

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Giallombardo offered the following:

Amendment (with title amendment)

Remove lines 101-248 and insert:

6 used exclusively within the state, or to provide support to
 7 other states, for the purposes stated in this section and may
 8 not be called, ordered, or drafted into the armed forces of the
 9 United States. The authorized maximum number of volunteer
 10 personnel that may be commissioned, enrolled, or employed as
 11 members of the Florida State Guard is 1,500 ~~400~~.

12 (3) DIVISION OF THE STATE GUARD.—The Division of the State
 13 Guard is created within the Department of Military Affairs and
 14 shall be headed by a director who shall be appointed by and
 15 serve at the pleasure of the Governor, subject to confirmation
 16 by the Senate. The director must be a former commissioned

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17 officer of the United States Armed Forces, United States Reserve
18 Forces, or Florida National Guard who served at least 5 years,
19 or have at least 5 years as a police executive or possess
20 training and experience in police affairs or public
21 administration. The division shall be a separate budget entity,
22 and the director shall be its agency head for all purposes. The
23 Department of Military Affairs shall provide administrative
24 support and service to the division to the extent requested by
25 the director. The division shall not be subject to control,
26 supervision, or direction by the Department of Military Affairs
27 in any manner, including, but not limited to, personnel,
28 purchasing, transactions involving real or personal property,
29 and budgetary matters. The division is responsible for the
30 organization, recruitment, training, equipping, management, and
31 functions of the Florida State Guard. The director may establish
32 a command, operational, and administrative services structure to
33 assist, manage, and support the Florida State Guard in operating
34 the program and delivering services.

35 (4)~~(2)~~ DEFINITIONS.—As used in this section:

36 (a) The terms "active duty," "armed forces," and "enlisted
37 ~~personnel,~~" "National Guard," ~~and~~ "rank" have the same meanings
38 as in s. 250.01.

39 (b) The term "department" means the Department of Military
40 Affairs.

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41 (c) The term "director" means the director of the Division
42 of the State Guard.

43 (d) The term "division" means the Division of the State
44 Guard within the Department of Military Affairs.

45 ~~(c) The term "officer" means an officer commissioned by~~
46 ~~the Governor.~~

47 ~~(d) The term "organized guard" means an organized military~~
48 ~~force that is authorized by law.~~

49 ~~(e) The term "warrant officer" means a technical~~
50 ~~specialist commissioned as a warrant officer by the Governor.~~

51 ~~(3) ADJUTANT GENERAL.—The Adjutant General is the~~
52 ~~commanding general of the Florida State Guard subject at all~~
53 ~~times to the Governor as commander in chief. The Adjutant~~
54 ~~General is responsible for organizing, recruiting, training,~~
55 ~~equipping, managing, and disciplining the Florida State Guard,~~
56 ~~including selecting units for activation by the Governor,~~
57 ~~selecting candidates for commissioning by the Governor, and~~
58 ~~approving applicants as enlisted personnel.~~

59 ~~(5)(4) PERSONNEL.—~~

60 (a) Subject to approval by the Governor, the director
61 ~~Adjutant General~~ shall determine the number of volunteer
62 ~~officers, warrant officers, and enlisted personnel~~ necessary to
63 meet the staffing and operational requirements of the Florida
64 State Guard, and determine the volunteer structure ~~specific~~

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65 ~~ranks~~ and number of volunteer personnel within each component
66 unit of such structure ~~rank~~.

67 (b) The Governor shall commission all volunteer personnel
68 ~~officers and warrant officers~~ of the Florida State Guard.

69 (c) Each applicant for the Florida State Guard shall meet
70 the following qualifications:

71 1. The applicant must ~~shall~~ be a citizen of the United
72 States and a resident of the state.

73 2. The applicant may not ~~cannot~~ have a felony conviction.
74 Each applicant shall submit a complete set of fingerprints and
75 all information required by state and federal law to process
76 fingerprints for purposes of conducting a criminal background
77 check.

78 3. The applicant may not be an active duty servicemember,
79 a member of the armed forces reserves, or a member of the
80 Florida National Guard.

81 4. If the applicant is a former member of the armed forces
82 or of any military or naval organization of this state or
83 another state, the applicant must have been separated under
84 terms no less than a general discharge under honorable
85 conditions.

86 (d) The director ~~Adjutant General~~ shall establish minimum
87 standards for the age, physical and health condition, and
88 physical fitness of applicants which are no less than the

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89 standards required for recruitment, enrollment, and retention in
90 the Florida National Guard.

91 (e) The director ~~Adjutant-General~~ shall develop and
92 implement a code of regulations for the administration and
93 discipline of members of the Florida State Guard that shall
94 provide no less protection and impose no more severe sanctions
95 than as provided in s. 250.35, except that the director ~~Adjutant~~
96 ~~General~~ shall not have ~~no~~ authority to impose any term of
97 incarceration.

98 (6) SPECIALIZED UNIT.—The director shall organize a
99 specialized unit within the Florida State Guard which shall be
100 considered a criminal justice agency as defined in s. 943.045
101 while activated. In addition to the requirements set forth in
102 paragraph (5)(c), all members of the specialized unit:

103 (a) Must meet the requirements in s. 943.13 and be
104 certified as law enforcement officers as defined in s.
105 943.10(1).

106 (b) Are vested with the authority to bear arms, detect,
107 apprehend, and make arrests while activated.

108 (c) Shall have the same law enforcement authority as the
109 law enforcement agency in conjunction with which they are
110 working when activated.

111 (7)-(5) TRAINING AND EQUIPMENT.—The director ~~Adjutant~~
112 ~~General~~ shall develop and implement a program for training for
113 members of the Florida State Guard.

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114 (a) All training programs for the Florida State Guard
115 shall be at least equivalent to the training requirements for
116 members of the Florida National Guard under applicable federal
117 law at the time the training is conducted. As required by the
118 director ~~Adjutant General~~, all members of the Florida State
119 Guard shall complete initial training within 180 days after
120 their appointment or enrollment and periodic ongoing training.

121 (b) The director ~~Adjutant General~~ may provide for staff to
122 prepare and conduct training required in this section. The staff
123 may include members of the Florida National Guard whose duty
124 assignments may include conducting training under this section
125 but who may not be considered members of the Florida State
126 Guard.

127 (c) The division ~~Adjutant General~~ shall provide all
128 equipment necessary for the training and service of members of
129 the Florida State Guard and shall arrange and contract for the
130 use of sufficient and adequate facilities for training,
131 organizing, and all other purposes of the Florida State Guard.
132 Section 250.44 applies ~~The provisions of s. 250.44 apply~~ to the
133 allocation, delegation, use of, and accounting for all equipment
134 furnished under this section.

135 ~~(d) The Adjutant General may make available for training~~
136 ~~and other purposes under this section the facilities controlled~~
137 ~~and operated by the department.~~

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138 (8)-(6) ACTIVATION AND DEACTIVATION OF THE FLORIDA STATE
139 GUARD.-

140 (a) The Florida State Guard, by component units or in
141 total, may be activated by order of the Governor:

142 1. During any period when any part of the Florida National
143 Guard is in active federal service and the Governor has declared
144 a state of emergency; ~~The Florida State Guard may be activated~~
145 ~~as part of an emergency order issued by the Governor or in a~~
146 ~~separate executive order issued during a declared state of~~
147 ~~emergency.~~

148 ~~2.(b) The Florida State Guard may be activated only To~~
149 ~~preserve the public peace, execute the laws of the state,~~
150 ~~enhance domestic security, respond to terrorist threats or~~
151 ~~attacks, protect and defend the people of Florida from threats~~
152 ~~to public safety, respond to an emergency as defined in s.~~
153 ~~252.34 or imminent danger thereof, or respond to any need for~~
154 ~~emergency aid to civil authorities as specified in s. 252.38;~~

155 3. To augment any existing state or local agency; or

156 4. To provide support to other states under the Emergency
157 Management Assistance Compact as provided for in part III of
158 chapter 252.

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161 **T I T L E A M E N D M E N T**

162 Remove line 24 and insert:

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Bill No. HB 1285 (2023)

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163 | responsibilities; providing director responsibilities; defining
164 | the terms "director" and