

## CHAPTER 251

## FLORIDA STATE DEFENSE FORCE

- 251.01 Authority and name.
- 251.02 Organization; rules and regulations.
- 251.03 Pay and allowances.
- 251.04 Requisitions; armories; other buildings.
- 251.05 Calling out of defense force.
- 251.06 Use outside this state.
- 251.07 Permission to forces of other states in fresh pursuit.
- 251.08 Federal service.
- 251.09 Civil groups.
- 251.10 Disqualifications.
- 251.11 Commissioned officers.
- 251.12 Enlisted personnel.
- 251.13 Uniform Code of Military Justice; freedom from arrest; jury duty.
- 251.14 Discharge of Florida State Defense Force.
- 251.15 Expenses.
- 251.16 Short title.
- 251.17 Awards to officers and enlisted personnel.

**251.01 Authority and name.—**

(1) Whenever any part of the National Guard of this state is in active federal service, the Governor is hereby authorized to organize and maintain, within this state during such period, under such regulations as the Secretary of Defense of the United States may prescribe for discipline in training, such military forces as the Governor may deem necessary to assist the civil authorities in maintaining law and order. Such forces shall be composed of officers commissioned or assigned, and such able-bodied citizens of the state as shall volunteer for service therein, supplemented, if necessary, by personnel of the Florida National Guard enrolled by draft or otherwise, as provided by law. Such forces shall be additional to and distinct from the National Guard and shall be known as the Florida State Defense Force. Such forces shall be uniformed.

(2) The Governor is authorized to maintain a Florida State Defense Force reserve cadre of officers and non-commissioned officers, said officers to be a trained nucleus for such time as the Florida State Defense Force may be activated. Said officers shall be volunteers and shall serve with no pay or allowances except when called to active duty.

**History.**—s. 1, ch. 20214, 1941; s. 1, ch. 65-166; s. 84, ch. 73-333; s. 8, ch. 92-86.

**251.02 Organization; rules and regulations.**—The Adjutant General is hereby authorized to prescribe military regulations, not inconsistent with the provisions of this chapter, governing the enlistment, organization, administration, equipment, maintenance, training and discipline of such Florida State Defense Force; provided, such military regulations, insofar as the Adjutant General deems practicable and desirable, shall conform to existing law governing and pertaining to the National Guard and the military regulations promulgated thereunder; and prohibit the acceptance of gifts, donations, gratuities, or anything of value, by such Florida State Defense Force, or by any member of such Florida State

Defense Force, from any individual, firm, association, or corporation, by reason of such membership.

**History.**—s. 2, ch. 20214, 1941; s. 9, ch. 92-86; s. 122, ch. 95-148.

**251.03 Pay and allowances.**—The members of the Florida State Defense Force shall receive no pay and allowances, except when called out on active duty, during which time they shall receive the same base pay and allowances as are now provided by law for the National Guard when on similar duty.

**History.**—s. 3, ch. 20214, 1941; s. 10, ch. 92-86.

**251.04 Requisitions; armories; other buildings.**—For the use of such Florida State Defense Force, the Governor is hereby authorized to requisition from the Secretary of Defense such arms and equipment as may be in possession of, and can be spared by, the Defense Department; and to make available to such Florida State Defense Force the facilities of state armories and their equipment and such other state premises and property as may be available.

**History.**—s. 4, ch. 20214, 1941; s. 85, ch. 73-333; s. 11, ch. 92-86.

**251.05 Calling out of defense force.**—The Florida State Defense Force may be called out to aid the civil authorities as now provided by the law for calling out the National Guard; except whenever the Adjutant General would be authorized to call out the Florida State Defense Force, but is unable to do so for any reason, the Adjutant General's assistant shall have such authority.

**History.**—s. 5, ch. 20214, 1941; s. 12, ch. 92-86; s. 123, ch. 95-148.

**251.06 Use outside this state.**—Such Florida State Defense Force shall not be required to serve outside the boundaries of this state, except that any organization, unit, or detachment of such Florida State Defense Force, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit, or detachment, or until the military or police forces of the other state, or the forces of the United States, have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons; provided, such other state shall have given authority by law for such pursuit by such Florida State Defense Force. Any such person, who shall be apprehended or captured in such other state by an organization, unit, or detachment of the Florida State Defense Force, shall, without unnecessary delay, be surrendered to the military or police forces of the state in which she or he is taken or to the United States; but such surrender shall not constitute a waiver by this state of its right to extradite or prosecute such person for any crime committed in this state.

**History.**—s. 6, ch. 20214, 1941; s. 13, ch. 92-86; s. 13, ch. 95-143; s. 124, ch. 95-148.

**251.07 Permission to forces of other states in fresh pursuit.**—Any military forces or organization, unit or detachment thereof, of another state, who are in fresh

pursuit of insurrectionists, saboteurs, enemies or enemy forces, may continue such pursuit into this state until the military or police forces of this state or the forces of the United States, have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons; and they are hereby authorized to arrest or capture such persons within this state while in fresh pursuit. Any such person, who shall be captured or arrested by the military forces of such other state while in this state, shall without unnecessary delay be surrendered to the military or police forces of this state to be dealt with according to law. This section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

**History.**—s. 7, ch. 20214, 1941.

**251.08 Federal service.**—Nothing in this chapter shall be construed as authorizing such Florida State Defense Force, or any part thereof, to be called, ordered, or in any manner drafted, as such, into the military service of the United States; but, no person shall, by reason of her or his enlistment or commission in any such Florida State Defense Force, be exempted from military service under any law of the United States.

**History.**—s. 8, ch. 20214, 1941; s. 14, ch. 92-86; s. 125, ch. 95-148.

**251.09 Civil groups.**—No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league, or other combination of persons, or civil groups, shall be enlisted in such Florida State Defense Force as an organization or unit.

**History.**—s. 9, ch. 20214, 1941; s. 15, ch. 92-86.

**251.10 Disqualifications.**—No person shall be commissioned or enlisted in such Florida State Defense Force who is not a citizen of the United States, or who has been expelled or dishonorably discharged from any military or naval organization of this state, or of another state, or of the United States.

**History.**—s. 10, ch. 20214, 1941; s. 16, ch. 92-86.

**251.11 Commissioned officers.**—The term of commission in the Florida State Defense Force shall be for 3 years, subject to termination at the pleasure of the Governor prior to the expiration of such period. The oath to be taken by officers commissioned in such Florida State Defense Force shall be substantially in the form prescribed for officers of the National Guard, substituting the words "Florida State Defense Force" where necessary, and omitting the reference to the President of the United States. The subject term of 3 years may be extended by express direction of the Governor.

**History.**—s. 11, ch. 20214, 1941; s. 17, ch. 92-86.

**251.12 Enlisted personnel.**—The term of enlistment in the Florida State Defense Force shall be for 3 years, subject to termination at the pleasure of the Governor prior to the expiration of such period. The oath to be taken upon enlistment in such Florida State Defense Force shall be substantially in the form prescribed for enlisted personnel of the National Guard, substituting

the words "Florida State Defense Force" where necessary, and omitting the reference to the President of the United States. The subject term of 3 years may be extended by express direction of the Governor.

**History.**—s. 12, ch. 20214, 1941; s. 18, ch. 92-86.

**251.13 Uniform Code of Military Justice; freedom from arrest; jury duty.**—

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

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

**History.**—s. 13, ch. 20214, 1941; s. 78, ch. 77-104; s. 19, ch. 92-86.

**251.14 Discharge of Florida State Defense Force.**

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

**History.**—s. 14, ch. 20214, 1941; s. 2, ch. 65-186; s. 20, ch. 92-86.

**251.15 Expenses.**—The expenses incurred in carrying out the provisions of this chapter shall be paid from the fund for current expenses of the Department of Military Affairs, by whatever name or title such fund shall be known and designated, upon requisition of the Adjutant General, approved by the Governor.

**History.**—s. 15, ch. 20214, 1941; s. 21, ch. 92-86.

**251.16 Short title.**—This chapter may be cited as the "Florida State Defense Force."

**History.**—s. 18, ch. 20214, 1941; s. 22, ch. 92-86.

**251.17 Awards to officers and enlisted personnel.**

The Adjutant General of the state be and is hereby authorized and directed to cause to be prepared suitable medals, service bars, ribbons, awards, or other indicia of service in Florida State Defense Force (formerly Florida State Guard); to prescribe regulations for awarding such medals, service bars, ribbons, awards, or other indicia of service in Florida State Defense Force to the officers and enlisted personnel of said Florida State Defense Force and from time to time to make such awards to the officers and enlisted personnel of said Florida State Defense Force entitled to receive the same.

**History.**—s. 1, ch. 21877, 1943; s. 23, ch. 92-86; s. 2, ch. 93-269; s. 126, ch. 95-148.