

26 | providing procedures and requirements for an action or
 27 | proceeding against a volunteer of the Florida State
 28 | Guard; providing an effective date.

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

31 |
 32 | Section 1. Section 251.001, Florida Statutes, is amended
 33 | to read:

34 | 251.001 Florida State Guard Act.—

35 | (1) SHORT TITLE AND SCOPE.—This chapter may be cited as
 36 | the "Florida State Guard Act." This chapter shall be
 37 | supplemental to provisions relating to the organized militia in
 38 | chapter 250 other than the Florida National Guard.

39 | (2) CREATION AND AUTHORIZATION.—The Florida State Guard is
 40 | created to protect and defend the people of Florida from all
 41 | threats to public safety and to augment all existing state and
 42 | local agencies. The Florida State Guard is created as authorized
 43 | under federal law for use ~~exclusively~~ within the state,
 44 | activated only by the Governor, and is at all times under the
 45 | final command and control of the Governor as commander in chief
 46 | of all military and guard forces of the state. The Florida State
 47 | Guard shall be used ~~exclusively~~ within the state, or to provide
 48 | support to other states, for the purposes stated in this section
 49 | and may not be called, ordered, or drafted into the armed forces
 50 | of the United States. The authorized maximum number of volunteer

51 personnel that may be commissioned, enrolled, or employed as
 52 volunteers ~~members~~ of the Florida State Guard is 1,500.

53 (3) DIVISION OF THE STATE GUARD.—The Division of the State
 54 Guard is created within the Department of Military Affairs and
 55 shall be headed by a director who shall be appointed by and
 56 serve at the pleasure of the Governor, subject to confirmation
 57 by the Senate. The director must have served at least 5 years as
 58 a servicemember of the United States Armed Forces, United States
 59 Reserve Forces, or Florida National Guard. The division shall be
 60 a separate budget entity, and the director shall be its agency
 61 head for all purposes. The Department of Military Affairs shall
 62 provide administrative support and service to the division to
 63 the extent requested by the director. The division shall not be
 64 subject to control, supervision, or direction by the Department
 65 of Military Affairs in any manner, including, but not limited
 66 to, personnel, purchasing, transactions involving real or
 67 personal property, and budgetary matters. The division is
 68 responsible for the organization, recruitment, training,
 69 equipping, management, and functions of the Florida State Guard.
 70 The director may establish a command, operational, and
 71 administrative services structure to assist, manage, and support
 72 the Florida State Guard in operating the program and delivering
 73 services.

74 (4) DEFINITIONS.—As used in this section:

75 (a) The terms "active duty," "armed forces," and "National

76 Guard" have the same meanings as in s. 250.01.

77 (b) The term "department" means the Department of Military
78 Affairs.

79 (c) The term "director" means the director of the Division
80 of the State Guard.

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

83 (e) The term "enlisted volunteer" means a person who has
84 been approved by the director to serve in the Florida State
85 Guard.

86 (f) The term "officer" means an enlisted volunteer who,
87 due to special trust and confidence, is commissioned by the
88 Governor as an officer of the Florida State Guard.

89 (g) The term "volunteer" means an officer or an enlisted
90 volunteer.

91 (5) PERSONNEL.—

92 (a) Subject to approval by the Governor, the director
93 shall determine the number of volunteers ~~volunteer personnel~~
94 necessary to meet the staffing and operational requirements of
95 the Florida State Guard, and determine the volunteer structure
96 and number of volunteers ~~volunteer personnel~~ within each
97 component unit of such structure.

98 (b) The Governor shall commission all officers ~~volunteer~~
99 ~~personnel~~ of the Florida State Guard.

100 (c) Each applicant for the Florida State Guard shall meet

101 the following qualifications:

102 1. The applicant must be a citizen of the United States
103 and a resident of the state.

104 2. The applicant may not have a felony conviction. Each
105 applicant must ~~shall~~ submit a complete set of fingerprints to
106 the division or to the vendor, entity, or agency authorized by
107 s. 943.053(13) to accept electronic fingerprints. The division,
108 vendor, entity, or agency shall forward the fingerprints to the
109 Department of Law Enforcement for state processing, and
110 thereafter the Department of Law Enforcement shall forward the
111 fingerprints to the Federal Bureau of Investigation for a
112 national criminal history record check. Fees for state and
113 federal fingerprint processing and retention shall be borne by
114 the Florida State Guard. The state cost for fingerprint
115 processing shall be as provided in s. 943.053(3)(e).
116 Fingerprints submitted to the Department of Law Enforcement
117 pursuant to this paragraph shall be retained by the Department
118 of Law Enforcement as provided in s. 943.05(2)(g) and (h) along
119 with the enrollment in the Federal Bureau of Investigation's
120 national retained fingerprint arrest notification program. Any
121 arrest record identified shall be reported to the division and
122 all information required by state and federal law to process
123 fingerprints for purposes of conducting a criminal background
124 check.

125 3. The applicant may not be an active duty servicemember,

126 a member of the armed forces reserves, or a member of the
127 Florida National Guard.

128 4. If the applicant is a former member of the armed forces
129 or of any military or naval organization of this state or
130 another state, the applicant must have been separated under
131 terms no less than a general discharge under honorable
132 conditions.

133 (d) The director shall establish minimum standards for the
134 age, physical and health condition, and physical fitness of
135 applicants based upon the component unit of the Florida State
136 Guard structure in which the applicant is being considered for
137 placement. ~~However, an applicant being considered for placement
138 in a component unit that serves in an active duty capacity
139 within the Florida State Guard must be subject to standards that
140 are no less than the standards required for recruitment,
141 enrollment, and retention in the Florida National Guard.~~

142 (e) The director shall develop and implement a code of
143 regulations for the administration and discipline of volunteers
144 ~~members~~ of the Florida State Guard that provides ~~shall provide~~
145 no less protection and imposes ~~impose~~ no more severe sanctions
146 than as provided in s. 250.35, except that the director may
147 ~~shall not have authority to~~ impose any term of incarceration.

148 (6) SPECIALIZED UNIT.—The director shall organize a
149 specialized unit within the Florida State Guard. All volunteers
150 ~~members~~ of the specialized unit are vested with the authority to

151 bear arms, detect, and apprehend while activated. In addition to
152 the requirements set forth in paragraph (5)(c), only those
153 volunteers ~~members~~ of the specialized unit who meet the
154 requirements in s. 943.13 and are certified as law enforcement
155 officers as defined in s. 943.10(1) may ~~are authorized to~~ have
156 the same law enforcement authority as the law enforcement agency
157 in conjunction with which they are working when activated.

158 (7) TRAINING AND EQUIPMENT.—The director shall develop and
159 implement a program for training for volunteers ~~members~~ of the
160 Florida State Guard.

161 (a) ~~All training programs for the Florida State Guard~~
162 ~~shall be at least equivalent to the training requirements for~~
163 ~~members of the Florida National Guard under applicable federal~~
164 ~~law at the time the training is conducted.~~ As required by the
165 director, all volunteers ~~members~~ of the Florida State Guard
166 shall complete initial training within 180 days after their
167 appointment or enrollment and periodic ongoing training.

168 (b) The director may provide for staff to prepare and
169 conduct training required in this section. The staff may include
170 members of the Florida National Guard whose duty assignments may
171 include conducting training under this section but who may not
172 be considered volunteers ~~members~~ of the Florida State Guard.

173 (c) The division shall provide all equipment necessary for
174 the training and service of volunteers ~~members~~ of the Florida
175 State Guard and shall arrange and contract for the use of

176 sufficient and adequate facilities for training, organizing, and
 177 all other purposes of the Florida State Guard. Section 250.44
 178 applies to the allocation, delegation, use of, and accounting
 179 for all equipment furnished under this section.

180 (d) The director may call volunteers of the Florida State
 181 Guard to duty for purposes of training and administrative tasks,
 182 subject to annual appropriation, when not activated by order of
 183 the Governor.

184 (8) ACTIVATION AND DEACTIVATION OF THE FLORIDA STATE
 185 GUARD.—

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

188 1. ~~During any period when any part of the Florida National~~
 189 ~~Guard is in active federal service and the Governor has declared~~
 190 a declared state of emergency, period of civil unrest, or any
 191 other time deemed necessary and appropriate. Such order must be
 192 a written communication from the Governor to the director;

193 2. To preserve the public peace, execute the laws of the
 194 state, enhance domestic security, respond to terrorist threats
 195 or attacks, protect and defend the people of Florida from
 196 threats to public safety, respond to an emergency as defined in
 197 s. 252.34 or imminent danger thereof, or respond to any need for
 198 emergency aid to civil authorities as specified in s. 252.38;

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

200 4. To provide support to other states under the Emergency

201 Management Assistance Compact as provided for in part III of
 202 chapter 252.

203 (b) The Florida State Guard shall be deactivated by the
 204 expiration of the order of activation or by a separate order by
 205 the Governor deactivating the Florida State Guard.

206 (9) REIMBURSEMENT AND COMPENSATION.—

207 (a) The division may ~~shall~~ reimburse volunteers ~~members~~ of
 208 the Florida State Guard for per diem and travel expenses
 209 incurred to attend required training or in the course of active
 210 service as provided in s. 112.061.

211 (b) Volunteers ~~Members~~ of the Florida State Guard may be
 212 compensated for time spent training or in the course of active
 213 service at rates established by the director, subject to
 214 appropriation.

215 (c) A volunteer ~~member~~ of the Florida State Guard may not
 216 make any purchase or enter into any contract or agreement for
 217 purchases or services as a charge against the state without the
 218 authority of the director.

219 (10) EMPLOYMENT PROTECTION, SUSPENSION OF PROCEEDINGS,
 220 LIABILITY, AND WORKERS' COMPENSATION.—

221 (a) The protections for members of the Florida National
 222 Guard provided in ss. 115.07, 250.48-250.483, and 250.5201-
 223 250.5205 ~~ss. 250.48-250.483 and 250.5201-250.5205~~ apply to each
 224 volunteer ~~member~~ of the Florida State Guard engaged in required
 225 training or active service.

226 (b) Volunteers ~~Members~~ of the Florida State Guard ordered
227 into active service or engaged in required training are not
228 liable for any lawful act done in performance of their duties
229 under this section while acting in good faith within the scope
230 of those duties.

231 (c) In any action or proceeding of any nature, civil or
232 criminal, commenced in any court by any person or by the state
233 against any volunteer of the Florida State Guard for any act
234 occurring in that volunteer's scope of duty, the defendant in
235 such action or proceeding, upon his or her request, may be
236 defended at the expense of the state by a qualified attorney
237 designated by the Department of Legal Affairs. However, this
238 paragraph does not prohibit such defendant from employing his or
239 her own private counsel at the defendant's own expense.

240 (d) A defendant may be ordered to state active duty with
241 full active duty compensation for the time his or her presence
242 is required in defense of such actions or proceedings.

243 (e) In any such action or proceeding, if the plaintiff
244 dismisses his or her suit, or a verdict or judgment in favor of
245 the defendant is entered, the court shall award costs and
246 reasonable attorney fees incurred by the state and the defendant
247 in the defense of such action or proceeding.

248 (f) ~~(e)~~ While activated or in training, volunteers ~~members~~
249 of the Florida State Guard are considered volunteers for the
250 state, as defined in s. 440.02(18)(d)6., and are entitled to

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251 workers' compensation protections pursuant to chapter 440.

252 (11) RULEMAKING AUTHORITY.—The director, as head of the
253 division, shall adopt rules to implement this section.

254 Section 2. This act shall take effect July 1, 2024.