

Meeting Date
July 11, 2017



AGENDA	
Section	Consent
Item No.	II, D.6

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Retrocession of Malabar Complex	The Air Force, 45 th Space Wing is requesting the concurrence of the County Commission in the process of retroceding the 644.85 acre m.o.l. property known as the Malabar Complex and Patrick Air Force beaches area.
DEPT/OFFICE:	County Attorney/County Manager

Requested Action: Adopt resolution approving retrocession and authorizing staff to work with the Air Force in developing intergovernmental cooperation agreements between the Air Force, Sheriff's Office and City of Palm Bay.

The U.S. Air Force, 45th Space Wing, is requesting the County Commission to cooperate in achieving the retrocession of exclusive federal jurisdiction over Patrick Air Force beaches area and the property known as the Malabar Complex, both of which have been previously ceded to the Air Force by the state of Florida.

Summary Explanation & Background:

The U.S. Air Force, 45th Space Wing, is requesting the County Commission to cooperate in achieving the retrocession of exclusive federal jurisdiction over Patrick Air Force Beaches and the property previously ceded by the state to the Air Force known as the Malabar Complex. The property consists of roughly one (1) square mile (≈ approximately 644.85 acres) of fenced land located west of SR 509 (Minton Road) in Palm Bay, Florida, and is bounded on the south by the Melbourne Tillman Canal. A legal description of the subject property and location maps are attached for the Board's reference (see survey and Exhibits attached). The PAFB beaches area is described as All lands outside of the perimeter fence of Patrick AFB (this includes land on both sides of A1A, the beaches and the land from the southern edge of Pineda (SR 404) north to the PAFB boundary fence. A graphic description is attached at p. 30.

Officials at Patrick AFB are seeking to retrocede exclusive federal jurisdiction for budgetary and practical reasons. The Malabar Complex property is located some 22 miles southwest from Patrick AFB and, while the Air Force still deems these lands to be indispensable to the 45th Space Wing's mission, officials at the base do not deem exclusive federal jurisdiction as being essential because it is fiscally and physically impractical for base security forces to respond to calls arising out of unauthorized use of the property by civilians.

Based on the current jurisdictional situation, state and local law enforcement resources are unable respond to calls arising out of unlawful uses of this site or the PAFB beaches area. However, the attached letters from the Brevard County Sheriff's Office and the Palm Bay Police Department indicate that those agencies are willing and able to respond to incidents occurring in their respective jurisdictions. Those agencies can respond much faster than Patrick's Security Forces can and would not be limited in their law enforcement activities to the same extent as the base Security Forces.

Under this initiative, the Air Force seeks Brevard County's concurrence in changing the PAFB beaches area and Malabar Complex from exclusive jurisdiction to proprietary legislative jurisdiction. With this change, both federal and state or local law enforcement resources would be empowered to apply and enforce appropriate criminal statutes over the subject property.

Additionally, as part of this proposal, the Air Force believes it is essential for Brevard County and Patrick AFB to enter into support agreements to (1) ensure services for security and law enforcement are provided to this property and (2) to define cooperative roles and responsibilities. This approach will eliminate structural obstacles related to exclusive jurisdiction and improve safety in the local community. A change of jurisdiction will also provide the local community with access to Florida's state courts—a venue better suited to activities occurring in these areas.

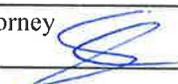
Fiscal Impact: Undetermined

Clerk to the Board Instruction:

Exhibits Attached: Survey, Location Maps; correspondence from Mechel A. Campbell Nelson, Lt Col, USAF and Jeremy A. Kent, Capt., USAF

Contract / Agreement (if attached):	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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County Manager's Office County Attorney: PR

Frank Abbate, Interim County Manager  Scott Knox, County Attorney 



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

July 12, 2017

MEMORANDUM

TO: Scott Knox, County Attorney

RE: Item II.D.6., Resolution for Approval of Retrocession and Authorizing Staff to Work with Air Force in Developing Intergovernmental Cooperation Agreement Between the Air Force, Sheriff's Office, and the City of Palm Bay

The Board of County Commissioners, in regular session on July 11, 2017, adopted Resolution No: 17-116, approving retrocession and authorizing staff to work with the Air Force in developing intergovernmental cooperation agreements between the Air Force, Sheriff's Office, and the City of Palm Bay. Enclosed is one fully-executed Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

cc: Interim County Manager Abbate

RESOLUTION 2017-116

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA GRANTING BREVARD COUNTY'S CONCURRENCE TO A CHANGE IN JURISDICTION OVER PATRICK AIR FORCE BEACHES AND THE PROPERTIES KNOWN AS THE MALABAR COMPLEX AND ALL LANDS FROM EXCLUSIVE JURISDICTION IN THE UNITED STATES DEPARTMENT OF THE AIR FORCE TO CONCURRENT JURISDICTION BETWEEN THE AIR FORCE AND BREVARD COUNTY

WHEREAS, the U.S. Air Force, 45th Space Wing, is requesting the County Commission to cooperate in achieving the retrocession of exclusive federal jurisdiction over the Patrick Air Force (PAFB) beaches area described as all lands outside of the perimeter fence of Patrick AFB (this includes land on both sides of A1A, the beaches and the land from the southern edge of Pineda (SR 404) north to the PAFB boundary fence and property known as the Malabar Complex, both of which were previously ceded by the State of Florida to the U.S. Department of the Air Force; and

WHEREAS, the 45th Space Wing's mission officials at the base do not deem exclusive federal jurisdiction as being essential because it is fiscally and physically impractical for base security forces to respond to calls arising out of unauthorized use of the property by civilians; and

WHEREAS, based on the current jurisdictional situation, state and local law enforcement resources are unable respond to calls arising out of unlawful uses of this site; and

WHEREAS, Under this initiative, the Air Force seeks Brevard County's concurrence in changing the PAFB beach area and Malabar Complex from exclusive jurisdiction to proprietary legislative jurisdiction which will allow both federal and state or local law enforcement resources to apply and enforce appropriate criminal statutes over the subject property; and

WHEREAS, the Brevard County Sherriff s Office and the Palm Bay Police Department have indicated in writing their concurrence in the modified jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that:

1. The Recitals set forth above are incorporated by reference herein as findings of the Board.
2. The County Commission hereby grants its concurrence to the change from exclusive jurisdiction over the property known as the Malabar Complex, as described in the attached Composite Exhibit A, currently vested in the United States Department of the Air Force to concurrent proprietary legislative jurisdiction between the Department of the Air Force and Brevard County, inclusive of the Brevard County Sheriff's Department.

3. The County Commission hereby grants its concurrence to the change from exclusive jurisdiction over the Patrick Air Force (PAFB) beaches area described as all lands outside of the perimeter fence of Patrick AFB (this includes land on both sides of A1A, the beaches and the land from the southern edge of Pineda (SR 404) north to the PAFB boundary fence currently vested in the United States Department of the Air Force to concurrent proprietary legislative jurisdiction between the Department of the Air Force and Brevard County, inclusive of the Brevard County Sheriff's Department. The PAFB beaches are graphically shown as p. 30 of the Exhibits attached to this Resolution.

4. The Commission hereby authorizes the County Manager's Office and the County Attorney's Office to work with the Air Force 45th Space Wing at Patrick Air Force Base to develop support agreements to (1) ensure services for security and law enforcement are provided to these areas and (2) to define cooperative roles and responsibilities of the Air Force, County, and City of Palm Bay. This approach will eliminate structural obstacles related to exclusive jurisdiction and improve safety in the local community.

5. The Commission authorizes the Chairman to sign any intergovernmental agreement that meet the stated purposes of the agreement, as specified in paragraph 3, above, as determined and approved by the County Manager and County Attorney.

DONE AND ADOPTED, this 11th day of July, 2017.

BREVARD COUNTY, through its Board of County Commissioners

BY: _____


CURT SMITH, CHAIRMAN

(As approved by the Board on July 11, 2017)

ATTEST:



Scott Ellis, Clerk



DEPARTMENT OF THE AIR FORCE
45TH SPACE WING (AFSPC)

1 February 2017

Office of the Staff Judge Advocate
45 SW/JA
642 O'Malley Road
Patrick Air Force Base (AFB) FL 32925-3329

Mr. Scott Knox
County Attorney, Brevard County
2725 Judge Fran Jamieson Way Bldg C
Viera FL 32940-6605

**Re: Proposed Change of Jurisdiction for Patrick Air Force Base's Malabar Complex
situated in Brevard County, Florida**

Dear County Attorney Knox

Thank you for speaking with my office regarding legislative jurisdictional changes for certain lands falling under Air Force authority here in Brevard County, Florida. Those prior communications and this letter are motivated by Air Force policy requiring Installation Commanders (IC) to obtain the retrocession of unnecessary exclusive federal jurisdiction over Air Force real property. In this case, the Patrick Air Force Base (AFB) IC, 45th Space Wing Commander, Brigadier General Wayne R. Monteith, has identified the Malabar Complex as a candidate for retrocession of exclusive federal jurisdiction. For the reasons outlined below, we (1) believe proprietary legislative jurisdiction is appropriate for the Malabar Complex and (2) seek to obtain your concurrence regarding the same.

As a steward of taxpayer resources, the Air Force has an ongoing obligation to defend the nation and carry out missions in a fiscally responsible manner. To that end, DoD policy requires ICs to review their installation's operational footprint to identify areas or changes that will improve resource management without detriment to our common defense. In so doing, officials at Patrick AFB seek to retrocede exclusive federal jurisdiction over the Malabar Complex, an area 22 miles southwest from Patrick AFB. And while these lands are indispensable to the 45th Space Wing's mission, exclusive federal jurisdiction is no longer essential.

The Malabar Complex referenced above is specifically identified as Section 25, Township 28 South, Range 36 East, Brevard County, State of Florida, and consists of approximately 644.85 acres. This roughly one (1) square mile of fenced land is located west of SR 509 (Minton Road) in Palm Bay, Florida, and is bounded on the south by the Melbourne Tillman Canal (see survey attached). Over time, Patrick AFB and the 45th Space Wing have improved resource utilization at the Malabar Complex to such a degree that continual human presence at the site is no longer necessary for mission accomplishment. Instead, most resources

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COMPOSITE EXHIBIT A

003

on Malabar are remotely managed or otherwise maintained via periodic visits from DoD personnel. As a result, DoD service members and civilian employees do not live on or report to this location on a daily basis.

Given the operational realities of the Malabar Complex, with lower DoD service member presence and remotely-managed resources on site, an island of exclusive federal jurisdiction exists surrounded by an active local community. Frequently, citizens of Brevard County have entered onto the Malabar Complex and have inevitably found themselves in an area where law enforcement and emergency services are not readily available. This circumstance results from (1) the Malabar Complex's current exclusive jurisdiction status and (2) Patrick AFB's limited law enforcement and emergency services resources. As Patrick AFB is 22 miles from Malabar by the most direct route, our installation's response time to the property is considerably slower than what local law enforcement agencies can provide.

Brevard County Sherriff's Office and the Palm Bay Police Department can respond to incidents occurring on the Malabar Complex much faster than Patrick's Security Forces can and are not limited in their law enforcement activities to the same extent as our Security Forces. However, based on the current jurisdictional situation, state and local law enforcement resources are unable respond to this site. Accordingly, we believe retrocession of jurisdiction will ensure the enforcement of state and federal law on this property to promote public safety.

Under this initiative, we seek Brevard County's concurrence in changing the Malabar Complex from exclusive jurisdiction to proprietary legislative jurisdiction. With this change, both federal and state law enforcement resources would be empowered to apply and enforce appropriate criminal statutes over the subject property. Additionally, as part of this proposal, we believe it is essential for Brevard County and Patrick AFB to enter into support agreements to (1) ensure services for security and law enforcement are provided to this property and (2) to define cooperative roles and responsibilities. This approach will eliminate structural obstacles related to exclusive jurisdiction and improve safety in the local community.

Having the Brevard County Sheriff's Office provide law enforcement and public safety resources will lead to increased effectiveness and delivery of law enforcement services to the citizens of Brevard County. And, in the future, Palm Bay Police Department may also provide law enforcement and emergency services if the Malabar Complex is later annexed by the City of Palm Bay. Consequently, a change of the Malabar Complex to proprietary jurisdiction will provide the local community with access to Florida's state courts—a venue better suited to activities occurring on this land.

Undoubtedly many public safety issues are more appropriately addressed under Florida's state laws, which give effect to Florida's inherent power to preserve and protect the general welfare. Under a proprietary jurisdiction legislative scheme, federal and state law enforcement resources can respond to calls for service on or to the Malabar Complex, a change that would enhance public safety and efficiently allocate limited taxpayer resources. In addition, proprietary jurisdiction would eliminate confusion over jurisdiction should an incident occur across jurisdictional lines.

Given the above, we ask for the County's concurrence on this proposal. If you concur, please line out "do not concur" in the response below and then sign and date your indorsement on the space provided and return to this office for further coordination.

Thank you for your consideration in this matter. If you any have questions or require additional information, please contact me at (321) 494-7357.

Most Respectfully

**CAMPBELL.MECHEL.
ALECIA.1255154806**

Digitally signed by
CAMPBELL.MECHEL.ALECIA.1255154806
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USAF,
cn=CAMPBELL.MECHEL.ALECIA.1255154806
Date: 2017.02.01 10:50:24 -0500

**MECHEL A. CAMPBELL NELSON, Lt Col, USAF
Staff Judge Advocate**

Five (5) Attachments:

1. 10 U.S.C. § 2683(a)
2. Fla. Stat. § 6.075(3)(a) (pertinent portion bolded)
3. Patrick AFB Malabar Complex Boundary Survey, 2 pages
4. Letter, Palm Bay Police Department, 05 May 2016
5. Letter, Brevard County Sherriff's Office, 31 August 2016

1st Ind to 45 SW/JA, Proposed Change of Jurisdiction for Patrick Air Force Base's Malabar Complex situated in Brevard County, Florida:

I concur/do not concur with the proposed change in jurisdiction for Patrick AFB's Malabar Complex.

**SCOTT KNOX, Brevard County Attorney
Brevard County Attorney's Office
Brevard County, Florida**

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Knox, Scott L

From: KENT, JEREMY A 1st Lt USAF AFSPC 45 SW/JA <jeremy.kent@us.af.mil>
Sent: Wednesday, November 23, 2016 2:42 PM
To: Knox, Scott L
Subject: Malabar Complex Land Survey and PAFB Land Survey [Jurisdiction Change Coord]

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Mr. Knox,

Thank you for taking my call today in regards to the Malabar Complex and Patrick AFB Beaches proposed jurisdictional changes. I do not yet have our coordination letter(s) to you complete, but in the meantime please see the documents for the Malabar Complex and PAFB Beaches (Jurisdictional maps sent via Safe Access File Exchange).

This proposed change stems from the Air Force's Community Partnership Initiative (P4) to embrace public-private partnership through intergovernmental support agreements with Brevard County. Given that concurrent jurisdiction is pursued for the Patrick AFB Beaches and proprietary for the Malabar Complex, our office may send separate letters for coordination. The benefit of retrocession of legislative jurisdiction over these areas will improve public safety through local law enforcement and emergency services. In particular, the Malabar Complex is approximately twenty-two (22) miles from Patrick AFB which delays response times to the area without support of local law enforcement. This change will address that issue and improve resource utilization for all parties.

In any event, I will follow up next week with additional details and address any questions you may have regarding this proposal.

I hope this finds you well. Enjoy the holiday!

Most Respectfully,

JEREMY KENT, 1st Lt, USAF
Chief, Legal Assistance
45 SW/JA
642 O'Malley Road, Bldg 562
Patrick AFB, FL 32925-3329
Commercial: (321) 494-8076/DSN: 854-8076

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**DEPARTMENT OF THE AIR FORCE
45TH SPACE WING (AFSPC)**

5 May 2016

**MEMORANDUM FOR PALM BAY POLICE CHIEF MARK RENKENS
130 MALABAR ROAD, SE
PALM BAY FL 32907**

**FROM: Commander, 45th Security Forces Squadron
1319 Control Road
Patrick AFB FL 32955**

SUBJECT: Proposed Change of Jurisdiction for the Air Force Malabar Complex

1. The Air Force is considering changing the jurisdiction of Patrick Air Force Base's (PAFB) Malabar property located west of Minton Road in Palm Bay from exclusive Federal jurisdiction to proprietary jurisdiction.
2. Under exclusive Federal jurisdiction, the military enforces all laws pertaining to that area. With a change to proprietary jurisdiction, laws would be primarily enforced by local law enforcement, in this case the Palm Bay Police Department or the Brevard County Sheriff's Office. The Air Force would maintain rights as a property owner and would be able to enforce trespassing laws only via citation.
3. This proposed jurisdiction change is in response to a request by the City of Palm Bay to use the Malabar complex as a venue for special events when not used for military training or launch operations.
4. As a part of the jurisdictional change process, concurrence of the proposed jurisdiction change must be obtained from the law enforcement agencies affected by the change. I therefore request your concurrence with the proposed change by signature below.
5. Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 494-6202.


DAVID E. WILLIAMS, JR., Lt Col, USAF
Commander

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1st Ind for 45 SRS/CC, 5 May 2015, Proposed Change of Jurisdiction for the Air Force Malabar Complex:

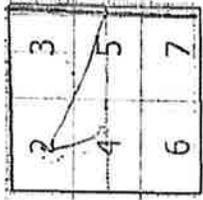
I concur/do not concur with the proposed change in jurisdiction of the Malabar complex.



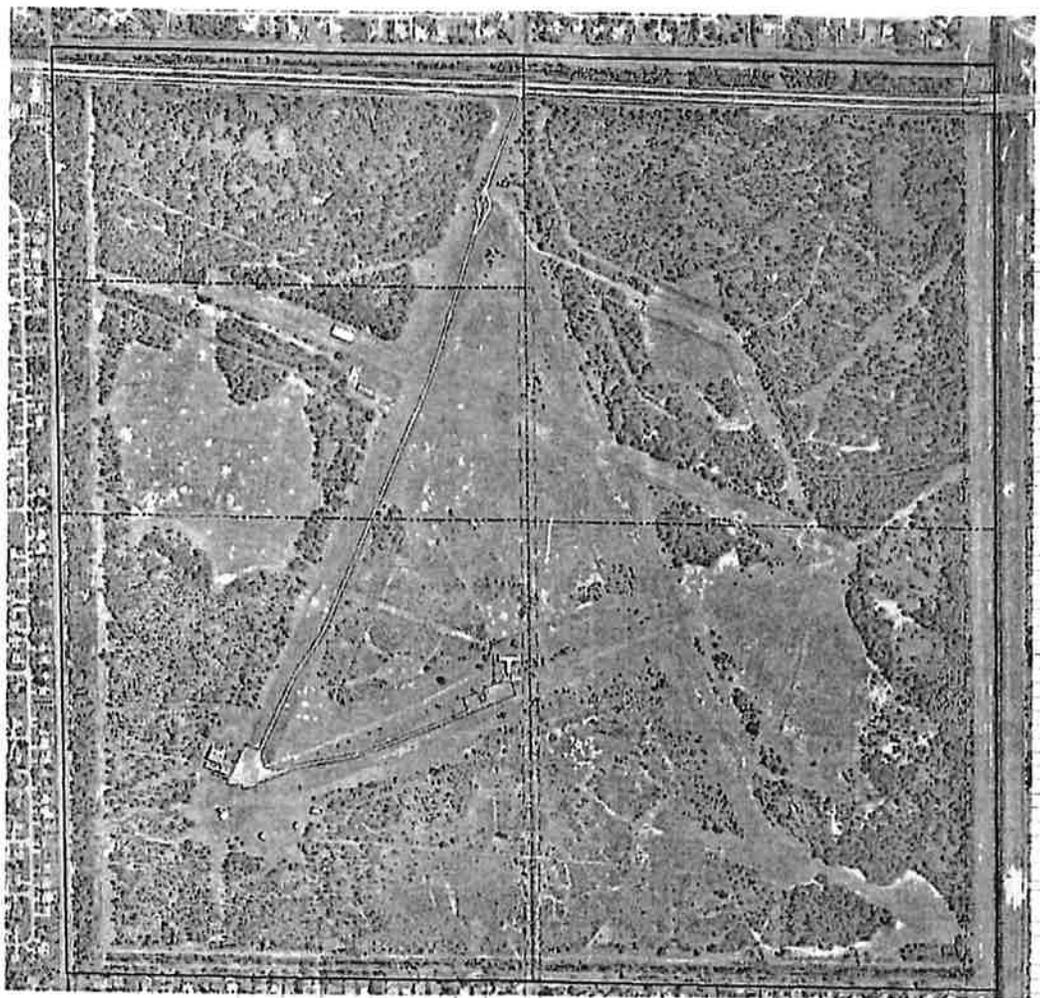
MARK RENKENS, Chief
Palm Bay Police Department



LOCATION MAP
SCALE: 1" = 1/4 MI.



KEY MAP - 100 SCALE SHEETS
SCALE: 1" = 1/4 MI.



DATE	11-20-11
SCALE	1" = 200'
PROJECT	SECTION OF COVER SHEET MALAGA ASSEY
PROJECT NO.	SECTION 5, PARCEL 14, C.
PROJECT NAME	ALLIEN ENGINEERING, INC.
PROJECT LOCATION	SECTION 5, PARCEL 14, C.
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PROJECT LOCATION	SECTION 5, PARCEL 14, C.



SHERIFF WAYNE IVEY

BREVARD COUNTY SHERIFF'S OFFICE

700 S. Park Avenue Titusville, Florida 32780-4095 (321) 264-5201 (321) 264-5360 fax www.BrevardSheriff.com

**Brevard County
Jail Complex**
860 Camp Road
Cocoa, FL 32927
(321) 690-1500
(321) 635-7800 fax

Canaveral Precinct
111 Polk Avenue
Cape Canaveral, FL 32920
(321) 868-1113
(321) 784-8340 fax

**Criminal Investigative
Services**
340 Gus Hipp Boulevard
Rockledge, FL 32955
(321) 633-8499
(321) 633-8403 fax

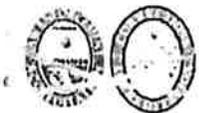
East Precinct
2575 N. Courtenay Pkwy.
Merritt Island, FL 32953
(321) 454-6652
(321) 454-6631 fax

North Precinct
750 S. Park Avenue
Titusville, FL 32780
(321) 264-5208
(321) 264-5359 fax

Operational Services
2575 N. Courtenay Pkwy.
Merritt Island, FL 32953
(321) 454-8643
(321) 454-6642 fax

South Precinct
1515 Sarno Road, Bldg B.
Melbourne, FL 32935
(321) 253-6658
or (772) 864-1015
(321) 253-6666 fax

West Precinct
2725 Judge Fran Jamieson
Way, Bldg. E
Viera, FL 32940
(321) 633-2123
(321) 633-1965 fax



August 31st, 2016

Major Megan Hall
Commander, 45th Security Forces Squadron
1319 Control Road
Patrick AFB, Florida 32955

RE: Proposed Change to Jurisdiction for Beaches Adjacent to Patrick Air Force Base and the Malabar Complex.

Major Hall,

My office is in receipt of your correspondence regarding the jurisdictional changes captioned above. We have previously responded with our concurrence concerning the beach access area along SR A1A. Attached is our additional concurrence and acceptance of this recommendation regarding the Malabar Complex in Palm Bay, Florida.

The Brevard County Sheriff's Office is in full support of these proposals and looks forward to offering any assistance you may require.

Please feel free to call me anytime at (321) 253-6698 (office) or (321) 403-5744 (cell).

Respectfully,

Commander Victor A. DeSantis, M.S.
Brevard County Sheriff's Office
South Precinct

-FOR-

Wayne Ivey
Sheriff of Brevard County



**DEPARTMENT OF THE AIR FORCE
45TH SPACE WING (AFSPC)**

**MEMORANDUM FOR BREVARD COUNTY SHERIFF'S OFFICE
ATTN: SHERIFF WAYNE IVEY
700 SOUTH PARK AVENUE
TITUSVILLE FL 32780**

**FROM: Commander, 45th Security Forces Squadron
1319 Control Road
Patrick AFB FL 32955**

**SUBJECT: Proposed Change of Jurisdiction for Beaches Adjacent to Patrick Air Force Base and
The Malabar Complex**

1. The Air Force is considering changing the jurisdiction of Patrick Air Force Base's (PAFB) beaches and Malabar property.
2. The PAFB beach areas are located east of State Road (SR) A1A between the intersection of SR A1A and SR 404 and the north end of PAFB. The Malabar complex is a one square mile fenced complex west of SR 509 (Minton Road) in Palm Bay. Under the proposal, the PAFB beaches would change from exclusive Federal jurisdiction to concurrent jurisdiction. The Malabar complex would change from exclusive Federal jurisdiction to proprietary jurisdiction.
3. Under exclusive Federal jurisdiction, the military enforces all laws pertaining to that area. The beaches adjacent to PAFB are open to use by anyone and are primarily used by civilians. The Air Force is limited in the action imposed upon civilian offenders within this jurisdiction. With concurrent jurisdiction, enforcement action is shared jointly between the Air Force and local law enforcement. At the Malabar complex the jurisdiction is currently exclusive Federal jurisdiction with a proposed change to proprietary jurisdiction. Proprietary jurisdiction dictates laws would be primarily enforced by local law enforcement, in this case the Palm Bay Police Department or the Brevard County Sheriff's Office (BCSO). The Air Force would maintain rights as a property owner and would be able to enforce trespassing laws only via citation.
4. The proposed change to concurrent jurisdiction at the PAFB beaches is to synergize law enforcement efforts between the base and BCSO. Doing so will benefit both agencies. The proposed jurisdiction change at the Malabar complex will allow local authorities (closest law enforcement agency) to respond to incidents much faster than the base would be able to execute.
5. As a part of the jurisdictional change process, concurrence of the proposed jurisdiction change must be obtained from the law enforcement agencies affected by the change. I therefore request your concurrence with the proposed change by signature below.

GUARDIANS OF THE HIGH FRONTIER

6. Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 494-6202.



MEGAN F. HALL, Maj, USAF
Commander

1st Ind to 45 SFS/CC, Proposed Change of Jurisdiction for Beaches Adjacent to Patrick Air Force Base and the Malabar Complex:

I concur do not concur with the proposed change in jurisdiction of the Patrick AFB beaches and Malabar complex.



WADE, V.A. DESANTIS
SOUTH PRECINCT - COMMANDER

8/21/16



WAYNE IVEY, Sheriff
Brevard County Sheriff's Office

6.075 **6.075** **Lands owned or controlled by United States Department of Interior; Governor authorized to cede concurrent jurisdiction to enforce criminal laws.—**

(1)(a) Whenever the United States Department of the Interior, National Park Service, shall desire to acquire concurrent jurisdiction to enforce criminal laws on any lands owned or controlled by the United States Department of the Interior, National Park Service, within this state and shall make application for that purpose, the Governor is authorized to cede to the United States Department of the Interior, National Park Service, such measure of jurisdiction, not exceeding that requested, as the Governor may deem proper, over all or any part of such lands as to which a cession of the concurrent jurisdiction to enforce criminal laws is requested.

(b) The application on behalf of the United States Department of the Interior, National Park Service, shall state in particular the measure of jurisdiction desired and shall be accompanied by an accurate description of the lands over which such jurisdiction is desired and by information as to which of such lands are then owned or controlled by the United States Department of the Interior, National Park Service.

(c) The cession of jurisdiction shall become effective when it is accepted on behalf of the United States, which acceptance shall be indicated, in writing upon the instrument of cession, by an authorized official of the United States Department of the Interior, National Park Service, and by filing with the Secretary of State of the State of Florida.

(2) The state reserves jurisdiction, for itself and its political subdivisions, to enforce the laws on any lands for which concurrent jurisdiction has been ceded to the United States pursuant to this act. No person residing on such lands shall be deprived of any civil or political rights, including the right of suffrage, by reason of the cession of concurrent jurisdiction to the United States Department of the Interior, National Park Service.

(3)(a) Whenever the United States tenders to the state a relinquishment of all or part of the jurisdiction theretofore acquired by it over lands within this state, the Governor is authorized to accept on behalf of the state the jurisdiction so relinquished; provided, however, that the Governor shall not accept a relinquishment of all or part of such jurisdiction over an Indian tribe recognized by the United States without the consent of its federally recognized tribal governing body.

(b) The Governor shall indicate his or her acceptance of such relinquished jurisdiction by a writing addressed to the head of the appropriate department or agency of the United States, and such acceptance shall be effective when said writing is deposited in the United States mail.

History.—ss. 1, 2, 3, ch. 86-67; s. 3, ch. 95-147.



(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.—The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.

(Added Pub. L. 88-174, title VI, § 609(a)(1), Nov. 7, 1963, 77 Stat. 329; amended Pub. L. 97-214, § 10(a)(7), July 12, 1982, 96 Stat. 178; Pub. L. 112-81, div. A, title IX, § 928, Dec. 31, 2011, 125 Stat. 1541.)

AMENDMENT OF SECTION

Pub. L. 112-81, div. A, title IX, § 928(b), Dec. 31, 2011, 125 Stat. 1541, provided that, effective on Sept. 30, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later, this section is amended as follows:

(1) in subsec. (a), by substituting "The maintenance and repair" for "Subject to subsection (c), the maintenance and repair";

(2) in subsec. (b), by substituting "A real property" for "Subject to subsection (c), a real property"; and

(3) by striking out subsec. (c).

See 2011 Amendment notes below.

AMENDMENTS

2011—Pub. L. 112-81, § 928(a)(1), (2), designated first and second sentences as subsecs. (a) and (b), respectively, inserted headings, and realigned margins of subsec. (b).

Subsec. (a). Pub. L. 112-81, § 928(b)(1), substituted "The maintenance and repair" for "Subject to subsection (c), the maintenance and repair". See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, § 928(a)(1), substituted "Subject to subsection (a), the maintenance and repair" for "The maintenance and repair".

Subsec. (b). Pub. L. 112-81, § 928(b)(2), substituted "A real property" for "Subject to subsection (c), a real property". See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, § 928(a)(3), substituted "Subject to subsection (c), a real property" for "A real property".

Subsec. (c). Pub. L. 112-81, § 928(b)(3), struck out subsec. (c). Text read as follows: "The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense." See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, § 928(a)(4), added subsec. (c).

1982—Pub. L. 97-214 substituted "maintenance and repair" for "construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension".

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title IX, § 928(b), Dec. 31, 2011, 125 Stat. 1541, provided that the amendments made by subsec. (b) of that section are effective on Sept. 30, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-214 effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

§ 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations

(a) Notwithstanding any other provision of law, the Secretary concerned may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(b) The authority granted by subsection (a) is in addition to and not instead of that granted by any other provision of law.

(c)(1) Except as provided in paragraphs (2) and (3), the Secretary concerned shall establish and enforce as the minimum drinking age on a military installation located in a State the age established by the law of that State as the State minimum drinking age.

(2)(A) In the case of a military installation located—

(i) in more than one State; or

(ii) in one State but within 50 miles of another State or Mexico or Canada,

the Secretary concerned may establish and enforce as the minimum drinking age on that military installation the lowest applicable age.

(B) In subparagraph (A), the term "lowest applicable age" means the lowest minimum drinking age established by the law—

(i) of a State in which a military installation is located; or

(ii) of a State or jurisdiction of Mexico or Canada that is within 50 miles of such military installation.

(3)(A) The commanding officer of a military installation may waive the requirement of paragraph (1) if such commanding officer determines that the exemption is justified by special circumstances.

(B) The Secretary of Defense shall define by regulations what constitute special circumstances for the purposes of this paragraph.

(4) In this subsection:

(A) The term "State" includes the District of Columbia.

(B) The term "minimum drinking age" means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.

(Added Pub. L. 91-511, title VI, § 613(1), Oct. 26, 1970, 84 Stat. 1226; amended Pub. L. 92-545, title VIII, § 707, Oct. 25, 1972, 86 Stat. 1154; Pub. L. 93-263, § 3, May 14, 1974, 88 Stat. 141; Pub. L. 99-145, title XII, § 1234(a), (b)(1), (c)(1), Nov. 8, 1985, 99 Stat. 728, 729; Pub. L. 99-861, div. A, title XIII, § 1343(a)(18), Nov. 14, 1986, 100 Stat. 3999; Pub. L. 100-525, title I, § 105(b)(2), Oct. 24, 1988, 102 Stat. 2825.)

AMENDMENTS

1888—Subsec. (c)(2)(B). Pub. L. 100-526, §106(b)(2)(A), substituted "the term 'lowest applicable age' for 'lowest age'".

Subsec. (c)(4)(A). Pub. L. 100-523, §106(b)(2)(B)(1), substituted "The term 'State' for 'State'".

Subsec. (c)(4)(B). Pub. L. 100-523, §106(b)(2)(B)(1), substituted "The term 'minimum' for 'Minimum'".

1968—Subsec. (b). Pub. L. 99-661 struck out "this" before "subsection (a)".

1985—Pub. L. 99-145, §1224(c)(1), inserted "; minimum drinking age on military installations" in section catchline.

Subsec. (b). Pub. L. 99-145, §1224(b)(1), substituted "subsection (a)" for "section".

Subsec. (c). Pub. L. 99-145, §1224(a), added subsec. (c).

1974—Subsec. (a). Pub. L. 93-283 substituted "Secretary concerned" for "Secretary of a military department".

1973—Subsec. (a). Pub. L. 93-545 provided for relinquishment of all or part of legislative jurisdiction of the United States over lands or interests to Commonwealths, territories, or possessions of the United States.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1224(d) of Pub. L. 99-145 provided that: "The amendments made by this section [amending this section and section 473 of Title 50, Appendix, War and National Defense] shall take effect 90 days after the date of the enactment of this Act [Nov. 8, 1985]."

§ 2684. Cooperative agreements for management of cultural resources

(a) **AUTHORITY.**—The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government or other entity for the preservation, management, maintenance, and improvement of cultural resources located on a site authorized by subsection (b) and for the conduct of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.

(b) **AUTHORIZED CULTURAL RESOURCES SITES.**—To be covered by a cooperative agreement under subsection (a), cultural resources must be located—

- (1) on a military installation; or
- (2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.

(c) **APPLICATION OF OTHER LAWS.**—Section 1535 and chapter 63 of title 31 shall not apply to a cooperative agreement entered into under this section.

(d) **CULTURAL RESOURCE DEFINED.**—In this section, the term "cultural resource" means any of the following:

- (1) A building, structure, site, district, or object eligible for or included in the National Register of Historic Places maintained under section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)).
- (2) Cultural items, as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).
- (3) An archaeological resource, as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).
- (4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.
- (5) An Indian sacred site, as defined in section 1(b)(11) of Executive Order No. 13007.

(3) An archaeological resource, as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

(4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.

(5) An Indian sacred site, as defined in section 1(b)(11) of Executive Order No. 13007.

(Added Pub. L. 104-201, div. B, title XXVIII, §2862(a), Sept. 23, 1996, 110 Stat. 2804; amended Pub. L. 105-85, div. A, title X, §1073(a)(58), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 110-181, div. B, title XXVIII, §2824, Jan. 28, 2008, 123 Stat. 845.)

REFERENCES IN TEXT

Executive Order No. 13007, referred to in subsec. (d)(5), is set out under section 1998 of Title 42, The Public Health and Welfare.

PRIOR PROVISIONS

A prior section 2684, added Pub. L. 93-166, title V, §509(a), Nov. 29, 1973, 87 Stat. 677, related to construction of family quarters and limitations on space, prior to repeal by Pub. L. 97-214, §§7(1), 12(a), July 12, 1982, 98 Stat. 173, 176, effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date. See section 2626 of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 110-181, §2824(a)(1), substituted "located on a site authorized by subsection (b)" for "on military installations".

Subsecs. (b) to (d). Pub. L. 110-181, §2824(a)(2), (3), added subsec. (b) and redesignated former subsec. (b) and (c) as (c) and (d), respectively.

Subsec. (d)(5). Pub. L. 110-181, §2824(b), added par. (5).
1997—Subsec. (b). Pub. L. 105-85 struck out "United States Code," after "title 31".

§ 2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations

(a) **AGREEMENTS AUTHORIZED.**—The Secretary of Defense or the Secretary of a military department may enter into an agreement with an eligible entity or entities described in subsection (b) to address the use or development of real property in the vicinity of, or ecologically related to, a military installation or military airspace for purposes of—

- (1) limiting any development or use of the property that would be incompatible with the mission of the installation;
- (2) preserving habitat on the property in a manner that—

(A) is compatible with environmental requirements; and

(B) may eliminate or relieve current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation; or

(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.

(b) **ELIGIBLE ENTITIES.**—An agreement under this section may be entered into with any of the following:

6.075 Lands owned or controlled by United States Department of Interior; Governor authorized to cede concurrent jurisdiction to enforce criminal laws.—

(1)(a) Whenever the United States Department of the Interior, National Park Service, shall desire to acquire concurrent jurisdiction to enforce criminal laws on any lands owned or controlled by the United States Department of the Interior, National Park Service, within this state and shall make application for that purpose, the Governor is authorized to cede to the United States Department of the Interior, National Park Service, such measure of jurisdiction, not exceeding that requested, as the Governor may deem proper, over all or any part of such lands as to which a cession of the concurrent jurisdiction to enforce criminal laws is requested.

(b) The application on behalf of the United States Department of the Interior, National Park Service, shall state in particular the measure of jurisdiction desired and shall be accompanied by an accurate description of the lands over which such jurisdiction is desired and by information as to which of such lands are then owned or controlled by the United States Department of the Interior, National Park Service.

(c) The cession of jurisdiction shall become effective when it is accepted on behalf of the United States, which acceptance shall be indicated, in writing upon the instrument of cession, by an authorized official of the United States Department of the Interior, National Park Service, and by filing with the Secretary of State of the State of Florida.

(2) The state reserves jurisdiction, for itself and its political subdivisions, to enforce the laws on any lands for which concurrent jurisdiction has been ceded to the United States pursuant to this act. No person residing on such lands shall be deprived of any civil or political rights, including the right of suffrage, by reason of the cession of concurrent jurisdiction to the United States Department of the Interior, National Park Service.

(3)(a) Whenever the United States tenders to the state a relinquishment of all or part of the jurisdiction theretofore acquired by it over lands within this state, the Governor is authorized to accept on behalf of the state the jurisdiction so relinquished; provided, however, that the Governor shall not accept a relinquishment of all or part of such jurisdiction over an Indian tribe recognized by the United States without the consent of its federally recognized tribal governing body.

(b) The Governor shall indicate his or her acceptance of such relinquished jurisdiction by a writing addressed to the head of the appropriate department or agency of the United States, and such acceptance shall be effective when said writing is deposited in the United States mail.

History.—ss. 1, 2, 3, ch. 86-67; s. 3, ch. 95-147.



**DEPARTMENT OF THE AIR FORCE
45TH SPACE WING (AFSPC)**

5 May 2016

**MEMORANDUM FOR PALM BAY POLICE CHIEF MARK RENKENS
130 MALABAR ROAD, SE
PALM BAY FL 32907**

**FROM: Commander, 45th Security Forces Squadron
1319 Control Road
Patrick AFB FL 32955**

SUBJECT: Proposed Change of Jurisdiction for the Air Force Malabar Complex

1. The Air Force is considering changing the jurisdiction of Patrick Air Force Base's (PAFB) Malabar property located west of Minton Road in Palm Bay from exclusive Federal jurisdiction to proprietary jurisdiction.
2. Under exclusive Federal jurisdiction, the military enforces all laws pertaining to that area. With a change to proprietary jurisdiction, laws would be primarily enforced by local law enforcement, in this case the Palm Bay Police Department or the Brevard County Sheriff's Office. The Air Force would maintain rights as a property owner and would be able to enforce trespassing laws only via citation.
3. This proposed jurisdiction change is in response to a request by the City of Palm Bay to use the Malabar complex as a venue for special events when not used for military training or launch operations.
4. As a part of the jurisdictional change process, concurrence of the proposed jurisdiction change must be obtained from the law enforcement agencies affected by the change. I therefore request your concurrence with the proposed change by signature below.
5. Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 494-6202.


DAVID E. WILLIAMS, JR., Lt Col, USAF
Commander

GUARDIANS OF THE HIGH FRONTIER

1st Ind for 45 SFS/CC, 5 May 2016, Proposed Change of Jurisdiction for the Air Force Malabar Complex:

I concur/do not concur with the proposed change in jurisdiction of the Malabar complex.



MARK RENKENS, Chief
Palm Bay Police Department

(c) **FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.**—The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.

(Added Pub. L. 88-174, title VI, §609(a)(1), Nov. 7, 1963, 77 Stat. 329; amended Pub. L. 97-214, §10(a)(7), July 12, 1982, 96 Stat. 175; Pub. L. 112-81, div. A, title IX, §926, Dec. 31, 2011, 125 Stat. 1541.)

AMENDMENT OF SECTION

Pub. L. 112-81, div. A, title IX, §926(b), Dec. 31, 2011, 125 Stat. 1541, provided that, effective on Sept. 30, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later, this section is amended as follows:

(1) in subsec. (a), by substituting "The maintenance and repair" for "Subject to subsection (c), the maintenance and repair";

(2) in subsec. (b), by substituting "A real property" for "Subject to subsection (c), a real property"; and

(3) by striking out subsec. (c).

See 2011 Amendment notes below.

AMENDMENTS

2011—Pub. L. 112-81, §926(a)(1), (2), designated first and second sentences as subsections (a) and (b), respectively, inserted headings, and realigned margins of subsec. (b).

Subsec. (a). Pub. L. 112-81, §926(b)(1), substituted "The maintenance and repair" for "Subject to subsection (c), the maintenance and repair". See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, §926(a)(1), substituted "Subject to subsection (c), the maintenance and repair" for "The maintenance and repair".

Subsec. (b). Pub. L. 112-81, §926(b)(2), substituted "A real property" for "Subject to subsection (c), a real property". See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, §926(a)(3), substituted "Subject to subsection (c), a real property" for "A real property".

Subsec. (c). Pub. L. 112-81, §926(b)(3), struck out subsec. (c). Text read as follows: "The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense." See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, §926(a)(4), added subsec. (c).

1982—Pub. L. 97-214 substituted "maintenance and repair" for "construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension".

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title IX, §926(b), Dec. 31, 2011, 125 Stat. 1541, provided that the amendments made by subsec. (b) of that section are effective on Sept. 30, 2015, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016, whichever is later.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-214 effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

§ 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations

(a) Notwithstanding any other provision of law, the Secretary concerned may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(b) The authority granted by subsection (a) is in addition to and not instead of that granted by any other provision of law.

(c)(1) Except as provided in paragraphs (2) and (3), the Secretary concerned shall establish and enforce as the minimum drinking age on a military installation located in a State the age established by the law of that State as the State minimum drinking age.

(2)(A) In the case of a military installation located—

(i) in more than one State; or

(ii) in one State but within 50 miles of another State or Mexico or Canada,

the Secretary concerned may establish and enforce as the minimum drinking age on that military installation the lowest applicable age.

(B) In subparagraph (A), the term "lowest applicable age" means the lowest minimum drinking age established by the law—

(i) of a State in which a military installation is located; or

(ii) of a State or jurisdiction of Mexico or Canada that is within 50 miles of such military installation.

(3)(A) The commanding officer of a military installation may waive the requirement of paragraph (1) if such commanding officer determines that the exemption is justified by special circumstances.

(B) The Secretary of Defense shall define by regulations what constitute special circumstances for the purposes of this paragraph.

(4) In this subsection:

(A) The term "State" includes the District of Columbia.

(B) The term "minimum drinking age" means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.

(Added Pub. L. 91-511, title VI, §613(1), Oct. 26, 1970, 84 Stat. 1228; amended Pub. L. 92-545, title VIII, §707, Oct. 25, 1972, 86 Stat. 1154; Pub. L. 93-283, §3, May 14, 1974, 88 Stat. 141; Pub. L. 99-145, title XII, §1224(a), (b)(1), (c)(1), Nov. 8, 1985, 99 Stat. 728, 729; Pub. L. 99-661, div. A, title XIII, §1343(a)(18), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100-526, title I, §106(b)(2), Oct. 24, 1988, 102 Stat. 2625.)

AMENDMENTS

1988—Subsec. (c)(2)(B). Pub. L. 100-526, §106(b)(2)(A), substituted "the term 'lowest applicable age' for 'lowest age'".

Subsec. (c)(4)(A). Pub. L. 100-526, §106(b)(2)(B)(i), substituted "The term 'State' for 'State'".

Subsec. (c)(4)(B). Pub. L. 100-526, §106(b)(2)(B)(ii), substituted "The term 'minimum' for 'Minimum'".

1988—Subsec. (b). Pub. L. 99-661 struck out "this" before "subsection (a)".

1985—Pub. L. 99-145, §1224(c)(1), inserted "; minimum drinking age on military installations" in section catchline.

Subsec. (b). Pub. L. 99-145, §1224(b)(1), substituted "subsection (a)" for "section".

Subsec. (c). Pub. L. 99-145, §1224(a), added subsec. (c).

1974—Subsec. (a). Pub. L. 93-283 substituted "Secretary concerned" for "Secretary of a military department".

1972—Subsec. (a). Pub. L. 92-545 provided for relinquishment of all or part of legislative jurisdiction of the United States over lands or interests to Commonwealths, territories, or possessions of the United States.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1224(d) of Pub. L. 99-145 provided that: "The amendments made by this section [amending this section and section 473 of Title 50, Appendix, War and National Defense] shall take effect 90 days after the date of the enactment of this Act [Nov. 8, 1985]."

§ 2684. Cooperative agreements for management of cultural resources

(a) **AUTHORITY.**—The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government or other entity for the preservation, management, maintenance, and improvement of cultural resources located on a site authorized by subsection (b) and for the conduct of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.

(b) **AUTHORIZED CULTURAL RESOURCES SITES.**—To be covered by a cooperative agreement under subsection (a), cultural resources must be located—

(1) on a military installation; or

(2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.

(c) **APPLICATION OF OTHER LAWS.**—Section 1635 and chapter 63 of title 31 shall not apply to a cooperative agreement entered into under this section.

(d) **CULTURAL RESOURCE DEFINED.**—In this section, the term "cultural resource" means any of the following:

(1) A building, structure, site, district, or object eligible for or included in the National Register of Historic Places maintained under section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)).

(2) Cultural items, as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).

(3) An archaeological resource, as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

(4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.

(5) An Indian sacred site, as defined in section 1(b)(iii) of Executive Order No. 13007.

(Added Pub. L. 104-201, div. B, title XXVIII, §2862(a), Sept. 23, 1996, 110 Stat. 2804; amended Pub. L. 105-85, div. A, title X, §1073(a)(56), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 110-181, div. B, title XXVIII, §2824, Jan. 28, 2008, 122 Stat. 545.)

REFERENCES IN TEXT

Executive Order No. 13007, referred to in subsec. (d)(5), is set out under section 1996 of Title 42, The Public Health and Welfare.

PRIOR PROVISIONS

A prior section 2684, added Pub. L. 93-166, title V, §509(a), Nov. 29, 1973, 87 Stat. 677, related to construction of family quarters and limitations on space, prior to repeal by Pub. L. 97-214, §§7(1), 12(a), July 12, 1982, 96 Stat. 173, 176, effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date. See section 2826 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, §2824(a)(1), substituted "located on a site authorized by subsection (b)" for "on military installations".

Subsecs. (b) to (d). Pub. L. 110-181, §2824(a)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

Subsec. (d)(5). Pub. L. 110-181, §2824(b), added par. (5). 1997—Subsec. (b). Pub. L. 105-85 struck out "United States Code," after "title 31".

§ 2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations

(a) **AGREEMENTS AUTHORIZED.**—The Secretary of Defense or the Secretary of a military department may enter into an agreement with an eligible entity or entities described in subsection (b) to address the use or development of real property in the vicinity of, or ecologically related to, a military installation or military airspace for purposes of—

(1) limiting any development or use of the property that would be incompatible with the mission of the installation;

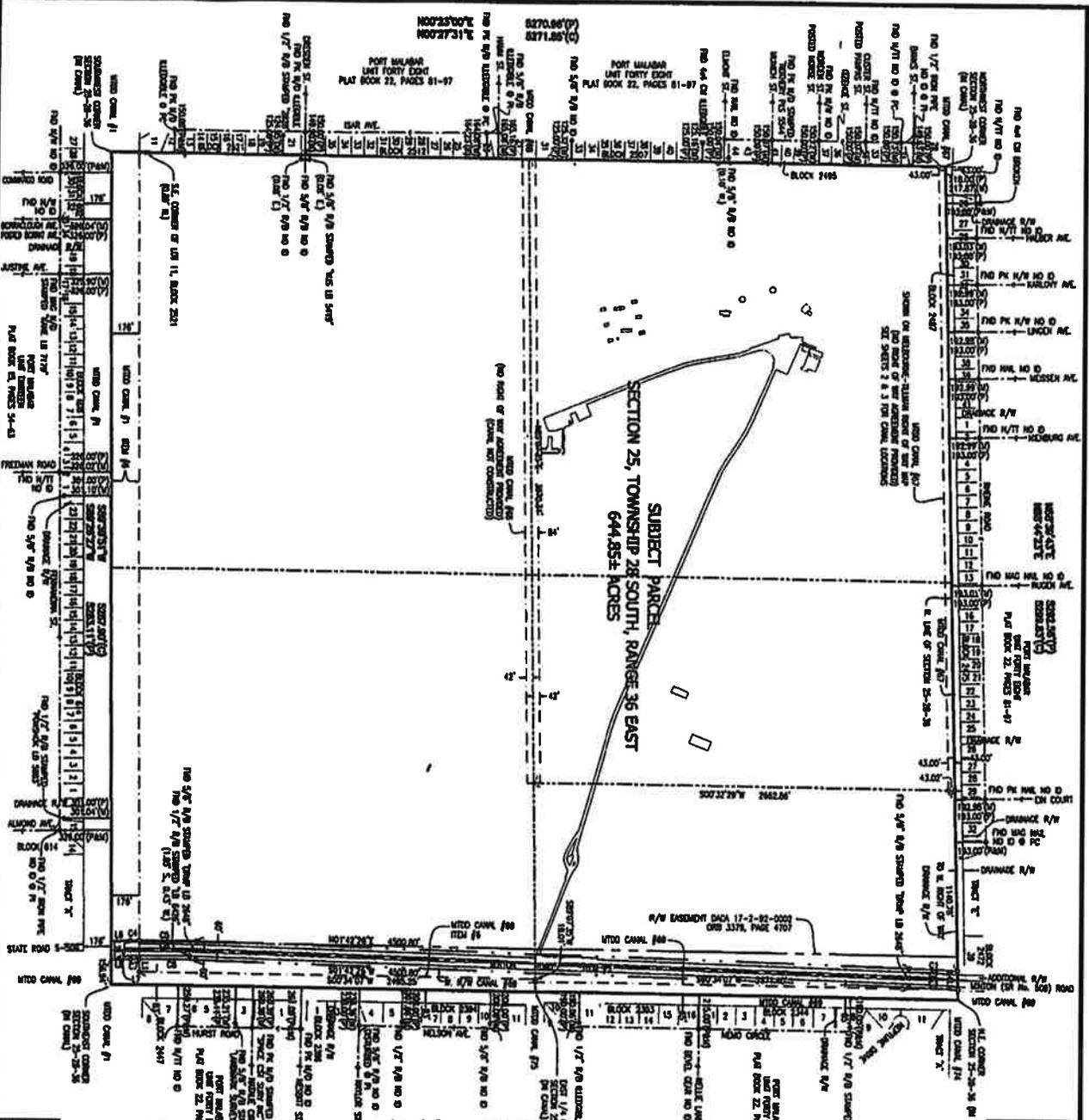
(2) preserving habitat on the property in a manner that—

(A) is compatible with environmental requirements; and

(B) may eliminate or relieve current or anticipated environmental restrictions that would or might otherwise restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on the installation; or

(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.

(b) **ELIGIBLE ENTITIES.**—An agreement under this section may be entered into with any of the following:



SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST
SUBJECT PARCEL
644.85± ACRES

SCALE: 1" = 200'

LINE TABLE

LINE	BEARING	DISTANCE
1	S 89° 59' 12" W	32.37
2	S 89° 59' 12" W	32.37
3	S 89° 59' 12" W	32.37
4	S 89° 59' 12" W	32.37
5	S 89° 59' 12" W	32.37
6	S 89° 59' 12" W	32.37
7	S 89° 59' 12" W	32.37
8	S 89° 59' 12" W	32.37
9	S 89° 59' 12" W	32.37
10	S 89° 59' 12" W	32.37
11	S 89° 59' 12" W	32.37
12	S 89° 59' 12" W	32.37
13	S 89° 59' 12" W	32.37
14	S 89° 59' 12" W	32.37
15	S 89° 59' 12" W	32.37
16	S 89° 59' 12" W	32.37
17	S 89° 59' 12" W	32.37
18	S 89° 59' 12" W	32.37

ADJUSTMENTS:

LINE	ADJUSTMENT	ADJUSTED DISTANCE
1	1.00	32.37
2	1.00	32.37
3	1.00	32.37
4	1.00	32.37
5	1.00	32.37
6	1.00	32.37
7	1.00	32.37
8	1.00	32.37
9	1.00	32.37
10	1.00	32.37
11	1.00	32.37
12	1.00	32.37
13	1.00	32.37
14	1.00	32.37
15	1.00	32.37
16	1.00	32.37
17	1.00	32.37
18	1.00	32.37

LEGEND:

- = 50' PER 1" ON 1" SCALE
- = 100' PER 1" ON 1" SCALE
- = 200' PER 1" ON 1" SCALE
- △ = 300' PER 1" ON 1" SCALE
- ▽ = 400' PER 1" ON 1" SCALE
- ◇ = 500' PER 1" ON 1" SCALE
- ◇ = 600' PER 1" ON 1" SCALE
- ◇ = 700' PER 1" ON 1" SCALE
- ◇ = 800' PER 1" ON 1" SCALE
- ◇ = 900' PER 1" ON 1" SCALE
- ◇ = 1000' PER 1" ON 1" SCALE

SURVEYOR'S CERTIFICATION:

I, the undersigned, being a duly licensed Surveyor in the State of North Carolina, do hereby certify that I am the author of the foregoing and that the same is a true and correct copy of the original as the same appears in my files.

DATE: 12/10/2010

ALLEN ENGINEERING, INC.

12 ENGINEERING

BOUNDARY & SURVEYING SURVEY

MALDEN AVENUE

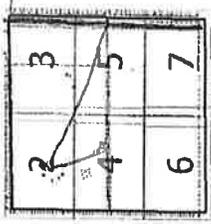
SECTION 25, TOWNSHIP 26 SOUTH, RANGE 36 EAST

ALLEN ENGINEERING, INC.

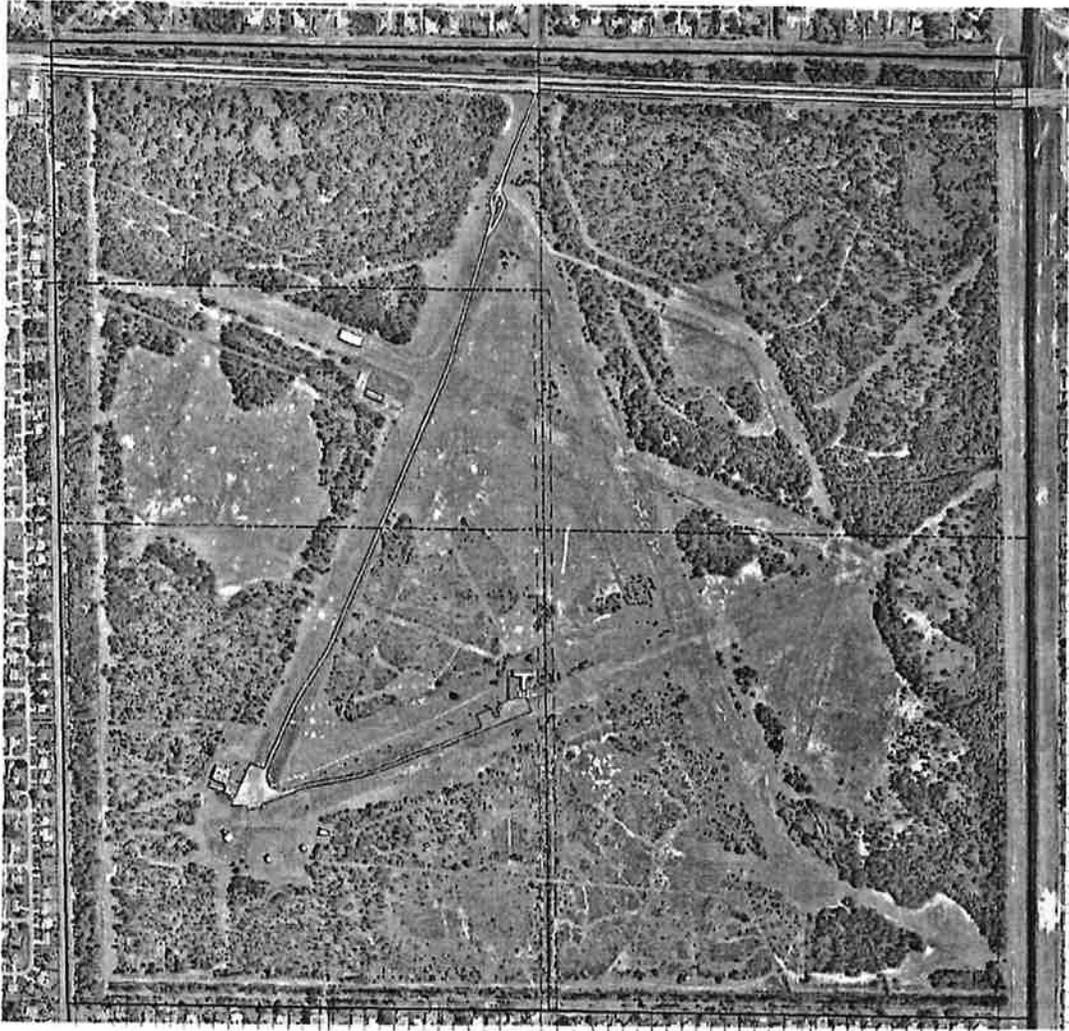
1 OF 2



LOCATION MAP
NOT TO SCALE



KEY MAP - 100 SCALE SHEETS
SCALE 1"=100'



COMPILED © 2011 ALBA DESIGN, INC.

DATE	1-24-11
SCALE	1"=200'
JOB NO.	1000000000
SECTION	SECTION OF
PROJECT	COVER SHEET
CLIENT	MALABAR ANNEX
DESIGNER	SECTION 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L
DRAWN	ALLEN ENGINEERING, INC.
CHECKED	ALLEN ENGINEERING, INC.
DATE	11/10/10
SHEET NO.	023
TOTAL SHEETS	14 OF 13



SHERIFF WAYNE IVEY

BREVARD COUNTY SHERIFF'S OFFICE

700 S. Park Avenue Titusville, Florida 32780-4095 (321) 264-5201 (321) 264-5360 fax www.BrevardSheriff.com

Brevard County Jail Complex
860 Camp Road
Cocoa, FL 32927
(321) 690-1500
(321) 635-7800 fax

Canaveral Precinct
111 Polk Avenue
Cape Canaveral, FL 32920
(321) 868-1113
(321) 784-8340 fax

Criminal Investigative Services
340 Gus Hipp Boulevard
Rockledge, FL 32955
(321) 633-8499
(321) 633-8403 fax

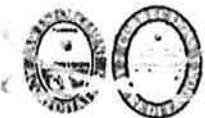
East Precinct
2575 N. Courtenay Pkwy.
Merritt Island, FL 32953
(321) 454-6652
(321) 454-6631 fax

North Precinct
750 S. Park Avenue
Titusville, FL 32780
(321) 264-5208
(321) 264-5359 fax

Operational Services
2575 N. Courtenay Pkwy.
Merritt Island, FL 32953
(321) 454-6643
(321) 454-6642 fax

South Precinct
1515 Sarno Road, Bldg B.
Melbourne, FL 32935
(321) 253-6658
or (772) 684-1015
(321) 253-6666 fax

West Precinct
2725 Judge Fran Jamleson
Way, Bldg. E
Viera, FL 32940
(321) 633-2123
(321) 633-1955 fax



August 31st, 2016

Major Megan Hall
Commander, 45th Security Forces Squadron
1319 Control Road
Patrick AFB, Florida 32955

RE: Proposed Change to Jurisdiction for Beaches Adjacent to Patrick Air Force Base and the Malabar Complex.

Major Hall,

My office is in receipt of your correspondence regarding the jurisdictional changes captioned above. We have previously responded with our concurrence concerning the beach access area along SR A1A. Attached is our additional concurrence and acceptance of this recommendation regarding the Malabar Complex in Palm Bay, Florida.

The Brevard County Sheriff's Office is in full support of these proposals and looks forward to offering any assistance you may require.

Please feel free to call me anytime at (321) 253-6698 (office) or (321) 403-5744 (cell).

Respectfully,

Commander Victor A. DeSantis, M.S.
Brevard County Sheriff's Office
South Precinct

-FOR-

Wayne Ivey
Sheriff of Brevard County



**DEPARTMENT OF THE AIR FORCE
45TH SPACE WING (AFSPC)**

**MEMORANDUM FOR BREVARD COUNTY SHERIFF'S OFFICE
ATTN: SHERIFF WAYNE IVEY
700 SOUTH PARK AVENUE
TITUSVILLE FL 32780**

**FROM: Commander, 45th Security Forces Squadron
1319 Control Road
Patrick AFB FL 32955**

**SUBJECT: Proposed Change of Jurisdiction for Beaches Adjacent to Patrick Air Force Base and
The Malabar Complex**

- 1. The Air Force is considering changing the jurisdiction of Patrick Air Force Base's (PAFB) beaches and Malabar property.**
- 2. The PAFB beach areas are located east of State Road (SR) A1A between the intersection of SR A1A and SR 404 and the north end of PAFB. The Malabar complex is a one square mile fenced complex west of SR 509 (Minton Road) in Palm Bay. Under the proposal, the PAFB beaches would change from exclusive Federal jurisdiction to concurrent jurisdiction. The Malabar complex would change from exclusive Federal jurisdiction to proprietary jurisdiction.**
- 3. Under exclusive Federal jurisdiction, the military enforces all laws pertaining to that area. The beaches adjacent to PAFB are open to use by anyone and are primarily used by civilians. The Air Force is limited in the action imposed upon civilian offenders within this jurisdiction. With concurrent jurisdiction, enforcement action is shared jointly between the Air Force and local law enforcement. At the Malabar complex the jurisdiction is currently exclusive Federal jurisdiction with a proposed change to proprietary jurisdiction. Proprietary jurisdiction dictates laws would be primarily enforced by local law enforcement, in this case the Palm Bay Police Department or the Brevard County Sheriff's Office (BCSO). The Air Force would maintain rights as a property owner and would be able to enforce trespassing laws only via citation.**
- 4. The proposed change to concurrent jurisdiction at the PAFB beaches is to synergize law enforcement efforts between the base and BCSO. Doing so will benefit both agencies. The proposed jurisdiction change at the Malabar complex will allow local authorities (closest law enforcement agency) to respond to incidents much faster than the base would be able to execute.**
- 5. As a part of the jurisdictional change process, concurrence of the proposed jurisdiction change must be obtained from the law enforcement agencies affected by the change. I therefore request your concurrence with the proposed change by signature below.**

GUARDIANS OF THE HIGH FRONTIER

6. Please let me know if you have any questions or wish to discuss this matter further. I may be reached at 494-6202.



MEGAN F. HALL, Maj, USAF
Commander

1st Ind to 45 SFS/CC, Proposed Change of Jurisdiction for Beaches Adjacent to Patrick Air Force Base and the Malabar Complex:

I concur Do not concur with the proposed change in jurisdiction of the Patrick AFB beaches and Malabar complex.

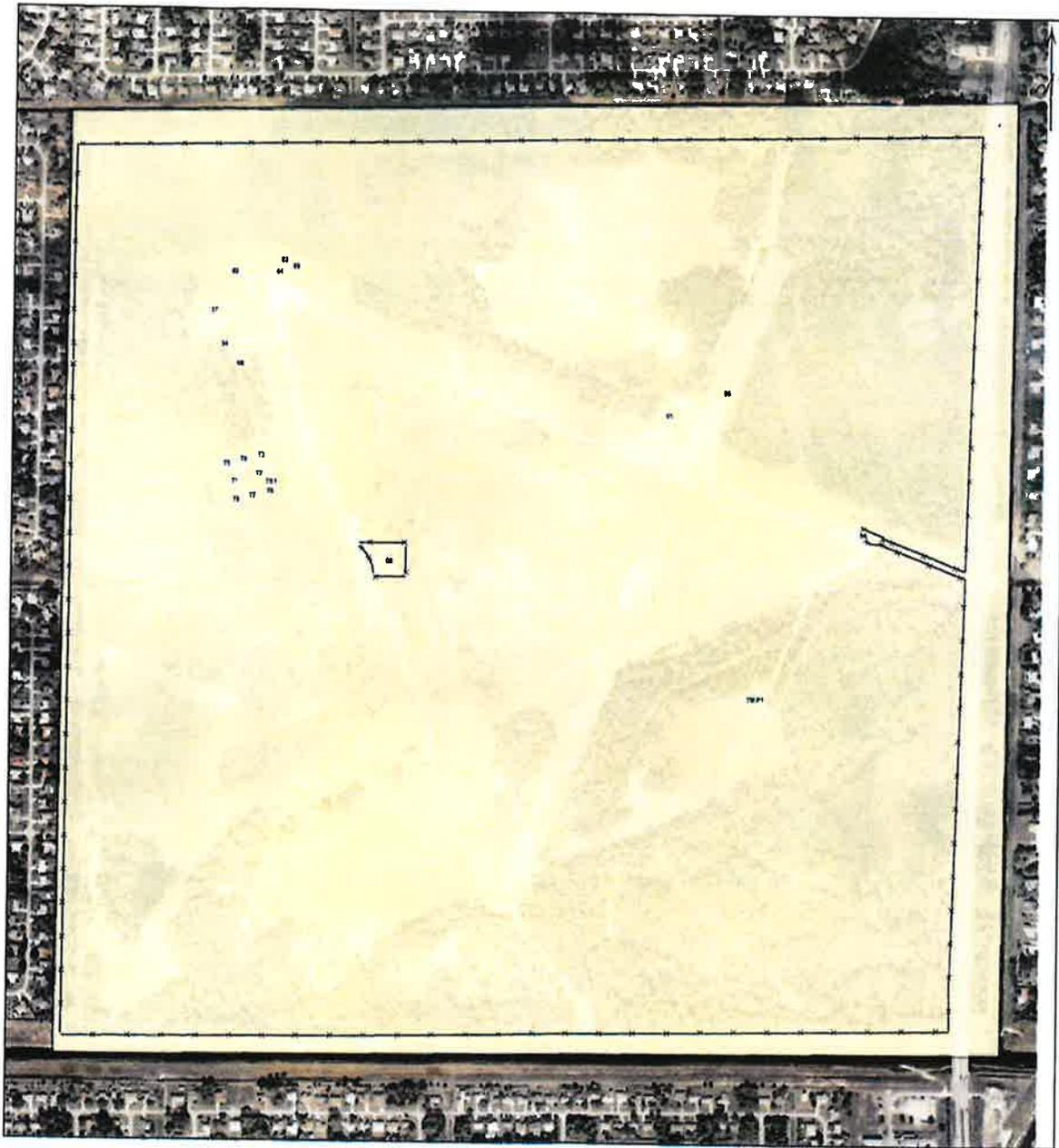


CMDR. V.A. DESANTIS
South Precinct - Commander

8/21/16



WAYNE IVEY, Sheriff
Brevard County Sheriff's Office



MALABAR ANNEX JURISDICTION MAP

- Federal Jurisdiction Only
- Proprietary Interest Only



DEPARTMENT OF THE U.S. AIR FORCE
AIR FORCE SPACE COMMAND
45TH CIVIL ENGINEERING SQUADRON
PATRICK AIR FORCE BASE, FLORIDA



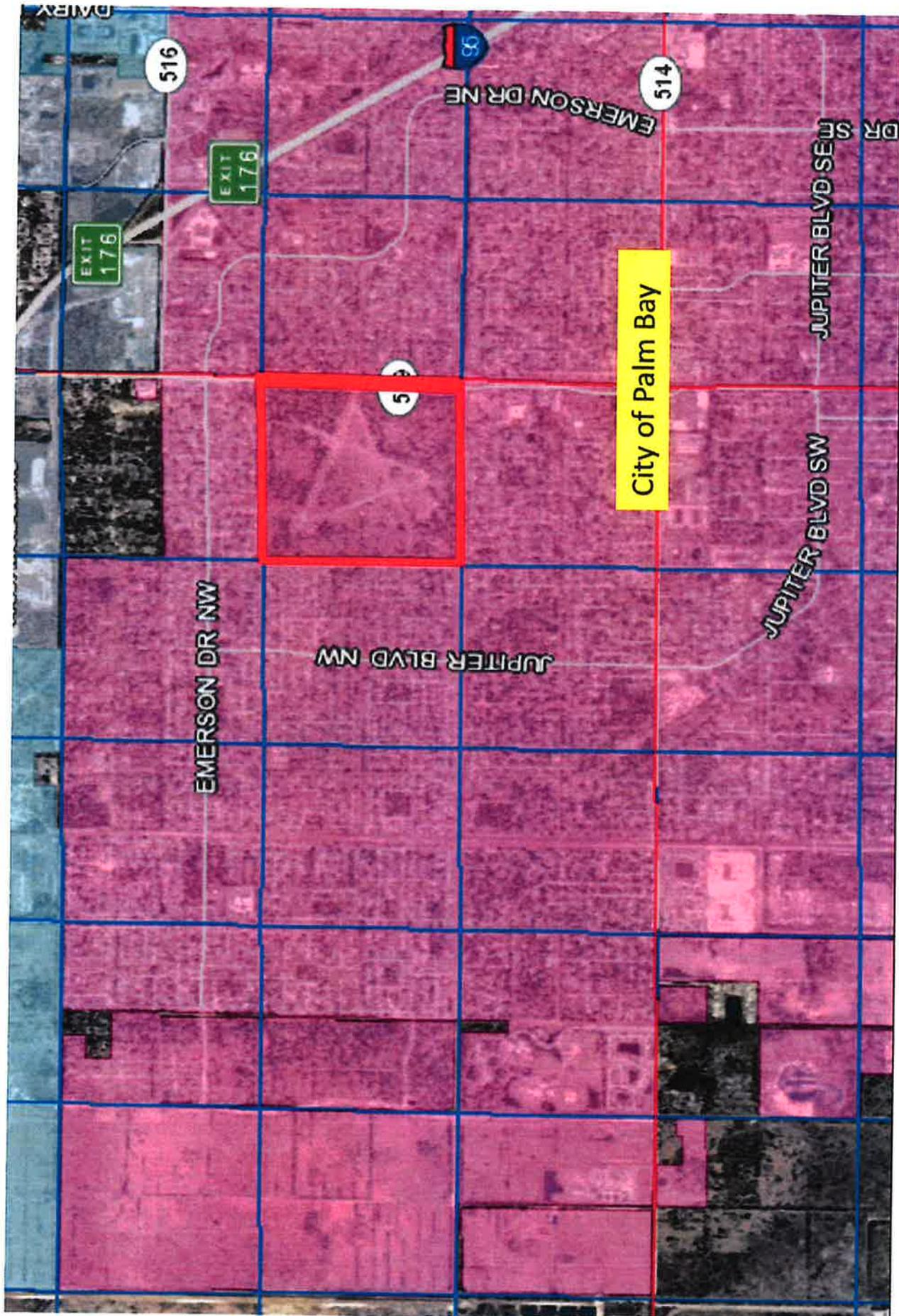
DATE:
Nov 7, 2011

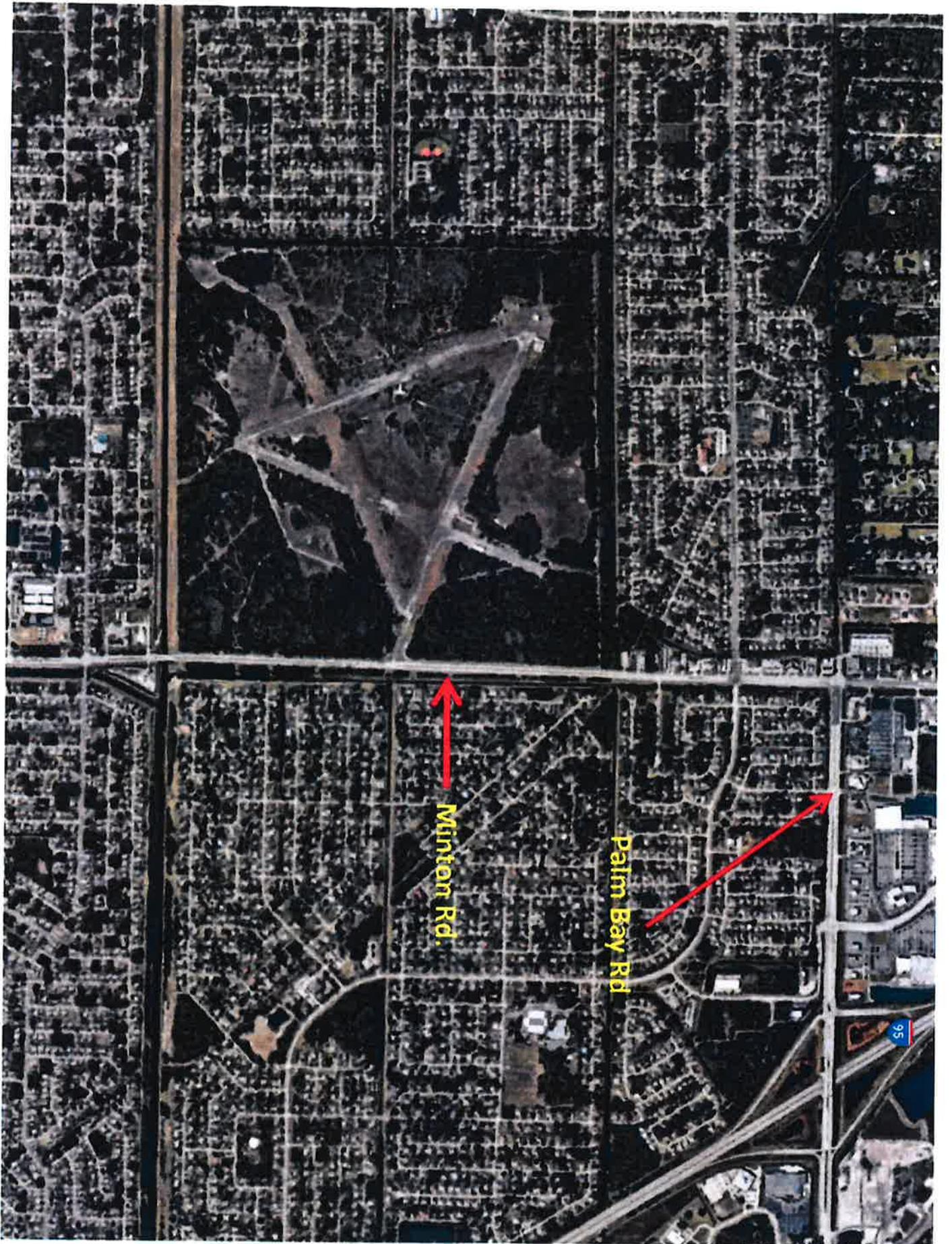
DWN BY:
Sean Bultman

CKD BY:

SCALE:
1 inch = 75 feet

SHEET:
3 OF 3





Minton Rd.

Palm Bay Rd



- Federal Jurisdiction Only
- Non Fed Jurisdiction
- Proprietary Interest Only

PATRICK AFB JURISDICTION MAP

DATE:
Nov 7, 2011

DWN BY:
Sean Bultman

CKD BY:

SCALE:
1 inch = 250 feet

SHEET:
1 OF 3



DEPARTMENT OF THE U.S. AIR FORCE
AIR FORCE SPACE COMMAND
45TH CIVIL ENGINEERING SQUADRON
PATRICK AIR FORCE BASE, FLORIDA

