

HM 227

2010

1 House Memorial

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

9
10 WHEREAS, Article I, Section 8, Clause 16 of the United
11 States Constitution and Title 32 of the United States Code grant
12 authority to the Governor to act as commander in chief of the
13 Florida National Guard, and

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

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20 National Guard units were repealed in 2008, and

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

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

HM 227

2010

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

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

36
 37 Be It Resolved by the Legislature of the State of Florida:

38
 39 That the Congress of the United States is urged to preserve
 40 the authority of the Governor to retain command and control of
 41 the Florida National Guard and to reject any changes to federal
 42 law that would restrict or diminish the authority of the
 43 Governor to activate the Florida National Guard in response to a
 44 domestic crisis, disaster, or other emergency.

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