

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 971 Florida National Guard
SPONSOR(S): Daley and others
TIED BILLS: **IDEN./SIM. BILLS:** SM 1036

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	17 Y, 0 N	Mwakyanjala	Darden
2) State Affairs Committee	19 Y, 0 N	Mwakyanjala	Williamson

SUMMARY ANALYSIS

The Florida National Guard (FLNG) 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 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 12,479.

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 for the FLNG and allow an increase in its force structure. The memorial calls for copies to be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of State, and each member of the Florida delegation to the United States Congress.

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

National Guard

The National Defense Act of 1916¹ established the National Guard Bureau (NGB) as a separate unit of the militia division of the federal government.² In 1948, the Secretary of Defense of the United States issued an order designating the NGB as a joint bureau of the Departments of the Army and Air Force.³ The 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.⁴ 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.⁵ The NGB must 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.⁶

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.⁷

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.⁸ The Governor is the commander in chief of all militia of the state⁹ 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.¹⁰

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 12,479.¹¹ The current estimated population of Florida is 22,244,823, ranking as the third most populous state.¹² However, the percentage of FLNG personnel compared to the state population is 0.0543 percent and National Guard strength is 54.3 personnel per 100,000 civilians. The ratio of FLNG personnel to general population is

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 Mar. 10, 2023).

³ *Id.*

⁴ 10 U.S.C. s. 10501(b).

⁵ 10 U.S.C. s. 10503(1).

⁶ 10 U.S.C. s. 10504.

⁷ 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).

⁸ S. 250.07, F.S.

⁹ Art. IV, s. 1(a), Fla. Const.

¹⁰ 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.

¹¹ 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).

¹² United States Census Bureau, *Quick Facts Florida*, available at <https://www.census.gov/quickfacts/FL> (last visited Mar. 7, 2023).

less than states such as Alabama, Georgia, Mississippi, or Minnesota that have similarly sized Guard contingents but significantly smaller state populations.¹³

Effect of the Memorial

The memorial urges the United States Congress to require the NGB to examine the resource allocations of the FLNG and allow an increase in its force structure. The memorial directs the Secretary of State to dispatch copies of the memorial 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:

¹³ 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).

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.