

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 502

INTRODUCER: Judiciary Committee and Senator Wright

SUBJECT: Concurrent Legislative Jurisdiction over United States Military Installations

DATE: January 30, 2026

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------------------|-----------------------------|-----------|-----------------------------|
| 1. | <u>Collazo</u> | <u>Cibula</u> | <u>JU</u> | <u>Fav/CS</u> |
| 2. | <u>Proctor</u> | <u>Proctor</u> | <u>MS</u> | <u>Pre-meeting</u> |
| 3. | <u> </u> | <u> </u> | <u>RC</u> | <u> </u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 502 accepts, and under certain conditions requires, the state to exercise concurrent legislative jurisdiction over delinquency matters on U.S. military installations in the state.

The bill establishes a procedure in statute for the federal government to relinquish exclusive legislative jurisdiction over U.S. military installations within the state and instead provide for concurrent (both federal and state) legislative jurisdiction over delinquency matters. If exclusive legislative jurisdiction is relinquished as provided in the bill, the state will have concurrent legislative jurisdiction over delinquency matters with the U.S. over any U.S. military installation under the control of the U.S. and located in the state.

Without concurrent legislative jurisdiction, juvenile misconduct, which includes problematic sexual conduct in children and youth, is adjudicated in the federal court system. However, the federal court system lacks suitable services for juveniles and often tries them as adults. Concurrent legislative jurisdiction would give juveniles living on military installations access to the state juvenile justice system and its resources, which may provide better prospects for their rehabilitation.

The bill takes effect July 1, 2026.

II. Present Situation:

Federal Jurisdiction

The Federal Government is the single largest holder of real estate in the U.S.¹ Federal jurisdiction over properties owned by the Federal Government does not arise by virtue of ownership but is instead defined by the jurisdictional status of the property.² Federal properties can be categorized in one of three ways for purposes of federal jurisdiction:

- Exclusive jurisdiction.
- Concurrent jurisdiction.
- Proprietary jurisdiction.

Exclusive legislative jurisdiction applies to land areas where the Federal Government possesses all of the authority of a state and where the state has not reserved the right to exercise its authority concurrently with the U.S., except the right to serve civil or criminal process in the area outside of the Federal Government's exclusive authority.³ Historically, the Federal Government either acquired exclusive legislative jurisdiction over territory through an agreement with the owning state or maintained it when a new state was formed.⁴ As military installations grew to accommodate more civilians, maintaining complete federal control became challenging.

Concurrent legislative jurisdiction provides a shared authority between state and federal governments, permitting authority to be shared and allowing for the enforcement of both federal and state laws, as well as the provision of both federal and state services.⁵

Concurrent jurisdiction may require one or two levels of effort from the host state, where the state:

- Establishes a new policy accepting concurrent jurisdiction to allow state authorities to intercede.
- Creates memorandums of understanding between the state and federal installations to dictate how and when the state will intercede.

Concurrent Juvenile Jurisdiction

Military installations subject to exclusive federal jurisdiction frequently address juvenile offenses through the federal court system, which lacks a juvenile justice system.⁶ Starting with the John S. McCain National Defense Authorization Act for Fiscal Year 2019, the Department of War (formerly known as the Department of Defense) has sought to establish concurrent jurisdiction

¹ U.S. Dept. of Justice, *Archives: Criminal Resource Manual*, "1630. Protection of Government Property – Real Property – 18 U.S.C. 7," <https://www.justice.gov/archives/jm/criminal-resource-manual-1630-protection-government-property-real-property-18-usc-7> (last visited Jan. 27, 2026).

² *See id.* (citing *Adams v. United States*, 319 U.S. 312 (1943)).

³ General Services Administration, *Federal Facilities Jurisdictional Status* (Aug. 28, 2007), available at <https://disposal.gsa.gov/resource/1531922197000/FederalFacilitiesJurisdictionalStatus> (last visited Jan. 27, 2026).

⁴ U.S. Dept. of Defense, *Best Practices: Concurrent Jurisdiction for Juvenile Offenses on Military Installations*, available at <https://download.militaryonesource.mil/StatePolicy/pdfs/2022/bestpractices-concurrentjurisdiction.pdf> (last visited Jan. 27, 2026).

⁵ *Id.*

⁶ *Id.*

with state governments to address juvenile justice issues.⁷ This policy intends to open the door to the state juvenile justice systems and resources, providing better prospects for rehabilitation tailored to juveniles. Without concurrent jurisdiction, juvenile misconduct, which includes problematic sexual conduct in children and youth, is adjudicated in the federal court system, which lacks suitable services for juveniles and often tries children as adults.⁸

III. Effect of Proposed Changes:

The bill establishes a procedure in statute⁹ for the federal government to relinquish exclusive legislative jurisdiction over U.S. military installations within the state and instead provide for concurrent (both federal and state) legislative jurisdiction over delinquency matters. If exclusive legislative jurisdiction is relinquished as provided in the bill, the state will have concurrent legislative jurisdiction over delinquency matters with the U.S. over any U.S. military installation under the control of the U.S. and located in the state.

Under the bill, the state accepts and must exercise concurrent legislative jurisdiction with the U.S. over matters involving a child who has allegedly violated a federal law on a U.S. military installation, but only if:

- The military installation is located within the boundaries of the state.
- The U.S. Attorney or the U.S. District Court for the applicable district in the state has waived exclusive jurisdiction.
- The violation of federal law is also a crime under state law.

If concurrent legislative jurisdiction has been established pursuant to the bill, the circuit court has exclusive original jurisdiction over the matter in accordance with chapter 985, F.S.¹⁰

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the

⁷ U.S. Dept. of Defense, Military State Policy Source, *Concurrent Juvenile Jurisdiction*, <https://statepolicy.militaryonesource.mil/priorities/concurrent-juvenile-jurisdiction> (last visited Jan. 27, 2026).

⁸ *Concurrent Jurisdiction for Juvenile Offenses on Military Installations*, *supra* note 4.

⁹ The bill creates s. 250.0311, F.S., entitled “United States military installations; concurrent legislative jurisdiction.”

¹⁰ Chapter 985, F.S., governs juvenile justice in the state. Section 985.0301, F.S., grants the circuit court exclusive original jurisdiction over proceedings involving a child who is alleged to have committed either a delinquent act or violation of law or a noncriminal violation that has been assigned to juvenile court by law.

public records disclosure requirements. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

None identified.

C. Government Sector Impact:

The bill may have an indeterminate negative impact on state expenditures to the extent adjudications are handled in the state court system instead of the federal court system. However, it is anticipated that the additional case load would be small and absorbed into the state court system's existing budget.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill creates section 250.0311 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Judiciary on January 20, 2026:

The committee substitute replaces the original bill with one that authorizes the state to accept and exercise concurrent legislative jurisdiction over delinquency matters only using a much simpler process not involving the Governor.

B. Amendments:

None.

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