pursuant to chapter 440.

123 (8) RULEMAKING AUTHORITY.—The Director, as head of the
124 Florida State Guard, shall adopt rules to implement the
125 provisions of this section.

126 Section 3. This act shall take effect upon becoming a law.