

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

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

---

**FINAL HOUSE FLOOR ACTION:** N/A Y's      N/A N's      **GOVERNOR'S ACTION:** N/A

---

### SUMMARY ANALYSIS

HM 505 passed the House on March 3, 2022, as SM 826.

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.

The Memorial is not subject to the Governor's veto powers.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF 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>

---

<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).

## **Effect of the Proposed Changes**

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.

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

### **FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

### **A. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

### **B. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **C. FISCAL COMMENTS:**

None.