

Amendment No.

CHAMBER ACTION

Senate

House

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The Conference Committee on CS/CS/HB 1285 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (20) is added to section 120.80,

Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(20) FLORIDA STATE GUARD.—Notwithstanding s. 120.52(16),

the enlistment, organization, administration, equipment,

maintenance, training, and discipline of the Florida State Guard

are not rules as defined by this chapter.

Section 2. Subsection (3) of section 250.44, Florida

Statutes, is amended to read:

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14 250.44 Military equipment regulations; penalties.—

15 (3) The clothing, arms, military outfits, and property
16 furnished by or through the state to any member of the militia
17 or the Florida State Guard, may not be sold, bartered, loaned,
18 exchanged, pledged, or given away. A person who is not a member
19 of the military forces of this state or the United States, or an
20 authorized agent of this state or the United States, who
21 possesses clothing, arms, military outfits, or property that is
22 unlawfully disposed of has no right, title, or interest therein,
23 and the clothing, arms, military outfits, or property shall be
24 seized and taken wherever found by any civil or military officer
25 of the state and delivered to any commanding officer or other
26 authorized officer, who must:

27 (a) If such clothing, arms, military outfits, or property
28 were issued by or are property of the militia, make an immediate
29 report to the Adjutant General.

30 (b) If such clothing, arms, military outfits, or property
31 were issued by or are property of the Florida State Guard, make
32 an immediate report to the director of the Division of the State
33 Guard within the Department of Military Affairs.

34
35 The possession of any such clothing, arms, military outfits, or
36 property by any person not a member of the military forces of
37 this state, or any other state, or of the United States, is

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38 presumptive evidence of such sale, barter, loan, exchange,
39 pledge, or gift and is punishable as provided in chapter 812.

40 Section 3. Section 251.001, Florida Statutes, is amended
41 to read:

42 251.001 Florida State Guard Act.—

43 (1) SHORT TITLE AND SCOPE.—This chapter may be cited as
44 the "Florida State Guard Act." This chapter shall be
45 supplemental to provisions relating to the organized militia in
46 chapter 250 other than the Florida National Guard.

47 (2)(1) CREATION AND AUTHORIZATION.—The Florida State Guard
48 is created to protect and defend the people of Florida from all
49 threats to public safety and to augment all existing state and
50 local agencies. The Florida State Guard is created as authorized
51 under federal law for use exclusively within the state,
52 activated only by the Governor ~~under the specific limitations~~
53 ~~created by this section~~, and is at all times under the final
54 command and control of the Governor as commander in chief of all
55 military and guard forces of the state. The Florida State Guard
56 ~~is created and authorized as a component of the organized guard~~
57 ~~separate and apart from the Florida National Guard and shall be~~
58 used exclusively within the state, or to provide support to
59 other states, for the purposes stated in this section and may
60 not be called, ordered, or drafted into the armed forces of the
61 United States. The authorized maximum number of volunteer

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62 personnel that may be commissioned, enrolled, or employed as
63 members of the Florida State Guard is 1,500 ~~400~~.

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

85 (4)-(2) DEFINITIONS.—As used in this section:

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

89 (b) The term "department" means the Department of Military
90 Affairs.

91 (c) The term "director" means the director of the Division
92 of the State Guard.

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

95 ~~(e) The term "officer" means an officer commissioned by~~
96 ~~the Governor.~~

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

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

101 ~~(3) ADJUTANT GENERAL.—The Adjutant General is the~~
102 ~~commanding general of the Florida State Guard subject at all~~
103 ~~times to the Governor as commander in chief. The Adjutant~~
104 ~~General is responsible for organizing, recruiting, training,~~
105 ~~equipping, managing, and disciplining the Florida State Guard,~~
106 ~~including selecting units for activation by the Governor,~~
107 ~~selecting candidates for commissioning by the Governor, and~~
108 ~~approving applicants as enlisted personnel.~~

109 (5)(4) PERSONNEL.—

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110 (a) Subject to approval by the Governor, the director
111 ~~Adjutant General~~ shall determine the number of volunteer
112 ~~officers, warrant officers, and enlisted~~ personnel necessary to
113 meet the staffing and operational requirements of the Florida
114 State Guard, and determine the volunteer structure ~~specific~~
115 ~~ranks~~ and number of volunteer personnel within each component
116 unit of such structure ~~rank~~.

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

119 (c) Each applicant for the Florida State Guard shall meet
120 the following qualifications:

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

123 2. The applicant may not ~~cannot~~ have a felony conviction.
124 Each applicant shall submit a complete set of fingerprints and
125 all information required by state and federal law to process
126 fingerprints for purposes of conducting a criminal background
127 check.

128 3. The applicant may not be an active duty servicemember,
129 a member of the armed forces reserves, or a member of the
130 Florida National Guard.

131 4. If the applicant is a former member of the armed forces
132 or of any military or naval organization of this state or
133 another state, the applicant must have been separated under

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134 terms no less than a general discharge under honorable
135 conditions.

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

146 (e) The director ~~Adjutant-General~~ shall develop and
147 implement a code of regulations for the administration and
148 discipline of members of the Florida State Guard that shall
149 provide no less protection and impose no more severe sanctions
150 than as provided in s. 250.35, except that the director ~~Adjutant~~
151 ~~General~~ shall not have ~~no~~ authority to impose any term of
152 incarceration.

153 (6) SPECIALIZED UNIT.-The director shall organize a
154 specialized unit within the Florida State Guard. All members of
155 the specialized unit are vested with the authority to bear arms,
156 detect, and apprehend while activated. In addition to the
157 requirements set forth in paragraph (5)(c), only those members
158 of the specialized unit who meet the requirements in s. 943.13

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159 and are certified as law enforcement officers as defined in s.
160 943.10(1) are authorized to have the same law enforcement
161 authority as the law enforcement agency in conjunction with
162 which they are working when activated.

163 (7)-(5) TRAINING AND EQUIPMENT.—The director ~~Adjutant~~
164 ~~General~~ shall develop and implement a program for training for
165 members of the Florida State Guard.

166 (a) All training programs for the Florida State Guard
167 shall be at least equivalent to the training requirements for
168 members of the Florida National Guard under applicable federal
169 law at the time the training is conducted. As required by the
170 director ~~Adjutant General~~, all members of the Florida State
171 Guard shall complete initial training within 180 days after
172 their appointment or enrollment and periodic ongoing training.

173 (b) The director ~~Adjutant General~~ may provide for staff to
174 prepare and conduct training required in this section. The staff
175 may include members of the Florida National Guard whose duty
176 assignments may include conducting training under this section
177 but who may not be considered members of the Florida State
178 Guard.

179 (c) The division ~~Adjutant General~~ shall provide all
180 equipment necessary for the training and service of members of
181 the Florida State Guard and shall arrange and contract for the
182 use of sufficient and adequate facilities for training,
183 organizing, and all other purposes of the Florida State Guard.

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184 Section 250.44 applies ~~The provisions of s. 250.44 apply~~ to the
185 allocation, delegation, use of, and accounting for all equipment
186 furnished under this section.

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

190 ~~(8)(6)~~ ACTIVATION AND DEACTIVATION OF THE FLORIDA STATE
191 GUARD.-

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

194 1. During any period when any part of the Florida National
195 Guard is in active federal service and the Governor has declared
196 a state of emergency; ~~The Florida State Guard may be activated~~
197 ~~as part of an emergency order issued by the Governor or in a~~
198 ~~separate executive order issued during a declared state of~~
199 ~~emergency.~~

200 ~~2.(b) The Florida State Guard may be activated only~~ To
201 preserve the public peace, execute the laws of the state,
202 enhance domestic security, respond to terrorist threats or
203 attacks, protect and defend the people of Florida from threats
204 to public safety, respond to an emergency as defined in s.
205 252.34 or imminent danger thereof, or respond to any need for
206 emergency aid to civil authorities as specified in s. 252.38;

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

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208 4. To provide support to other states under the Emergency
209 Management Assistance Compact as provided for in part III of
210 chapter 252.

211 ~~(b)(e)~~ The Florida State Guard shall be deactivated by the
212 expiration of the order of activation or by a separate order by
213 the Governor deactivating the Florida State Guard.

214 ~~(9)(7)~~ REIMBURSEMENT AND COMPENSATION.—

215 (a) The division shall ~~department may~~ reimburse members of
216 the Florida State Guard for per diem and travel expenses
217 incurred to attend required training or in the course of active
218 service as provided in s. 112.061.

219 (b) Members of the Florida State Guard may be compensated
220 for time spent training or in the course of active service at
221 rates established by the director, subject to appropriation
222 ~~Adjutant General.~~

223 (c) A ~~No~~ member of the Florida State Guard may not make
224 any purchase or enter into any contract or agreement for
225 purchases or services as a charge against the state without the
226 authority of the director ~~Adjutant General.~~

227 ~~(10)(8)~~ EMPLOYMENT PROTECTION, SUSPENSION OF PROCEEDINGS,
228 LIABILITY, AND WORKERS' COMPENSATION.—

229 (a) The protections for members of the Florida National
230 Guard provided in ss. 250.48-250.483 and 250.5201-250.5205 ~~shall~~
231 apply to each member of the Florida State Guard engaged in
232 required training or active service.

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233 (b) Members of the Florida State Guard ordered into active
234 service or engaged in required training are not liable for any
235 lawful act done in performance of their duties under this
236 section while acting in good faith within the scope of those
237 duties.

238 (c) While activated or in training, members of the Florida
239 State Guard are considered volunteers for the state, as defined
240 in s. 440.02(15)(d)6., and are entitled to workers' compensation
241 protections pursuant to chapter 440.

242 ~~(11)-(9) RULEMAKING AUTHORITY.—The director ~~Adjutant~~
243 ~~General~~, as head of the division ~~department~~, shall adopt rules
244 to implement ~~the provisions of~~ this section.~~

245 ~~(10) APPROPRIATION.—This section is subject to an~~
246 ~~appropriation in the General Appropriations Act.~~

247 ~~(11) EXPIRATION.—This section expires July 1, 2023.~~

248 Section 4. Sections 251.01, 251.02, 251.03, 251.04,
249 251.05, 251.06, 251.07, 251.08, 251.09, 251.10, 251.11, 251.12,
250 251.13, 251.14, 251.15, 251.16, and 251.17, Florida Statutes,
251 are repealed.

252 Section 5. Paragraph (a) of subsection (3) of section
253 790.25, Florida Statutes, is amended to read:

254 790.25 Lawful ownership, possession, and use of firearms
255 and other weapons.—

256 (3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06
257 do not apply in the following instances, and, despite such

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258 sections, it is lawful for the following persons to own,
259 possess, and lawfully use firearms and other weapons,
260 ammunition, and supplies for lawful purposes:

261 (a) Members of the Militia, National Guard, Florida State
262 Guard ~~Defense Force~~, Army, Navy, Air Force, Marine Corps, Space
263 Force, Coast Guard, organized reserves, and other armed forces
264 of the state and of the United States, when on duty, when
265 training or preparing themselves for military duty, or while
266 subject to recall or mobilization;

267 Section 6. This act shall take effect July 1, 2023.

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269 -----

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

271 Remove everything before the enacting clause and insert:

272 A bill to be entitled
273 An act relating to the Florida State Guard; amending
274 s. 120.80, F.S.; providing that certain functions of
275 the Florida State Guard are not rules as defined by
276 ch. 120, F.S.; amending s. 250.44, F.S.; prohibiting
277 certain actions regarding clothing, arms, military
278 outfits, and property of the Florida State Guard;
279 requiring certain information to be reported to the
280 director of the Division of the State Guard within the
281 Department of Military Affairs; providing a penalty;
282 amending s. 251.001, F.S.; providing a short title;

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283 providing the scope of chapter 251, F.S.; revising
284 provisions relating to the creation and authorization
285 of the Florida State Guard; providing the authorized
286 maximum number of volunteer personnel of the Florida
287 State Guard; creating the Division of the State Guard
288 within the Department of Military Affairs; providing
289 that the head of the division is a director appointed
290 by and serving at the pleasure of the Governor;
291 providing eligibility requirements for the director;
292 providing that the division is a separate budget
293 entity; requiring the department to provide
294 administrative support to the division; providing
295 division responsibilities; authorizing the director to
296 establish a services structure for certain purposes;
297 revising and providing definitions; removing
298 provisions establishing authority of the department
299 and the Adjutant General with respect to the Florida
300 State Guard; providing additional duties of the
301 division and director; revising qualifications for
302 applicants to the Florida State Guard; requiring the
303 director to organize and establish a specialized unit
304 within the Florida State Guard; providing criteria and
305 authority for members of the specialized unit;
306 revising the criteria for activation of the Florida
307 State Guard; requiring the division to reimburse

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308 members for per diem and travel expenses; authorizing
309 other compensation subject to appropriation; requiring
310 the director to adopt rules; conforming provisions to
311 changes made by the act; repealing ss. 251.01, 251.02,
312 251.03, 251.04, 251.05, 251.06, 251.07, 251.08,
313 251.09, 251.10, 251.11, 251.12, 251.13, 251.14,
314 251.15, 251.16, and 251.17, F.S., relating to the
315 Florida State Defense Force; amending s. 790.25, F.S.;
316 conforming provisions to changes made by the act;
317 providing an effective date.

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