

26 | in the Kentucky and Virginia Resolutions of 1798, and
27 | WHEREAS, a founder of the United States, George Washington,
28 | once wrote, "The Constitution vests the power of declaring war
29 | in Congress; therefore, no offensive expedition of importance
30 | can be undertaken until after they shall have deliberated upon
31 | the subject and authorized such a measure," and
32 | WHEREAS, the Father of the Constitution, James Madison,
33 | once wrote, "The Constitution supposes, what the History of all
34 | Governments demonstrates, that the Executive is the branch of
35 | power most interested in war, and most prone to it. It has
36 | accordingly with studied care vested the question of war to the
37 | Legislature," and
38 | WHEREAS, the author of the Declaration of Independence,
39 | Thomas Jefferson, once wrote, "We have already given in example
40 | one effectual check to the dog of war by transferring the power
41 | of letting him loose from the Executive to the Legislative
42 | body...", and, "Considering that Congress alone is
43 | constitutionally invested with the power of changing our
44 | condition from peace to war, I have thought it my duty to await
45 | their authority for using force in any degree which could be
46 | avoided," and
47 | WHEREAS, another Constitutional framer, Alexander Hamilton,
48 | once wrote, "'The Congress shall have the power to declare war';
49 | the plain meaning of which is, that it is the peculiar and
50 | exclusive duty of Congress, when the nation is at peace, to

51 | change that state into a state of war..., " NOW, THEREFORE,

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

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55 | Section 1. Section 250.475, Florida Statutes, is created
56 | to read:

57 | 250.475 Mobilization of National Guard into active duty
58 | combat.-

59 | (1) SHORT TITLE.- This section shall be known as the
60 | "Defend the Guard Act."

61 | (2) DEFINITIONS.-As used in this section, the term:

62 | (a) "Active duty combat" means performing the following
63 | services in the active federal military service of the United
64 | States:

65 | 1. Participation in an armed conflict;

66 | 2. Performance of a hazardous service in a foreign state;

67 | or

68 | 3. Performance of a duty through an instrumentality of
69 | war.

70 | (b) "Official declaration of war" means an official
71 | declaration of war made by the United States Congress pursuant
72 | to Article I, Section 8, Clause 11 of the United States
73 | Constitution.

74 | (3) MOBILIZATION INTO ACTIVE DUTY; DECLARATION OF WAR.-

75 | Notwithstanding any other provision of this chapter, the Florida

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76 National Guard and any member thereof may not be released from
77 this state into active duty combat unless the United States
78 Congress has made an official declaration of war or has taken an
79 official action pursuant to Article I, Section 8, Clause 15 of
80 the United States Constitution to explicitly call forth the
81 Florida National Guard and any member thereof for the enumerated
82 purposes of expressly executing the laws of the union, repelling
83 an invasion, or suppressing an insurrection. The Governor shall
84 take all actions necessary to comply with this section.

85 Section 2. This act shall take effect upon becoming a law.