

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HM 505 Florida National Guard  
**SPONSOR(S):** Daley and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SM 826

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	16 Y, 0 N	Mwakyanjala	Miller
2) State Affairs Committee	22 Y, 0 N	Mwakyanjala	Williamson

**SUMMARY ANALYSIS**

The United States National Guard traces its history back to December 13, 1636. Since 1792, the President of the United States has had the power to call forth the militia of the states to execute the laws of the Union, suppress insurrections, and repel invasions.

The Florida National Guard consists of organized, armed, equipped, and federally recognized enlisted personnel, commissioned officers, and warrant officers who are citizens of the United States, or who have declared their intention to become citizens of the United States. The Governor is the commander in chief of all militia of the state and is responsible for appointing the Adjutant General, who serves as the Commanding General of the state’s militia. As of August 2021, the Florida National Guard was composed of 10,073 in the Army National Guard and 2,017 in the Air National Guard, for total authorized personnel of 12,090.

At the federal level, the National Guard Bureau functions as the channel of communications on all matters pertaining to the National Guard between the Departments of the Army and the Air Force and the States. The National Guard Bureau is required to submit an annual report to the Secretary of Defense identifying the personnel, training, and equipment required by the non-federalized National Guard.

The memorial urges the United States Congress to require the United States National Guard Bureau to examine the resource allocations authorized for the Florida National Guard and allow an increase in its force structure.

Legislative memorials are not subject to the Governor’s veto powers and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

This memorial does not have a fiscal impact on the state or local governments.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### United States National Guard

The United States National Guard traces its history back to December 13, 1636, the date on which the Massachusetts militia, by order of the Massachusetts Bay Colony's General Court, organized into three permanent regiments to defend the colony.<sup>1</sup> The Militia Act of 1792 temporarily gave the President of the United States the power to call forth the militia of the states<sup>2</sup> to execute the laws of the Union, suppress insurrections, and repel invasions.<sup>3</sup> The Militia Act of 1795 (1795 Act) made the powers given to the President in the 1792 Act permanent.<sup>4</sup>

Under the 1795 Act, each state was responsible for organizing its militia and guardsmen were requested to volunteer. Because each state administered its own militia, funding, organization, equipment, and training of units varied greatly from state to state and were not always compatible with the requirements of the United States Army. As there was no legal requirement to volunteer for the National Guard, many guardsmen refused to answer calls of service. Those who did answer the call to volunteer often failed their physical examinations and had inadequate training to meet the demands of active duty and field operations. The Militia Act of 1903 (1903 Act) was passed to remedy these inadequacies.<sup>5</sup> The 1903 Act repealed the 1792 Act and divided the militia into two groups: the National Guard and the Reserve Militia. The 1903 Act preserved the President's power to call upon the state militias but also required every officer and enlisted personnel of the militia refusing to meet the President's call be subject to trial by court-martial.<sup>6</sup> The 1903 Act also gave a one-time grant of \$2 million to the states to modernize equipment, allowed states to use federal funds to pay for training camps, and required joint United States Regular Army-National Guard maneuvers and training camps.<sup>7</sup>

The National Defense Act of 1916 (1916 Act) further reformed the National Guard.<sup>8</sup> The 1916 Act expanded the size of the National Guard, required the Guard to follow federal organization and training standards, authorized overseas service of the Guard, and allowed federal calls to service of unlimited duration.<sup>9</sup> The State of New York created the first aviation National Guard unit on November 1, 1915.<sup>10</sup> In 1941, aviation units operating under the National Guard were absorbed into the Army Air Forces.<sup>11</sup> The modern Air National Guard was created in the National Security Act of 1947 (1947 Act). The 1947 Act created the United States Air Force (USAF) as a separate branch of the military and established the Air National Guard as a component of the USAF.<sup>12</sup>

---

<sup>1</sup> United States National Guard, *How We Began*, <https://www.nationalguard.mil/about-the-guard/how-we-began/> (last visited on December 14, 2021).

<sup>2</sup> Art. I, s. 8, cl. 16 of the U.S. Constitution reserves to the States the power to appoint officers to and regulate the training of the state's militia.

<sup>3</sup> 1 Stat. Ch. 28 (2d Cong. May 2, 1792).

<sup>4</sup> 1 Stat. Ch. 36 (3d Cong. Feb. 28, 1795).

<sup>5</sup> William M. Donnelly, *The Root Reforms and the National Guard*, available at <https://history.army.mil/documents/1901/root-ng.htm> (last visited on December 22, 2021).

<sup>6</sup> Pub. L. No. 57-33, 32 Stat. 775.

<sup>7</sup> *Supra* note 5.

<sup>8</sup> Pub. L. No. 64-85, 39 Stat. 166.

<sup>9</sup> Glenn Williams, U.S. Army Center of Military History, *National Defense Act 1916*, available at [https://history.army.mil/news/2016/160500a\\_natDefAct1916.html](https://history.army.mil/news/2016/160500a_natDefAct1916.html) (last visited on December 15, 2021).

<sup>10</sup> Dr. Charles J. Gross, NGB Historical Services Division, *The Air National Guard A Short History*, pg. 6, available at <https://www.nationalguard.mil/portals/31/Documents/About/Publications/Documents/Short%20History%20-%20Air%20National%20Guard.pdf> (last visited on December 15, 2021).

<sup>11</sup> *Id.* at 10.

<sup>12</sup> Pub. L. No. 80-253, 61 Stat. 495.

The National Guard Bureau (NGB) functions as the channel of communications on all matters pertaining to the National Guard between the Departments of the Army and the Air Force and the States.<sup>13</sup> The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the Secretaries of the Army and the Air Force, prescribes a charter for the NGB that includes the allocation of unit structure and strength authorizations for the National Guard in each state.<sup>14</sup> The NGB is required to submit an annual report to the Secretary of Defense, through the Secretaries of the Army and the Air Force, identifying the personnel, training, and equipment required by the non-federalized National Guard.<sup>15</sup>

### Florida National Guard

Tracing its own history back to 1565, the year in which Spanish settlers organized their first company of citizen-soldiers,<sup>16</sup> the Florida National Guard is headquartered in St. Augustine and is directed by the Florida Department of Military Affairs. The mission of the Florida National Guard includes:

- Providing military units and personnel ready to support United States national security objectives;
- Protecting life and property, and preserving peace, order and public safety; and
- Contributing to such national, state, and local programs that add value to the United States and the state of Florida.<sup>17</sup>

The Florida National Guard consists of organized, armed, equipped, and federally recognized enlisted personnel, commissioned officers, and warrant officers who are citizens of the United States or who have declared their intention to become citizens of the United States. The Florida National Guard has separate Army and Air Force components that are subject to the Departments of the Army and the Air Force, respectively.<sup>18</sup> The Governor is the commander in chief of all militia of the state<sup>19</sup> and is responsible for appointing a federally recognized officer of the Florida National Guard to be the Adjutant General, who serves as the Commanding General of the state's organized militia.<sup>20</sup>

As of August 2021, the Florida National Guard was composed of 10,073 soldiers in the Army National Guard and 2,017 airmen in the Air National Guard, for total authorized personnel of 12,090. The current estimated population of Florida is 21,477,737, ranking as the third most populous state.<sup>21</sup> However, the percentage of Florida National Guard soldiers and airmen compared to the state population is 0.0563% and National Guard strength is 56.3 personnel per 100,000 civilians, rendering Florida's ratio of Guard personnel to general population as 53rd out of 54 states and territories participating in the National Guard. The ratio of Florida National Guard personnel to general population is less than states such as Alabama, Georgia, Mississippi, or Minnesota that have similarly sized Guard contingents but significantly less state population.<sup>22</sup>

### **Effect of the Proposed Changes**

---

<sup>13</sup> 10 U.S.C. s. 10501(b).

<sup>14</sup> 10 U.S.C. s. 10503.

<sup>15</sup> 10 U.S.C. s. 10504.

<sup>16</sup> [need citation]

<sup>17</sup> Florida National Guard, *About*, <https://fl.ng.mil/about/Pages/default.aspx> (last visited on December 16, 2021).

<sup>18</sup> S. 250.07, F.S.

<sup>19</sup> S. 250.06, F.S.

<sup>20</sup> S. 250.10, F.S. 32 U.S.C. S. 314(a) requires an adjutant general in each state and requires the adjutant general to perform the duties prescribed by the laws of the state of appointment.

<sup>21</sup> United States Census Bureau, *QuickFacts Florida*, available at <https://www.census.gov/quickfacts/FL> (last visited December 22, 2021).

<sup>22</sup> See Appendix A. Numbers provided by the Florida Department of Military Affairs with National Guard authorized numbers from the Army as of August 2020 and authorized numbers from the Air Force as of July 2020, copy on file with the Local Administration and Veterans Affairs Subcommittee. The Defense Manpower Data Center under the Department of Defense has troop numbers as of September 2021 at 10,134 in the Florida Army National Guard and 2,203 in the Florida Air National Guard, available at <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports> (last visited on December 17, 2021).

The memorial urges the United States Congress to require the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure.

Copies of the memorial will be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor's veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

**B. SECTION DIRECTORY:**

Not applicable.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This memorial does not appear to affect county or municipal governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The memorial neither authorizes nor requires executive branch rulemaking.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.

## Appendix A

Column1	STATE	ARNG	ANG	TOTAL STATE NATL GUARD	STATE POPULATION	% POP	NG STRNGTH PER 100K	Log NG Strength
1	GUAM	1260	348	1,608	168,775	0.9527%	952.7	2.978977928
2	VIRGIN ISLANDS	761	74	835	104,425	0.7996%	799.6	2.902881992
3	VERMONT	2588	1154	3,742	623,989	0.5997%	599.7	2.777926849
4	NORTH DAKOTA	3332	1216	4,548	762,062	0.5968%	596.8	2.77583015
5	ALASKA	1713	2437	4,150	731,545	0.5673%	567.3	2.75380705
6	WYOMING	1590	1359	2,949	578,759	0.5095%	509.5	2.707177015
7	SOUTH DAKOTA	3285	1063	4,348	884,659	0.4915%	491.5	2.691513635
11	MISSISSIPPI	9724	2636	12,360	2,976,149	0.4153%	415.3	2.618363801
9	HAWAII	3136	2498	5,634	1,415,872	0.3979%	397.9	2.599792849
8	WASH., D.C	1284	1336	2,620	705,749	0.3712%	371.2	2.56965102
12	WEST VIRGINIA	4214	2016	6,230	1,792,147	0.3476%	347.6	2.541114417
10	MONTANA	2596	1017	3,613	1,068,778	0.3380%	338.0	2.528980456
15	DELAWARE	1873	1162	3,035	973,764	0.3117%	311.7	2.493704981
14	RHODE ISLAND	2134	1130	3,264	1,059,361	0.3081%	308.1	2.48870617
13	ARKANSAS	6649	2138	8,787	3,017,804	0.2912%	291.2	2.464149597
16	IOWA	6870	1952	8,822	3,155,070	0.2796%	279.6	2.446558054
17	IDAHO	3333	1361	4,694	1,787,065	0.2627%	262.7	2.419402736
18	ALABAMA	10368	2416	12,784	4,903,185	0.2607%	260.7	2.416188482
19	KANSAS	5032	2310	7,342	2,913,314	0.2520%	252.0	2.401427084
20	NEBRASKA	3797	980	4,777	1,934,408	0.2469%	246.9	2.392607162
21	MAINE	2105	1137	3,242	1,344,212	0.2412%	241.2	2.382345242
25	PUERTO RICO	6415	1226	7,641	3,193,694	0.2393%	239.3	2.378856897
23	UTAH	5914	1417	7,331	3,205,958	0.2287%	228.7	2.359205391
24	LOUISIANA	9150	1470	10,620	4,648,794	0.2284%	228.4	2.358784215
22	OKLAHOMA	6484	2431	8,915	3,956,971	0.2253%	225.3	2.35275848
28	MINNESOTA	9445	2252	11,697	5,639,632	0.2074%	207.4	2.316823724
30	NEW HAMPSHIRE	1694	1078	2,772	1,359,711	0.2039%	203.9	2.309346615
27	SOUTH CAROLINA	9144	1347	10,491	5,148,714	0.2038%	203.8	2.309118119
29	TENNESSEE	10141	3237	13,378	6,829,174	0.1959%	195.9	2.292023013
26	OREGON	5853	2404	8,257	4,217,737	0.1958%	195.8	2.291742789
31	INDIANA	11663	1361	13,024	6,732,219	0.1935%	193.5	2.286586152
32	NEW MEXICO	2863	1035	3,898	2,096,829	0.1859%	185.9	2.26927882
34	MISSOURI	8948	2310	11,258	6,137,428	0.1834%	183.4	2.263474834
33	KENTUCKY	6432	1251	7,683	4,467,794	0.1720%	172.0	2.235437693
35	WISCONSIN	7017	2284	9,301	5,822,434	0.1597%	159.7	2.20342507
37	PENNSYLVANIA	15030	4159	19,189	12,801,989	0.1499%	149.9	2.175774893
36	NEVADA	3120	1216	4,336	3,080,156	0.1408%	140.8	2.148516561
39	CONNECTICUT	3723	1148	4,871	3,565,287	0.1366%	136.6	2.135523634
40	OHIO	10071	4719	14,790	11,689,100	0.1265%	126.5	2.1021871
38	GEORGIA	10136	2912	13,048	10,617,423	0.1229%	122.9	2.089524828
41	MASSACHUSETTS	6191	2222	8,413	6,892,503	0.1221%	122.1	2.086573925
42	WASHINGTON	6124	2135	8,259	7,614,893	0.1085%	108.5	2.035263661
43	NORTH CAROLINA	9645	1462	11,107	10,488,084	0.1059%	105.9	2.024900615
44	ARIZONA	5006	2690	7,696	7,278,717	0.1057%	105.7	2.024210225
46	MICHIGAN	7930	2587	10,517	9,986,857	0.1053%	105.3	2.022463043
49	ILLINOIS	10057	3013	13,070	12,671,821	0.1031%	103.1	2.013436558
48	VIRGINIA	7410	1283	8,693	8,535,519	0.1018%	101.8	2.007939746
45	MARYLAND	4556	1569	6,125	6,045,680	0.1013%	101.3	2.005660937
47	COLORADO	3891	1630	5,521	5,758,736	0.0959%	95.9	1.981690578
50	NEW JERSEY	6120	2287	8,407	8,882,190	0.0947%	94.7	1.976120988
51	NEW YORK	10236	5881	16,117	19,453,561	0.0828%	82.8	1.918285095
52	TEXAS	17018	3228	20,246	28,995,881	0.0698%	69.8	1.844002924
53	FLORIDA	10073	2017	12,090	21,477,737	0.0563%	56.3	1.750437781
54	CALIFORNIA	14249	4973	19,222	39,512,223	0.0486%	48.6	1.687067109