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EXECUTIVE ORDER NUMBER 01-261

WHEREAS, the Florida National Guard has the statutory responsibility to provide support to law-enforcement personnel and emergency-management personnel in the event of civil disturbances or natural disasters; and

WHEREAS, the Florida National Guard has the responsibility to provide training support to law-enforcement personnel and community-based organizations relating to counter drug operations; and

WHEREAS, the Florida National Guard must train to meet such responsibilities; and

WHEREAS, the Florida National Guard is funded for any such training by budgetary appropriation or grants before any such training; and

WHEREAS, the Florida National Guard must conduct such training in active service of the state, as defined by Section 250.27, Florida Statutes (also known as active military service and state active duty) for members of the Florida National Guard to be covered by Section 250.34, Florida Statutes; and

WHEREAS, as Governor, I may delegate the authority contained in Section 250.06(4), Florida Statutes, to order training to help respond to civil disturbances, natural disasters, and counter drug operations to The Adjutant General of the State of Florida; and

WHEREAS, it is in the best interest of the State of Florida that I delegate such authority, so that the Florida National Guard is adequately trained to meet its obligation to help respond to civil disturbances, natural disasters, and counter drug operations and so that members of the Florida National Guard performing such training are covered by Section 250.34, Florida Statutes; and

WHEREAS, the Governor may order the Florida National Guard to provide extraordinary support to law enforcement upon request and such a request has been received from the Florida Department of Law Enforcement (FDLE) to assist FDLE in performing port security training and inspections.

NOW, THEREFORE, I, JEB BUSH, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution, and by Section 250.06(4), Florida Statutes, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1.

Based upon the foregoing, I hereby find that the public welfare requires that the Florida National Guard train to support law-enforcement personnel and emergency-management personnel in the event of civil disturbances or natural disasters and to provide training support to law-enforcement personnel and community-based organizations relating to counter drug operations.

Section 2.

I hereby delegate to The Adjutant General of the State of Florida all necessary authority, within approved budgetary appropriations or grants, to order members of the Florida National Guard into active service, as defined by Section 250.27, Florida Statutes, for the purpose of training to support law-enforcement personnel and emergency-management personnel in the event of civil disturbances or natural disasters and to provide training support to law-enforcement personnel and community-based organizations relating to counter drug operations.

Section 3.

The Florida National Guard may order selected members on to state active duty for service to the State of Florida pursuant to Section 250.06 (4), Florida Statutes, to assist FDLE in performing port security training and inspections. Based on the potential massive damage to life and property that may result from an act of terrorism at a Florida port, the necessity to protect life and property from such acts of terrorism, and inhibiting the smuggling of illegal drugs into the State of Florida, the use of the Florida National Guard to support FDLE in accomplishing port security training and inspections is "extraordinary support to law enforcement" as used in Section 250.06(4), Florida Statutes.

Section 4.

The Adjutant General shall not place members of the Florida National Guard into active service for longer than necessary to accomplish the purposes declared herein.

Section 5.

This Executive Order supersedes Executive Order Number 01-17. Executive Order Number 01-17 is hereby revoked.

Section 6.

This Executive Order shall remain in full force and effect until the earlier of its revocation or June 30, 2003.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 7th day of September 2001.