

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 1036

INTRODUCER: Senator Wright

SUBJECT: Florida National Guard

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	Favorable
2.	<u>Brown</u>	<u>Twogood</u>	<u>RC</u>	Favorable

I. Summary:

SM 1036 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 the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, 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, Pub. L. 64-85 (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 Mar. 2, 2023).

³ *Id.* Section. 250.01(13), F.S.

⁴ Air Force, *Air National Guard*, available at <https://www.af.mil/About-Us/Fact-Sheets/Display/Article/104546/air-national-guard/> (last visited Mar. 2, 2023).

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 dates back 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 The adjutant general, responsible for training and operations of the National Guard, must have served in the Florida National Guard for the preceding 5 years and attained the rank of colonel or higher.¹⁰ Ranked above adjutant general is the Governor, who serves as commander-in-chief of all militia in the state.¹¹

Recent Duties of the Florida National Guard

In the last two years, Florida National Guard members have been mobilized to multiple overseas deployments and assigned to assist and respond to:

- The COVID-19 recovery phase;
- Natural disasters including response to Tropical Storm Nicole, Hurricane Ian, and the Chipola Fire;
- Migration support; and
- State corrections support.¹²

In 2022 alone, natural disasters necessitating a Florida National Guard response totaled nine, requiring an aggregate activation of 9,928 Florida National Guard members.¹³

Since September 11, 2001, more than 25,000 Florida National Guard members have been mobilized to respond to out-of-state and overseas operations.¹⁴

⁵ *Id.*

⁶ 10 U.S.C. s. 10503(1).

⁷ Dep't of Military Affairs, *Home*, available at <https://dma.myflorida.com/> (last visited Mar. 2, 2023).

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

⁹ Section 250.10(1), F.S.

¹⁰ *Id.*

¹¹ Section 250.06(1), F.S.

¹² Major General John Haas, Florida National Guard, Dep't of Military Affairs, PowerPoint, *FLNG Overview Brief*, pp. 7-9 (Feb. 21, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹³ Dep't of Military Affairs, *2022 Agency Legislative Bill Analysis, SM 1036* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁴ Major General Haas, *supra* note 12 at 5.

Demographics

The force structure of the Florida National Guard is comprised of more than 12,000 members¹⁵, while Florida is the third most-populous state, estimated at more than 22 million residents.¹⁶ This force structure in proportion to the state population ranks Florida 53rd out of the 54 states and territories of the United States that have a National Guard.¹⁷ In the past 30 years, the state's population doubled, while the force structure of the National Guard actually declined in number.¹⁸ The current ratio of the Florida National Guard to state population is 1.7 Florida National Guard members to 100,000 residents of Florida, while the national average ratio is 2.3.¹⁹ Along with the state's low positioning of Florida National Guard members to current population, Florida is expected to increase in population by five million over the next 10 years.²⁰ Moreover, Florida ranks as the 4th most disaster-prone state nationally.²¹

Other states similarly sized to Florida, Texas and Ohio, have a force allocation of almost 18,000 members to Florida's 12,000. Meanwhile, the average number of days the Florida National Guard activated a member in the last 3 years, 91, far surpasses the national average of 39 days.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 Florida 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 Specifically, Congressional members specified that if force structure were proportional, the Florida National Guard would have 21,000, rather than 12,000 Guard members.²⁵

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 states.²⁶ In support, Congressional 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

¹⁵ *Id.* at 4.

¹⁶ World Population Review, *Florida Population 2023*, available at <https://worldpopulationreview.com/states/florida-population> (last visited Mar. 2, 2023).

¹⁷ Major General Haas, *supra* note 12 at 10.

¹⁸ *Id.*

¹⁹ Dep't of Military Affairs, *supra* note 13.

²⁰ Major General Haas, *supra* note 12.

²¹ *Id.*

²² Dep't of Military Affairs, *supra* note 13.

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 *Id.*

²⁶ Letter from members of the California, Texas, and Florida Congressional Delegations to Secretary Lloyd 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).

counties in the United States, and that these states expect to receive a disproportionate future increase in migration.²⁷

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.

The memorial requires the Secretary of State to dispatch copies to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

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.

²⁷ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because the bill is a memorial, there is no mandated fiscal impact. However, should the state receive an increase in Florida National Guard members, the state may incur an indeterminate initial cost of activating additional Florida National Guard members based on training and equipment costs.²⁸

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁸ Dep't of Military Affairs, *supra* note 13.