

1 A bill to be entitled
2 An act relating to Florida Defense Force; amending s.
3 251.01, F.S.; authorizing the Governor to organize and
4 maintain state forces; amending s. 251.01, F.S.;
5 designating the Governor as Commander-in-Chief of the
6 Florida Defense Force; authorizing the Adjutant General to
7 lead and maintain the Florida Defense Force; amending s.
8 251.02, F.S.; providing the Adjutant General authority to
9 prescribe regulations for the Florida Defense Force,
10 uniforms, organizational structure, and composition;
11 requiring the Florida Defense Force be composed of a full-
12 time designee, a reserve cadre, and qualified volunteers;
13 amending s. 251.03, F.S.; providing for stipends for
14 activated members of the Florida Defense Force;
15 authorizing the adjutant General to determine rates for
16 reimbursement; providing for workers compensation
17 protection for members while activated and training;
18 amending s. 251.04, F.S.; authorizing the Governor to
19 requisition equipment for the Florida Defense Force
20 pursuant to Title 32, United States Code, section 109;
21 authorizing the use of state armories for the Florida
22 Defense Force; amending s. 251.05, F.S.; authorizing the
23 activation and authorization for use of the Florida
24 Defense Force; providing for the deactivation of the
25 Florida Defense Force; amending s. 251.06, F.S.; exempting
26 from liability lawful acts of Florida Defense Force
27 members while in performance of their duty; providing for
28 legal services for defense of actions or proceedings

29 | against members of the Florida Defense Force; amending s.
30 | 251.07, F.S.; providing for disciplinary guidelines for
31 | members of the Florida Defense Force as provided for the
32 | Florida National Guard; providing the Adjutant General
33 | authority to court-martial and administer non-judicial
34 | punishment as necessary; providing for adverse
35 | administrative action for violations to the Department of
36 | Military Affairs' Employee Handbook; amending s. 251.08,
37 | F.S.; providing for limitations as defined in 32 U.S.C.
38 | 109; amending s. 251.09, F.S.; requiring members of the
39 | Florida Defense Force be US citizens and residents of
40 | Florida; providing requirement for background screening
41 | for membership to the Florida Defense Force; authorizing
42 | the Governor and Adjutant General to establish eligibility
43 | requirements for membership; amending s. 251.10, F.S.;
44 | authorizing the Adjutant General or delegate to approve or
45 | deny applicants for executive and supervisory level
46 | service and execute a service contract; authorizing the
47 | Adjutant General or delegate to approve or deny applicants
48 | for members and execute a service contract; amending s.
49 | 251.11, F.S. providing protections for members of the
50 | Florida Defense Force as provided under F.S. 250.5201;
51 | amending s. 251.12, F.S.; providing protections for
52 | members of the Florida Defense Force as provided under
53 | F.S. 250.482, chapter 115, and chapter 250; amending s.
54 | 251.13, F.S.; authorizing the Governor and Adjutant
55 | General to provide members of the Florida Defense Force to
56 | provide mutual assistance to other states in accordance

57 with Florida Statutes; amending s. 251.14, F.S.; providing
58 for funding of the Florida Defense Force to be separate
59 and distinct from funding for the Florida National Guard;
60 repealing s. 251.15, F.S., relating to expenses; amending
61 s. 251.16, F.S., relating to short title; repealing s.
62 251.17, F.S., relating to awards to officers and enlisted
63 personnel; providing an effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 Section 1. Subsection (1) and (2) of section 251.01,
68 Florida statutes, are amended to read:

69 251.01 Authority and name.-

70 (1) The Governor is authorized to organize and maintain,
71 under the laws of the United States such state forces as the
72 Governor deems necessary. Such forces shall be composed of
73 qualified citizens of the state as shall volunteer for service
74 therein. Such forces shall be in addition to and distinct from
75 the National Guard and shall be known as the Florida Defense
76 Force. ~~Whenever any part of the National Guard of this state is~~
77 ~~in active federal service, the Governor is hereby authorized to~~
78 ~~organize and maintain, within this state during such period,~~
79 ~~under such regulations as the Secretary of Defense of the United~~
80 ~~States may prescribe for discipline in training, such military~~
81 ~~forces as the Governor may deem necessary to assist the civil~~
82 ~~authorities in maintaining law and order. Such forces shall be~~
83 ~~composed of officers commissioned or assigned, and such able-~~
84 ~~-bodied citizens of the state as shall volunteer for service~~

85 ~~therein, supplemented, if necessary, by personnel of the Florida~~
86 ~~National Guard enrolled by draft or otherwise, as provided by~~
87 ~~law. Such forces shall be additional to and distinct from the~~
88 ~~National Guard and shall be known as the Florida State Defense~~
89 ~~Force. Such forces shall be uniformed.~~

90 (2) The Governor is the Commander-in-Chief of the Florida
91 Defense Force. The Adjutant General shall be responsible for
92 leading and maintaining the Florida Defense Force. ~~The Governor~~
93 ~~is authorized to maintain a Florida State Defense Force reserve~~
94 ~~cadre of officers and noncommissioned officers, said officers to~~
95 ~~be a trained nucleus for such time as the Florida State Defense~~
96 ~~Force may be activated. Said officers shall be volunteers and~~
97 ~~shall serve with no pay or allowances except when called to~~
98 ~~active duty.~~

99 Section 2. Section 251.02 Florida Statutes, is amended to
100 read:

101 251.02 Duties of the Adjutant General Relating to the
102 Florida Defense Force ~~Organization; rules and regulations.-~~

103 (1) The Adjutant General is authorized to prescribe
104 regulations, consistent with the provisions of this chapter,
105 governing the recruitment, organization, administration,
106 equipment, maintenance, training, retention, incentives and
107 discipline of the Florida Defense Force; provided, such
108 regulations, insofar as the Adjutant General deems practicable
109 and desirable, shall conform to existing law governing and
110 pertaining to the National Guard and the regulations promulgated
111 thereunder.

112 (2) The Adjutant General is authorized to prescribe
113 uniforms, which must be separate and distinct from that of the
114 United States Military and the National Guard.

115 (3) The Adjutant General may create duty positions and
116 titles as required to maintain organizational structure.

117 (4) The Adjutant General shall set the composition and
118 organizational force structure of the Florida Defense Force and
119 may divide the Florida Defense Force into units, as necessary,
120 and may give each such unit a name, a number designation, or
121 both. Such force may be composed of:

122 (a) A full-time designee selected by the Adjutant General
123 to coordinate the force at the pleasure of the Adjutant General
124 and, subject to appropriation, a permanent office responsible
125 for planning, training, and readiness of the force, proper
126 acquisition and safeguarding of equipment and facilities, and
127 the ability to coordinate response actions when the Florida
128 Defense Force is activated;

129 (b) A reserve cadre of appropriately trained members to
130 carry out the duties and responsibilities of the force; and

131 (c) Such qualified citizens of the State as may volunteer
132 and who are accepted for service therein.

133 ~~The Adjutant General is hereby authorized to prescribe~~
134 ~~military regulations, not inconsistent with the provisions of~~
135 ~~this chapter, governing the enlistment, organization,~~
136 ~~administration, equipment, maintenance, training and discipline~~
137 ~~of such Florida State Defense Force; provided, such military~~
138 ~~regulations, insofar as the Adjutant General deems practicable~~
139 ~~and desirable, shall conform to existing law governing and~~

140 ~~pertaining to the National Guard and the military regulations~~
141 ~~promulgated thereunder; and prohibit the acceptance of gifts,~~
142 ~~donations, gratuities, or anything of value, by such Florida~~
143 ~~State Defense Force, or by any member of such Florida State~~
144 ~~Defense Force, from any individual, firm, association, or~~
145 ~~corporation, by reason of such membership.~~

146 Section 3. Section 251.03, Florida Statutes is amended to
147 read:

148 251.03 Reimbursement and Compensation Pay and allowances.-

149 (1) Activated members of the Florida Defense Force may
150 receive stipends or travel expenses at the discretion of the
151 Governor, the Adjutant General, or their designated authority,
152 contingent upon available funding.

153 (2) Rates of reimbursement and levels of compensation shall
154 be determined by the Adjutant General and shall be contingent
155 upon available funding.

156 (3) While activated or while in training, members of the
157 Florida Defense Force shall be covered by the protections of the
158 Workers Compensation Law as defined by Florida Statute Title 31
159 (Labor), Chapter 440 (workers compensation), as a volunteer
160 worker for the State of Florida as defined in 440.02 (d) 6.

161 ~~The members of the Florida State Defense Force shall~~
162 ~~receive no pay and allowances, except when called out on active~~
163 ~~duty, during which time they shall receive the same base pay and~~
164 ~~allowances as are now provided by law for the National Guard~~
165 ~~when on similar duty.~~

166 Section 4. Section 251.04, Florida Statutes is amended to
167 read:

168 251.04 Requisitions; armories; other buildings.-

169 (1) The Governor is authorized to requisition required
170 equipment for the Florida Defense Force through commercial
171 sources, or directly from the Department of Defense as permitted
172 by Title 32, United States Code, section 109.

173 (2) The Governor or the Adjutant General may make available
174 to the Florida Defense Force the facilities of state armories
175 and their equipment and such other state premises and property
176 as may be available.

177 ~~For the use of such Florida State Defense Force, the~~
178 ~~Governor is hereby authorized to requisition from the Secretary~~
179 ~~of Defense such arms and equipment as may be in possession of,~~
180 ~~and can be spared by, the Defense Department; and to make~~
181 ~~available to such Florida State Defense Force the facilities of~~
182 ~~state armories and their equipment and such other state premises~~
183 ~~and property as may be available.~~

184 Section 5. Section 251.05, Florida Statutes is amended to
185 read:

186 251.05 Activation and Deactivation of the Florida Defense
187 Force ~~Calling out of defense force.-~~

188 (1) The Governor may, in order to preserve the public
189 peace, execute the laws of the state, enhance domestic security,
190 respond to terrorist threats or attacks, respond to an emergency
191 as defined in s. 252.34 or imminent danger thereof, or respond
192 to any need for emergency aid to civil authorities as specified
193 in s. 250.28, order the activation of the Florida Defense Force.

194 (2) The Governor may authorize all or any part of the
195 Florida Defense Force to participate in any parade, review,

196 inspection, ceremony, or other public exercise; to serve for
197 escort duty; to participate in training; to provide
198 extraordinary support to law enforcement upon request; and to
199 provide relief in situations for which it is uniquely qualified.
200 Such expenses incidental thereto and authorized by the Governor
201 may be paid as provided for state active duty.

202 (3) The Florida Defense Force shall be deactivated by
203 expiration of the order activating the Florida Defense Force, a
204 separate order from the Governor deactivating the Florida
205 Defense Force, or an order from the Adjutant General or his
206 designee deactivating the Florida Defense Force.

207 (4) Unless otherwise stated, such deactivation will not
208 affect the full-time members other than to excuse them from the
209 current operation.

210 ~~The Florida State Defense Force may be called out to aid~~
211 ~~the civil authorities as now provided by the law for calling out~~
212 ~~the National Guard; except whenever the Adjutant General would~~
213 ~~be authorized to call out the Florida State Defense Force, but~~
214 ~~is unable to do so for any reason, the Adjutant General's~~
215 ~~assistant shall have such authority.~~

216 Section 6. Section 251.06, Florida Statutes is amended to
217 read:

218 251.06 Defense of actions or proceedings against members of
219 the Florida Defense Force Use outside this state.-

220 (1) Members of the Florida Defense Force ordered to state
221 active duty or while in training are not liable, civilly or
222 criminally, for any lawful act done by them in the performance

223 of their duty, while acting in good faith and within the scope
224 of that duty.

225 (2) In any action or proceeding of any nature, civil or
226 criminal, commenced in any court by any person or by the state
227 against any member of the Florida Defense Force while ordered to
228 state active duty or while in training, because of any act done
229 or caused, ordered, or directed to be done, the defendant in
230 such action or proceeding, upon his or her request, shall be
231 defended at the expense of the state by a qualified attorney
232 designated by the Department of Legal Affairs. However, this
233 section does not prohibit such defendant from employing his or
234 her own private counsel at the defendant's own expense.

235 (3) In any such action or proceeding, if the plaintiff
236 dismisses his or her suit, or a verdict or judgment in favor of
237 the defendant is entered, the court shall award costs and
238 reasonable attorney's fees incurred by the state and the
239 defendant in the defense of such action or proceeding.

240 ~~Such Florida State Defense Force shall not be required to~~
241 ~~serve outside the boundaries of this state, except that any~~
242 ~~organization, unit, or detachment of such Florida State Defense~~
243 ~~Force, upon order of the officer in immediate command thereof,~~
244 ~~may continue in fresh pursuit of insurrectionists, saboteurs,~~
245 ~~enemies, or enemy forces beyond the borders of this state into~~
246 ~~another state until they are apprehended or captured by such~~
247 ~~organization, unit, or detachment, or until the military or~~
248 ~~police forces of the other state, or the forces of the United~~
249 ~~States, have had a reasonable opportunity to take up the pursuit~~
250 ~~or to apprehend or capture such persons; provided, such other~~

251 ~~state shall have given authority by law for such pursuit by such~~
252 ~~Florida State Defense Force. Any such person, who shall be~~
253 ~~apprehended or captured in such other state by an organization,~~
254 ~~unit, or detachment of the Florida State Defense Force, shall,~~
255 ~~without unnecessary delay, be surrendered to the military or~~
256 ~~police forces of the state in which she or he is taken or to the~~
257 ~~United States; but such surrender shall not constitute a waiver~~
258 ~~by this state of its right to extradite or prosecute such person~~
259 ~~for any crime committed in this state.~~

260 Section 7. Subsections (1), (2), and (3) of section 251.07
261 Florida Statutes is amended to read:

262 251.07 Liability for actions of members of the Florida
263 Defense Force Permission to forces of other states in fresh
264 pursuit.-

265 (1) Whenever such Florida Defense Force, or any part
266 thereof, shall be activated for service or while in training,
267 members so ordered are subject to discipline under Florida
268 Statute 250.35, 250.351, and 250.36 to the same extent those
269 statutes are applicable to members of the Florida National
270 Guard. Members of the Florida National Guard may be utilized to
271 administer discipline against members of the Florida Defense
272 Force, including to prosecute, defend, or serve as Military
273 Judge or members of a Court-Martial.

274 (2) Members of the Florida Defense Force may be subject to
275 court-martial or non-judicial punishment for any crime or
276 offense made punishable by Florida Statute 250.35. The Adjutant
277 General, or their delegate, has the authority to convene any
278 such court-martial and administer and such non-judicial

279 punishment. Members of the Florida Defense Force may be
280 punished to the same extent as Florida National Guardsmen,
281 except that dismissal or discharge would be from the Florida
282 Defense Force, vice the Florida National Guard, and that Florida
283 Defense Force members may be demoted, vice reduced in rank.

284 (3) Members of the Florida Defense Force may be subject to
285 adverse administrative actions for any violation of the
286 Department of Military Affairs' Employee Handbook.

287 ~~Any military forces or organization, unit or detachment~~
288 ~~thereof, of another state, who are in fresh pursuit of~~
289 ~~insurrectionists, saboteurs, enemies or enemy forces, may~~
290 ~~continue such pursuit into this state until the military or~~
291 ~~police forces of this state or the forces of the United States,~~
292 ~~have had a reasonable opportunity to take up the pursuit or to~~
293 ~~apprehend or capture such persons; and they are hereby~~
294 ~~authorized to arrest or capture such persons within this state~~
295 ~~while in fresh pursuit. Any such person, who shall be captured~~
296 ~~or arrested by the military forces of such other state while in~~
297 ~~this state, shall without unnecessary delay be surrendered to~~
298 ~~the military or police forces of this state to be dealt with~~
299 ~~according to law. This section shall not be construed so as to~~
300 ~~make unlawful any arrest in this state which would otherwise be~~
301 ~~lawful.~~

302 Section 8. Section 251.08, Florida Statutes, is amended to
303 read:

304 Section 251.08 Federal Service.-

305 (1) Nothing in this chapter shall be construed as
306 authorizing such Florida Defense Force, or any part thereof, to

307 be called, ordered, or in any manner drafted, as such, into the
308 military service of the United States. ~~but~~

309 (2) No person shall, by reason of her or his membership in
310 any such Florida Defense Force, be exempted from military
311 service under any law of the United States.

312 (3) Members of the Florida Defense Force are subject to
313 limitations contained in 32 U.S.C. 109.

314 Section 9. Section 251.09, Florida Statutes, is amended to
315 read;

316 251.09, Citizenship Requirements and Disqualification for
317 membership ~~Civil groups.~~

318 (1) No person shall be a member in such Florida Defense
319 Force who is not a citizen of the United States and a resident
320 of the state of Florida.

321 (2) All prospective members of the Florida Defense Force
322 shall be subject to an appropriate criminal background check. No
323 person shall be a member in such Florida Defense Force who has
324 been convicted of a felony, or who has been dropped from the
325 rolls, or separated, expelled, or discharged with less than a
326 General (Under Honorable Conditions) Service characterization
327 from any military organization of this state, or of another
328 state, or of the United States.

329 (3) The Governor or The Adjutant General may establish age
330 limitations and standards for fitness, to include moral,
331 physical, health, and legal considerations, for eligibility to
332 be a member in such Florida Defense Force.

333 ~~No civil organization, society, club, post, order,~~
334 ~~fraternity, association, brotherhood, body, union, league, or~~

335 ~~other combination of persons, or civil groups, shall be enlisted~~
336 ~~in such Florida State Defense Force as an organization or unit.~~

337 Section 10. Section 251.10, Florida Statutes is amended to
338 read:

339 Section 251.10 Duration and obligations of service
340 Disqualifications.-

341 (1) Executive and supervisory level Members. The Adjutant
342 General or his/her delegate shall approve or disapprove each
343 applicant for executive and supervisory level service. A
344 prospective executive or supervisory of the Florida Defense
345 Force will enter into a contract with the State of Florida for
346 service as members. Members are subject to the rights and
347 limitations on the contract entering the Florida Defense Force
348 member into service. Nothing contained in any contract between a
349 Florida Defense Force member and the State of Florida will limit
350 the ability of the Adjutant General to terminate or modify the
351 contract at any time. The oath to be taken by executive or
352 supervisory members in such Florida Defense Force shall be
353 substantially in the form prescribed for officers of the
354 National Guard, substituting the words "Florida Defense Force"
355 where necessary, and omitting the reference to the President of
356 the United States.

357 (2) All other members. The Adjutant General or his/her
358 delegate shall approve or disapprove each applicant. A
359 prospective member of the Florida Defense Force will enter into
360 a contract with the State of Florida for service as members.
361 Members are subject to the rights and limitations on the
362 contract entering the Florida Defense Force member into service.

363 Nothing contained in any contract between a Florida Defense
364 Force member and the State of Florida will limit the ability of
365 the Adjutant General to terminate or modify the contract at any
366 time. The oath to be taken upon membership in such Florida
367 Defense Force shall be substantially in the form prescribed for
368 enlisted personnel of the National Guard, substituting the words
369 "Florida Defense Force" where necessary, and omitting the
370 reference to the President of the United States. ~~No person shall~~
371 ~~be commissioned or enlisted in such Florida State Defense Force~~
372 ~~who is not a citizen of the United States, or who has been~~
373 ~~expelled or dishonorably discharged from any military or naval~~
374 ~~organization of this state, or of another state, or of the~~
375 ~~United States.~~

376 Section 11. Section 251.11, Florida Statutes is amended to
377 read:

378 251.11 Stay of proceedings when Florida Defense Force
379 activated ~~Commissioned officers.-~~

380 Members of the Florida Defense Force in an activated status
381 shall be entitled to the same protection afforded to members of
382 the Florida National Guard under Florida Statute 250.5201 (Stay
383 of proceedings where troops called out into state active duty or
384 active duty). ~~The term of commission in the Florida State Defense~~
385 ~~Force shall be for 3 years, subject to termination at the~~
386 ~~pleasure of the Governor prior to the expiration of such period.~~
387 ~~The oath to be taken by officers commissioned in such Florida~~
388 ~~State Defense Force shall be substantially in the form~~
389 ~~prescribed for officers of the National Guard, substituting the~~
390 ~~words "Florida State Defense Force" where necessary, and~~

391 ~~omitting the reference to the President of the United States.~~
392 ~~The subject term of 3 years may be extended by express direction~~
393 ~~of the Governor.~~

394 Section 12. Section 251.12, Florida statutes is amended to
395 read:

396 251.12 Employment protection when Florida Defense Force
397 activated Enlisted personnel.-

398 Members of the Florida Defense Force in an activated status
399 shall be entitled to the same protection afforded to members of
400 the Florida National Guard under Florida Statute 250.482 (Troops
401 ordered into state active service; not to be penalized by
402 employers and postsecondary institutions) as well as Florida
403 Statutes Chapter 115 and Florida Statutes Chapter 250. ~~The term~~
404 ~~of enlistment in the Florida State Defense Force shall be for 3~~
405 ~~years, subject to termination at the pleasure of the Governor~~
406 ~~prior to the expiration of such period. The oath to be taken~~
407 ~~upon enlistment in such Florida State Defense Force shall be~~
408 ~~substantially in the form prescribed for enlisted personnel of~~
409 ~~the National Guard, substituting the words "Florida State~~
410 ~~Defense Force" where necessary, and omitting the reference to~~
411 ~~the President of the United States. The subject term of 3 years~~
412 ~~may be extended by express direction of the Governor.~~

413 Section 13. Section 251.13, Florida Statutes, is amended to
414 read:

415 Use outside the State of Florida Uniform Code of Military
416 Justice; freedom from arrest; jury duty.-

417 The Governor or The Adjutant General may authorize
418 individual members or elements of the Florida Defense Force to

419 provide mutual assistance on behalf of the State of Florida in
420 other states in accordance with the provisions of Florida
421 Statutes Chapter 252, Part III. Such volunteers will be treated
422 similar to Florida National Guard members performing similar
423 duties.

424 ~~(1) Whenever such Florida State Defense Force, or any part~~
425 ~~thereof, shall be ordered out for active service, the Uniform~~
426 ~~Code of Military Justice of the United States, applicable to~~
427 ~~members of the National Guard of this state in relation to~~
428 ~~courts-martial, their jurisdiction and the limits of punishment,~~
429 ~~and the rules and regulations prescribed thereunder, shall be in~~
430 ~~full force and effect with respect to the Florida State Defense~~
431 ~~Force.~~

432 ~~(2) No officer or enlisted person of such Florida State~~
433 ~~Defense Force shall be arrested on any warrant, except for~~
434 ~~treason or felony, while going to, remaining at, or returning~~
435 ~~from, a place where such person is ordered to attend for~~
436 ~~military duty. Every officer and enlisted person of such Florida~~
437 ~~State Defense Force shall, during such person's service therein,~~
438 ~~be exempt from service upon any posse comitatus, and from jury~~
439 ~~duty.~~

440 Section 14. Section 251.14, Florida Statutes, is amended to
441 read:

442 251.14 Budget and Expenses, ~~Discharge of Florida State~~
443 ~~Defense Force.~~

444 All budget requirements and expenses incurred in carrying
445 out the provisions of this chapter shall be paid from funds
446 separate and distinct from current state or federal funding of

447 the Florida National Guard. ~~The Florida State Defense Force~~
448 ~~shall be discharged by the Governor upon the return of the~~
449 ~~National Guard to state control, or within 30 days thereafter,~~
450 ~~subject however to the provision of s. 251.01(2).~~

451 Section 15. Section 251.15, Florida Statutes, is repealed.

452 Section 16. Section 251.16, Florida Statutes, is amended to
453 read:

454 251.15 ~~251.16~~ Short title.-

455 This chapter may be cited as the "Florida Defense Force."

456 Section 17. Section 251.17, Florida Statutes is repealed.

457 Section 18. This act shall take effect July 1, 2022.