

**STORAGE NAME:** h0255.ca

**DATE:** February 10, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 255

**RELATING TO:** Florida National Guard (Appointment of the Adjutant General)

**SPONSOR(S):** Representative Kelley Smith

**STATUTE(S) AFFECTED:** Section 250.10, F.S.

**COMPANION BILL(S):** None

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

(1) COMMUNITY AFFAIRS

(2)

(3)

(4)

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**I. SUMMARY:**

This bill changes two current requirements necessary for appointment to the position of Adjutant General of the Florida National Guard (FNG). One change involves requiring the five years of service in the FNG be served continuously prior to appointment. The other change involves attaining the rank of colonel rather than major.

The bill also applies these changes to both Assistant Adjutant Generals (Air and Army). The bill provides that the most *senior in rank* of the two Assistant Adjutant Generals serves as acting Adjutant General.

This bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Subsection 250.10(1), Florida Statutes, provides for the appointment and duties of the Adjutant General of the Florida National Guard (FNG). The person appointed to serve as Adjutant General is required to have served as an officer of the FNG for at least five years and attained the rank of major or higher. Subsection 250.10(4) and (6), Florida Statutes, provides for the Adjutant General to employ Assistant Adjutant Generals of the (FNG) -- one for the Army National Guard, the other for the Air National Guard.

They must:

- A) be a federally recognized FNG officer;
- B) have served in the FNG for at least 5 years;
- C) have attained the rank of *major* or higher.

Under the current law, there is confusion as to which Assistant Adjutant General (Army or Air) carries out the Adjutant General's duties in his absence.

B. EFFECT OF PROPOSED CHANGES:

This bill changes two current requirements necessary for appointment to the position of Adjutant General of the Florida National Guard (FNG). One change involves requiring the five years of service in the FNG be served continuously prior to appointment. The other change involves attaining the rank of colonel rather than major.

The bill also applies these changes to both Assistant Adjutant Generals (Air and Army). The bill provides that the most *senior in rank* of the two Assistant Adjutant Generals serves as acting Adjutant General.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

b. If an agency or program is eliminated or reduced:

(1) What responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) What is the cost of such responsibility at the new level/agency?

(3) How is the new agency accountable to the people governed?

2. Lower Taxes:

Not applicable.

a. Does the bill increase anyone's taxes?

b. Does the bill require or authorize an increase in any fees?

c. Does the bill reduce total taxes, both rates and revenues?

d. Does the bill reduce total fees, both rates and revenues?

e. Does the bill authorize any fee or tax increase by any local government?

3. Personal Responsibility:

Not applicable.

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

Not applicable.

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

5. Family Empowerment:

Not applicable.

- a. If the bill purports to provide services to families or children:
  - (1) Who evaluates the family's needs?
  - (2) Who makes the decisions?
  - (3) Are private alternatives permitted?
  - (4) Are families required to participate in a program?
  - (5) Are families penalized for not participating in a program?
- b. Does the bill directly affect the legal rights and obligations between family members?
- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:
  - (1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

**D. SECTION-BY-SECTION ANALYSIS:**

Section 1 -- Amends s. 250.10 (1), (4) and (6), F.S., changing certain requirements for the Adjutant General and Assistant Adjutant Generals (Army and Air) of the FNG; clarifies that the most senior officer serve as acting Adjutant General in the General's absence.

Section 2 -- Provides for an effective date of upon becoming law.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of cities or counties.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce state taxes shared with counties or cities.

V. COMMENTS:

The Governor's Office supports the bill and proposed amendment.

The Department of Military Affairs (DMA) comments that the change in rank from major to colonel will give greater credibility to the officers of the FNG at the national level and align the FNG promotion policy with the active component promotion policy.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment has been requested by the DMA. After the bill initially was introduced, the DMA realized that the proposed language did not offer the Adjutant General the optimum flexibility to make the temporary assignment of his duties to one of his Assistant Adjutant Generals. Therefore, the DMA desires the amendment to allow the Adjutant General greater flexibility to respond to circumstances under which he may find it necessary to temporarily assign his duties and responsibilities to one of his Assistant Adjutant Generals (Army or Air).

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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