

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 Military Affairs and Domestic Security Committee

BILL: SB 464
 INTRODUCER: Senator Fasano
 SUBJECT: Military Affairs/Leave of Absence
 DATE: January 7, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	Skelton	MS	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	TA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 464 expands the number of leave of absence days authorized for public employee members of the U. S. military Reserves and National Guard troops who are attending military training from 17 days to 30 days.

The bill also authorizes the establishment of a second Assistant Adjutant General Army position at the state’s National Guard Joint Forces Headquarters.

This bill substantially amends sections 115.07 and 250.10 of the Florida Statutes.

II. Present Situation:

Leaves of Absence

Current law authorizes officers and employees of the state, the counties, and the municipalities or political subdivisions of the state who are members of the military reserves or the National Guard to be granted leaves of absence for up to 17 days annually. Such leaves of absence are granted for the purpose of attending active or in-active duty training. Reserve and National Guard members are entitled to leaves of absence without loss of vacation leave, pay, time, or efficiency rating on days they are assigned to active duty or in-active duty for training.¹

According to Department of Military Affairs officials, current Reserve and National Guard operational training requirements in support of worldwide military operations exceed the authorized 17 days annually per member.

¹ Section 115.07, F.S.

Additional Assistant Adjutant General Army

Florida is one of 15 states that have undergone a restructuring of its Army National Guard Enhanced Infantry Brigade. The Enhanced Infantry Brigade is composed of approximately 3,500 soldiers and, until recently, has been commanded by an officer in the rank of Brigadier General. The new organizational structure replicates the active duty Army's Infantry Brigade Combat Team and will now be commanded by an officer with the rank of Colonel.

States such as Florida have been allowed to transfer the former Infantry Brigade General Officer position to the state's National Guard Joint Forces Headquarters as an additional Assistant Adjutant General Army position. With more than 10,000 Florida Army National Guard soldiers currently serving, authorization for two Army officers serving in the grade of Brigadier General is consistent with authorizations in other states with similar forces.

III. Effect of Proposed Changes:

S. B. 464 amends s. 115.07, F.S., to increase the amount of time granted annually to members of the Reserves and National Guard for leaves of absence as a matter of legal right from 17 to 30 days.

The bill amends s. 250.10, F.S., to authorize the Adjutant General of the Florida National Guard to appoint a federally recognized officer to a second position of Assistant Adjutant General Army. Such appointment is subject to confirmation by the Senate. The appointee must have served in the Florida Army Guard for the preceding five years and have attained the rank of colonel or higher at the time of appointment.

The bill provides an effective date of July 1, 2010.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:**Leaves of Absence**

Section 115.07, F.S., only applies to officers and employees of the state, the counties, and the municipalities or political subdivisions of the state who are members of the military reserves or the National Guard. According to data furnished by the Department of Military Affairs, there are 2,131 reservists and National Guard personnel employed by various state, county, and municipal government entities. Expansion of the leave of absence benefit authorized in current law by an additional 13 days could result in a maximum reduction of employee availability by a total of 27,703 person-days. However, failure to authorize the expansion would force military members who exceed 17 days of annual training to use personal vacation time or take leave without pay in order to perform their required military duties.

The cost to government sector entities is unknown due to unknown variables such as how many members will actually exceed 17 days of annual training, differing employee salary and benefits costs, and existing governmental entity contingency policy covering workloads during the absence of military members.

Additional Assistant Adjutant General Army

This position is federally funded and there is no additional cost to the state.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This bill is silent with respect to which of the two Assistant Adjutant Generals will succeed to command in the absence or incapacitation of the Adjutant General. Military protocol normally dictates that the officer with the earliest date of rank is senior and thus eligible to succeed to command.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.