

By Senator Baker

20-00528-10

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Senate Memorial

A memorial to the Congress of the United States, urging Congress to preserve the authority of the Governor to retain command and control of the Florida National Guard and to reject any changes to federal law which would restrict or diminish the authority of the Governor to activate the Florida National Guard in response to a domestic crisis, disaster, or other emergency.

WHEREAS, Article I, Section 8, Clause 16 of the United States Constitution and Title 32 of the United States Code grant authority to the Governor to act as commander in chief of the Florida National Guard, and

WHEREAS, the Insurrection Act contained in Title 10 of the United States Code currently provides authority to the President of the United States to activate the Florida National Guard in certain circumstances, and

WHEREAS, revisions to the Insurrection Act enacted in 2007, which provided the President wider authority to activate National Guard units, were repealed in 2008, and

WHEREAS, as the military arm of the Governor and the people of the State of Florida, the Florida National Guard stands ready to immediately respond to a call from the Governor whenever there is a crisis or an emergency at home or abroad, and

WHEREAS, because the State of Florida is extremely vulnerable to hurricanes, the state is often faced with recurring and sometimes overlapping emergency situations that require immediate and significant response, and

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30 WHEREAS, the Florida National Guard is the only military
31 force that the Governor can call upon to respond to disasters
32 and other emergencies, and

33 WHEREAS, coordination and command of the Florida National
34 Guard is also equally critical to the Governor's ability to
35 successfully ensure homeland security and carry out domestic
36 defense duties, NOW, THEREFORE,

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38 Be It Resolved by the Legislature of the State of Florida:

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40 That the Congress of the United States is urged to preserve
41 the authority of the Governor to retain command and control of
42 the Florida National Guard and to reject any changes to federal
43 law which would restrict or diminish the authority of the
44 Governor to activate the Florida National Guard in response to a
45 domestic crisis, disaster, or other emergency.

46 BE IT FURTHER RESOLVED that copies of this memorial be
47 dispatched to the President of the United States, to the
48 President of the United States Senate, to the Speaker of the
49 United States House of Representatives, and to each member of
50 the Florida delegation to the United States Congress.