

By Senator Smith

14-329-04

1                                   A bill to be entitled  
 2           An act relating to Indian reservations;  
 3           amending s. 285.16, F.S.; specifying that the  
 4           state's jurisdiction over criminal offenses  
 5           committed within Indian reservations does not  
 6           apply to Indian reservations of the Miccosukee  
 7           Tribe of Indians of Florida; providing an  
 8           exception for such reservations with respect to  
 9           the applicability of civil and criminal laws of  
 10          the state; reenacting s. 285.061(3), F.S.,  
 11          relating to transfer of land to United States  
 12          in trust for Seminole and Miccosukee Tribes, to  
 13          incorporate the amendment to s. 285.16, F.S.,  
 14          in references thereto; providing an effective  
 15          date.

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

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 19           Section 1. Section 285.16, Florida Statutes, is  
 20 amended to read:

21           285.16 Civil and criminal jurisdiction; Indian  
 22 reservation; exception.--

23           (1) The State of Florida hereby assumes jurisdiction  
 24 over criminal offenses committed by or against Indians or  
 25 other persons within Indian reservations and over civil causes  
 26 of actions between Indians or other persons or to which  
 27 Indians or other persons are parties arising within Indian  
 28 reservations.

29           (2) The civil and criminal laws of Florida shall  
 30 obtain on all Indian reservations in this state and shall be  
 31 enforced in the same manner as elsewhere throughout the state.

1           (3) Subsections (1) and (2) of this section do not  
2 apply to Indian reservations of the Miccosukee Tribe of  
3 Indians of Florida.

4           Section 2. For the purpose of incorporating the  
5 amendment made by this act to section 285.16, Florida  
6 Statutes, in references thereto, subsection (3) of section  
7 285.061, Florida Statutes, is reenacted to read:

8           285.061 Transfer of land to United States in trust for  
9 Seminole and Miccosukee Indian Tribes.--

10           (3) All the provisions of this chapter, not in  
11 conflict with this section, remain in full force and effect.  
12 The state reserves both civil and criminal jurisdiction over  
13 said reservations in accordance with ss. 285.16 and 285.165  
14 and applicable federal law. The transfer of lands in trust  
15 for the Miccosukee Tribe of Indians of Florida made pursuant  
16 to the authority of this section remains subject to all of the  
17 rights, easements, and reservations in favor of the South  
18 Florida Water Management District provided in the transfer.

19           Section 3. This act shall take effect upon becoming a  
20 law.

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23           SENATE SUMMARY

24           Provides that, within the reservations of the Miccosukee  
25 Tribe of Indians of Florida, the state does not have  
26 jurisdiction over criminal offenses and the civil and  
27 criminal laws of the state are unenforceable.