

By Representative Arza

1                   A bill to be entitled  
2           An act relating to state civil and criminal  
3           jurisdiction on Indian reservations; repealing  
4           s. 285.16, F.S., relating to state civil and  
5           criminal jurisdiction on Indian reservations;  
6           amending ss. 285.061, 285.165, and 285.18,  
7           F.S.; correcting cross references, to conform;  
8           providing an effective date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 285.16, Florida Statutes, is  
13 repealed.

14           Section 2. Subsection (3) of section 285.061, Florida  
15 Statutes, is amended to read:

16           285.061 Transfer of land to United States in trust for  
17 Seminole and Miccosukee Indian Tribes.--

18           (3) All the provisions of this chapter, not in  
19 conflict with this section, remain in full force and effect.  
20 The state reserves both civil and criminal jurisdiction over  
21 said reservations in accordance with s.ss. 285.16 and 285.165  
22 and applicable federal law. The transfer of lands in trust  
23 for the Miccosukee Tribe of Indians of Florida made pursuant  
24 to the authority of this section remains subject to all of the  
25 rights, easements, and reservations in favor of the South  
26 Florida Water Management District provided in the transfer.

27           Section 3. Subsection (1) of section 285.165, Florida  
28 Statutes, is amended to read:

29           285.165 Water rights compact with Seminole Tribe.--

30           (1) ~~Notwithstanding the provisions of s. 285.16,~~The  
31 water rights compact among the Seminole Tribe of Florida, the

1 State of Florida, and the South Florida Water Management  
2 District as approved by the governing board of the South  
3 Florida Water Management District at its May 15, 1987,  
4 governing board meeting is hereby ratified and approved. The  
5 compact shall not be effective until approved in appropriate  
6 federal legislation. Upon congressional approval, the compact  
7 shall become the sole source of regulation of water use and  
8 the management and storage of surface water and groundwater on  
9 reservation and Tribal Trust lands.

10 Section 4. Paragraph (c) of subsection (2) of section  
11 285.18, Florida Statutes, is amended to read:

12 285.18 Tribal council as governing body; powers and  
13 duties.--

14 (2) The governing bodies of the special improvement  
15 districts shall have the duty and power:

16 (c) To employ personnel to exercise law enforcement  
17 powers, ~~including the investigation of violations of any of~~  
18 ~~the criminal laws of the state occurring on reservations over~~  
19 ~~which the state has assumed jurisdiction pursuant to s.~~  
20 ~~285.16.~~

21 1. All law enforcement personnel employed shall be  
22 considered peace officers for all purposes and shall have the  
23 authority to bear arms, make arrests, and apply for, serve,  
24 and execute search warrants, arrest warrants, capias, and  
25 other process of the court, and to enforce criminal and  
26 noncriminal traffic offenses, within their respective special  
27 improvement districts.

28 2. All law enforcement personnel shall be entitled to  
29 the privileges, protection, and benefits of ss. 112.19 and  
30 870.05.

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Section 5. This act shall take effect upon becoming a law.

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HOUSE SUMMARY

Repeals assumption by the state of jurisdiction of civil and criminal offenses committed on Indian reservations.