

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SM 826

INTRODUCER: Senator Wright

SUBJECT: Florida National Guard

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	Favorable
2.	<u>Brown</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

I. Summary:

SM 826 is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires copies to be dispatched to the President of the United States, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

National Guard and the National Guard Bureau

The National Defense Act of 1916¹ established the National Guard Bureau as a separate unit of the militia division of the federal government.² In 1948, the Secretary of Defense of the United States Department of Defense issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.³ Today, the National Guard Bureau oversees each of the 54 National Guards in U.S. states and territories.⁴

¹ National Defense Act of 1916, H.R. 12766 (Public, No. 85) (June 3, 1916).

² National Archives, *Guide to Federal Records, Records of the National Guard Bureau (NGB)*, available at <https://www.archives.gov/research/guide-fed-records/groups/168.html> (last visited Dec. 2, 2021).

³ *Id.*

⁴ National Guard, *National Guard Fact Sheet, Army National Guard (FY2005)*, May 3, 2006, available at <https://www.nationalguard.mil/About-the-Guard/Army-National-Guard/Resources/News/ARNG-Media/FileId/137011/>.

The National Guard is unique among militia in that it serves the country in both the local community and overseas. The dual mission of a Guard member means that each member serves through both the National Guard of the state and through the U.S. Army or the U.S. Air Force.⁵ The collective membership of each National Guard is designated as its force structure. The force structure of each National Guard is allocated by the National Guard Bureau.⁶

Florida National Guard

The Florida National Guard goes back in time to 1565, when Spanish founders of St. Augustine organized a company of citizen-soldiers to protect the local community.⁷ A member of the Florida National Guard serves either in the state Army National Guard or in the state Air National Guard, considered a reserve component of each of those armed forces.⁸ Overseeing the National Guard as a federally-recognized officer, the adjutant general is appointed by the Governor and subject to Senate confirmation.⁹ As adjutant general, the officer is responsible for training and operations of the National Guard.¹⁰ The adjutant general must have served in the Florida National Guard for the preceding 5 years and attained the rank of colonel or higher. Ranked above adjutant general is the Governor, who serves in this role as commander-in-chief of all militia in the state.¹¹

Recent Duties of the Florida National Guard

In the past decade, state Guard members have been mobilized to multiple overseas deployments and assigned to assist and respond to natural disasters, domestic security, and Covid-19 vaccinations. For the Covid-19 response alone, the National Guard dedicated 2,906 servicemembers and 660,657 total days.¹² Since September 11, 2001, more than 25,000 Florida National Guard members have been mobilized to respond to out of-state and overseas operations.¹³

Demographics

The force structure of the Florida National Guard is comprised of nearly 12,000 members¹⁴, while Florida is the third most-populous state, estimated at nearly 22 million residents.¹⁵ The Department of Military Affairs states that the force structure in proportion to the state population

⁵ *Id.*

⁶ 10 USC 10503 (1).

⁷ Dep't of Military Affairs, *Home*, available at <https://dma.myflorida.com/> (last visited Nov. 30, 2021).

⁸ Section 250.01(3), (6), and (13), F.S.

⁹ Section 250.10(1), F.S.

¹⁰ Florida National Guard, *The Adjutant General of Florida*, available at <https://fl.ng.mil/leadership/Pages/The-Adjutant-General-of-Florida.aspx> (last visited Dec. 1, 2021).

¹¹ Section 250.06(1), F.S.

¹² Major General James O. Eifert, The Adjutant General, The Florida National Guard, Dep't of Military Affairs, *Florida National Guard Update Brief*, PowerPoint Presentation Oct. 12, 2021 before the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security, pg. 5, available at [Florida National Guard.Presentation.pdf \(flsen.gov\)](#) .

¹³ *Id.* at 6.

¹⁴ Florida National Guard, *supra* note 10.

¹⁵ World Population Review, *Florida Population*, available at <https://worldpopulationreview.com/states/florida-population> (last visited Dec. 2, 2021).

ranks Florida 53rd out of the 54 states and territories of the United States that have a National Guard.¹⁶ In the past 30 years, the state's population doubled, while the force structure of the National Guard declined in number.¹⁷ Along with the state's low positioning of Guard members to population, Florida is considered to be a disaster-prone state. The state is ranked 5th in most FEMA-declared disasters of all states in the last 70 years, and 3rd in most damage from natural disasters per household of all states in the nation.¹⁸ Moreover, geographically Florida is a large state with a significant coastline exposing the state to damaging hurricanes and climate change.¹⁹ More than 17 million Floridians live within 30 miles of coastline.²⁰

If the federal government approved a force structure of the Florida National Guard based solely on state population, Florida would have 25,000 guard members, more than double the current 12,000.²¹ Adding to the inequity between members and population, the state's population is expected to increase by 5 million people this decade.²²

Congressional Support for Increased Funding and Allocation

On March 24, 2021, members of the Florida Congressional Delegation sent a written request to both the Secretary of the United States Department of Defense and the Chief of the National Guard Bureau.²³ In their request, Congress members asked for more equitable funding and resource allocation for the state National Guard. These members of Congress based their request on the disproportionality between the state population compared to the size of the structure force, along with the state's unique vulnerability to continuing disasters.²⁴

On June 1, 2021, members of Congress representing California, Texas, and Florida sent a written request to the Secretary of Defense for an increased allocation for the National Guard particular to these states²⁵. In support, Congress members cite that California, Texas, and Florida rank at the lowest level of structure force to population and at the top for highest percentage of largest counties in the United States, and that these states expect to receive a disproportionate future increase in migration.²⁶

¹⁶ Department of Military Affairs, *2022 Agency Legislative Bill Analysis* (Nov. 30, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security). The analysis provides that "There are approximately 12,000 National Guardsmen in Florida, based on our population there should be between 18,000 and 21,000 Guardsmen to assist the State in times of need."

¹⁷ Major General James O. Eifert, *supra* note 12 at 9.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Letter from members of the Florida Congressional Delegation to Secretary Lloyd J. Austin III, U.S. Dep't of Defense and Chief Daniel R. Hokanson, National Guard Bureau, March 24, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁴ *Id.*

²⁵ Letter from members of the California, Texas, and Florida Congressional Delegations to Secretary Lloyd J. Austin, U.S. Dep't of Defense, June 1, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁶ *Id.*

Memorial

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III. Effect of Proposed Changes:

The bill is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

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IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.