

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 723 Florida National Guard Recruitment

**SPONSOR(S):** Daley and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1138

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	16 Y, 0 N	Mwakyanjala	Darden
2) Infrastructure & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

Led by the Governor as commander-in-chief, the Florida National Guard (FLNG) consists of organized, armed, equipped, and federally recognized commissioned officers, warrant officers, and enlisted personnel who are citizens of the United States or who have declared their intention to become citizens of the United States. The percentage of FLNG personnel compared to the state population is 0.0543 percent, translating to a National Guard strength of 54.3 personnel per 100,000 civilians.

A number of states have launched state-funded and administered referral bonus programs known as Joint Enlistment Enhancement Programs (Enhancement Programs). These states include Alabama, Delaware, Vermont, and Virginia. These Enhancement Programs offer National Guard members of each respective state that are not recruiters the opportunity to serve as recruiting assistants who may earn bonuses for successfully referring and enlisting individuals into the recruiting assistant's state National Guard.

The bill establishes the Florida National Guard Joint Enlistment Enhancement Program (JEEP) within the Department of Military Affairs (DMA). The bill provides that FLNG members and retirees in qualifying pay grades may serve as recruiting assistants and may receive compensation for successfully referring and enlisting individuals to and into the FLNG. The bill provides that the Adjutant General shall be responsible for providing compensation to recruiting assistants and directs DMA, in cooperation with the FLNG, to adopt rules for the administration of JEEP.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### National Guard

The National Defense Act of 1916<sup>1</sup> established the National Guard Bureau as a separate unit of the militia division of the federal government.<sup>2</sup> In 1948, the Secretary of Defense of the United States issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.<sup>3</sup> Under current federal law, 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, allocates the unit structure and strength authorizations for the National Guard in each state.<sup>4</sup>

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.<sup>5</sup>

##### Florida National Guard

The Florida National Guard (FLNG) consists of organized, armed, equipped, and federally recognized commissioned officers, warrant officers, and enlisted personnel who are citizens of the United States or who have declared their intention to become citizens of the United States. The FLNG has separate Army and Air Force components that are subject to the Departments of the Army and the Air Force, respectively.<sup>6</sup> The Governor is the commander in chief of all militia of the state<sup>7</sup> and is responsible for appointing a federally recognized officer of the FLNG to be the Adjutant General, who serves as the Commanding General of the state's organized militia.<sup>8</sup>

As of September 2022, the FLNG was composed of 10,314 personnel in the Army National Guard and 2,165 personnel in the Air National Guard, for total authorized personnel of 12,090.<sup>9</sup> The current estimated population of Florida is 22,244,823, ranking as the third most populous state.<sup>10</sup> However, the percentage of FLNG personnel compared to the state population is 0.0543% and National Guard strength is 54.3 personnel per 100,000 civilians. The ratio of FLNG 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>11</sup>

##### National Guard Recruitment Programs

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

<sup>2</sup> 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. 10, 2023).

<sup>3</sup> *Id.*

<sup>4</sup> 10 U.S.C. s. 10503.

<sup>5</sup> 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/> (last visited Mar. 10, 2023).

<sup>6</sup> S. 250.07, F.S.

<sup>7</sup> Art. IV, s. 1(a), Fla. Const.

<sup>8</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>9</sup> Department of Defense, Defense Manpower Data Center, *Military and Civilian Personnel by Service/Agency by State/Country (Updated Quarterly)*, *September 2022*, available at <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports> (last visited on Mar. 7, 2023). Troop numbers are unavailable for December 2022 due to the Army's conversion of its Integrated Personnel and Pay System. Due to this conversion, the Army did not provide military personnel for end-of-December 2022. See *Military and Civilian Personnel by Service/Agency by State/Country (Updated Quarterly) December 2022*, available at <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports> (last visited on Mar. 7, 2023).

<sup>10</sup> United States Census Bureau, *QuickFacts Florida*, available at <https://www.census.gov/quickfacts/FL> (last visited Mar. 7, 2023).

<sup>11</sup> See "Number of Military and DoD Appropriated Fund (APF) Civilian Personnel" (September 30, 2022), available at <https://dwp.dmdc.osd.mil/dwp/app/dod-data-reports/workforce-reports> (last visited Mar. 16, 2023).

## *Guard Recruiting Assistance Program*

In response to wars on-going at the time in Afghanistan and Iraq, the United States Army National Guard (ARNG) created the Army National Guard Recruiting Assistance Program (G-RAP) in 2005. The program offered enlistment referral bonuses to off-duty Guard troops working as civilian independent contractors. Participation into the program was determined by the company Docupak, Inc., which was contracted with the NGB in order to supplement enlistment efforts of the ARNG Recruiting and Retention Force.

Participants received an initial \$1,000 for successfully recruiting a verified enlistment and a second \$1,000 upon verification of the enlisted soldier's successful shipment to basic training for non-prior service contracts or \$2,000 for prior-service contracts. G-RAP was extended to include incentives for officer accessions via an expanded program christened G-RAP-O. G-RAP-O provided payments of up to \$8,500 for officer commissions through G-RAP.<sup>12</sup>

In 2012, the Army's audit agency stated that G-RAP may have experienced \$92 million in fraud which led to a widespread investigation by Task Force Raptor within the Army Criminal Investigation Division. Upon the initiation of the investigation, the program was halted. The investigation found some fraud but did not identify or recover the \$92 million auditors identified.<sup>13</sup> As of May 2017, Task Force Raptor had charged more than 150 individuals and investigated 540 more individuals. Soldiers investigated stated concerns that Task Force Raptor pursues charges for offences that are not crimes and relies on flimsy evidence.<sup>14</sup>

## *Joint Enlistment Enhancement Program*

In recent years, a number of states have launched state-funded and administered referral bonus programs known as Joint Enlistment Enhancement Programs (Enhancement Programs). These states include Alabama, Delaware,<sup>15</sup> Vermont, and Virginia. These Enhancement Programs offer National Guard members of each respective state that are not recruiters the opportunity to serve as recruiting assistants. Recruiting assistants who successfully refer and enlist new recruits into their respective state's National Guard receive a bonus payment. Alabama offers \$500 for each new or prior service recruit.<sup>16</sup> Vermont offers \$500 at enlistment for non-prior service and an additional \$500 upon shipment of the recruit to initial training. For prior service, Vermont offers \$1,000 at one time upon accession of the qualified recruit.<sup>17</sup> Virginia offers \$500 if the recruiting assistant meets benchmarks associated with the new recruit.<sup>18</sup>

## **Effect of Proposed Changes**

The bill establishes the Florida National Guard Joint Enlistment Enhancement Program (JEEP) within the Department of Military Affairs (DMA) to bolster recruitment efforts and increase the force structure of the FLNG. The bill provides that recruiting assistants must be members or retirees of the FLNG who recruit new members and provide motivation, encouragement, and moral support for recruits until the recruit's enlistment. Current FLNG members with the pay grade of E-1 to E-9 or O-1 to O-3 and retirees

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<sup>12</sup> United States Army, *Information Papers: Army National Guard Recruiting Assistance Program*, available at [https://www.army.mil/aps/08/information\\_papers/sustain/ARNG\\_Recruiter\\_Assistance\\_Program.html](https://www.army.mil/aps/08/information_papers/sustain/ARNG_Recruiter_Assistance_Program.html) (last visited Mar. 16, 2023).

<sup>13</sup> Army Times, *G-RAP 2.0? National Guard could resurrect recruiting referral bonuses*, available at <https://www.armytimes.com/news/your-army/2022/09/30/g-rap-20-national-guard-could-resurrect-recruiting-referral-bonuses/> (last visited Mar. 16, 2023).

<sup>14</sup> The New York Times, *Army Fraud Crackdown Uses Broad Net to Catch Small Fish, Some Unfairly*, available at <https://www.nytimes.com/2017/05/28/us/national-guard-army-fraud-crackdown.html> (last visited Mar. 16, 2023).

<sup>15</sup> JEEP funding included in Delaware National Guard's budget for Fiscal Year 2024, available at <https://budget.delaware.gov/budget/fy2024/documents/operating/guard.pdf> (last visited Mar. 16, 2023). The payment structure of Delaware's Enhancement Program is currently unknown.

<sup>16</sup> Established via executive order of the governor of Alabama. See Alabama Executive Order No. 723.

<sup>17</sup> Vermont National Guard, *Joint Enlistment Enhancement Program*, available at <https://vt.public.ng.mil/Join-The-VT-Guard/Joint-Enlistment-Enhancement-Program/> (last visited Mar. 16, 2023).

<sup>18</sup> Virginia Army National Guard, *Virginia National Guard Referral Enlistment Program*, available at <https://va.ng.mil/Programs-Resources/Referral-Enlistment-Program/> (last visited Mar. 16, 2023).

in any pay grade are eligible to serve as recruiting assistants in JEEP. Recruiting and retention non-commissioned officers are not eligible for participation.

The bill provides that recruiting assistants shall be paid \$250 for each new member referred to the FLNG and an additional \$250 upon the recruit's enlistment. This payment shall be provided by the Adjutant General.

The bill directs DMA, in cooperation with the FLNG, to adopt rules in order to administer JEEP.

**B. SECTION DIRECTORY:**

Section 1: Creates an unnumbered section of law creating the Florida National Guard Joint Enlistment Enhancement Program. Provides eligibility requirements and payment structures for recruiting assistants and directs DMA to adopt rules in order to administer JEEP.

Section 2: Provides the bill will take effect on July 1, 2023.

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

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

1. Revenues:

None.

2. Expenditures:

Expenditures are dependent upon the number of successful referrals and enlistments by eligible recruiting assistants.

**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 bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill directs DMA, in cooperation with the FLNG, to adopt rules in order to administer JEEP.

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

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.