

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 22-213

(Activating Florida National Guard to Assist the Department of Corrections)

WHEREAS, the core function of the Department of Corrections (Department) is to “protect society by providing incarceration that will support the intentions of established criminal law,” § 20.315(1)(a), Fla. Stat.; and

WHEREAS, the Department is charged with caring for and maintaining custody of over 80,000 inmates; and

WHEREAS, to accomplish that mission, the Department is authorized to employ over 20,000 correctional and correctional probation officers, almost a quarter of all state employees; and

WHEREAS, the Department, despite its best efforts, is experiencing a severe shortage of correctional officers resulting in the temporary closure of 176 inmate dorms and suspension of 431 supervised work squads; and

WHEREAS, this shortage threatens the safety of officers, inmates, and the public; and

WHEREAS, to address this shortage in the long-term, the Department and the Legislature enacted an incentive package that will attract highly qualified individuals to fill these crucial law enforcement positions; and

WHEREAS, while the incentive package has shown early signs of success, action is needed now to address the present staffing shortage on a temporary short-term basis; and

WHEREAS, article IV, section 1, subsection (a) of the Florida Constitution provides that the “governor shall take care that the laws be faithfully executed”; and

WHEREAS, I have the authority under article IV, section 1, subsection (d) of the Florida Constitution to call out the Florida National Guard (Guard) “to preserve the public peace [and] execute the laws of the state”; and

WHEREAS, under section 250.06(4) of the Florida Statutes, I also have the authority to call upon the Guard to “enhance domestic security” and “respond to any need for emergency aid to civil authorities as specified in s[ection] 250.28”; and

WHEREAS, under section 250.06(5) of the Florida Statutes, I have the authority to “authorize all or any part of the . . . Guard to . . . provide extraordinary support to law enforcement upon request”; and

WHEREAS, the Department is a civil authority that ensures domestic security and public peace and that executes and enforces the laws of Florida by housing and securing inmates who have been convicted of crimes, *see Ward v. State*, 965 So. 2d 308, 310 (Fla. 3d DCA 2007), *quashed on other grounds*, 7 So. 3d 520, 521 (Fla. 2009); and

WHEREAS, the Department has requested extraordinary support to address severe staffing shortages at certain institutions that, if not addressed immediately, could jeopardize public peace and domestic security in and around those institutions and could undermine the execution and enforcement of the laws of Florida; and

WHEREAS, members of the Guard have the training and capability to assist Florida’s correctional officers with certain duties, such as manning guard towers, perimeter patrols, and

control stations, which will allow the correctional officers to concentrate on directly supervising and caring for inmates.

NOW, THEREFORE, I, RON DESANTIS, Governor of Florida, by virtue of the authority vested in me by article IV, section 1, subsections (a) and (d) of the Florida Constitution and section 250.06(4) and (5) of the Florida Statutes do hereby declare as follows:

Section 1. I authorize the Adjutant General to immediately activate those members of the Guard who are most appropriate to assist the Department at correctional institutions where there is a critical staffing shortage. All activated members of the Guard will be under the direction of the Department in carrying out their duties but will remain under the tactical command of the Adjutant General. *See* § 250.30, Fla Stat. These members are activated for a period of nine months from the signing of this order or until the Department declares that it no longer needs the Guard's support, whichever occurs first. The scope of duties performed by the Guard during the activation shall be clearly articulated by the Department and shall exclude any direct supervision of inmates except where such supervision occurs as a normal part of manning control stations or when required in an emergency pertaining to safety and security.

Section 2. I authorize any activated members of the Guard to be reimbursed for costs and expenses related to this Executive Order in accordance with sections 250.19, 250.23, and 250.24 of the Florida Statutes.

Section 3. The Adjutant General shall not call currently employed Florida correctional officers into active service for this assignment.

Section 4. This executive order is effective immediately.



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, this 9th day of September, 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

DEPT. OF STATE
TALLAHASSEE, FL
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