

By Senator Wilson

33-29-06

1 A bill to be entitled
2 An act relating to reservations of the
3 Miccosukee Tribe of Indians of Florida;
4 amending s. 285.16, F.S.; specifying that the
5 state's jurisdiction over criminal offenses
6 committed within Indian reservations and over
7 civil causes of action arising on reservations
8 between Indians or other persons or to which
9 Indians or other persons are parties does not
10 apply to Indian reservations of the Miccosukee
11 Tribe of Indians of Florida; reenacting s.
12 285.061(3), F.S., relating to transfer of land
13 to United States in trust for the Seminole and
14 Miccosukee Indian Tribes, and s. 285.18(2)(c),
15 F.S., relating to tribal councils, to
16 incorporate the amendment to s. 285.16, F.S.,
17 in references thereto; providing an effective
18 date.

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

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22 Section 1. Section 285.16, Florida Statutes, is
23 amended to read:

24 285.16 Civil and criminal jurisdiction ~~on~~ Indian
25 reservations; exception reservation.--

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

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

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

6 Section 2. For the purpose of incorporating the
7 amendment made by this act to section 285.16, Florida
8 Statutes, in a reference thereto, subsection (3) of section
9 285.061, Florida Statutes, is reenacted to read:

10 285.061 Transfer of land to United States in trust for
11 Seminole and Miccosukee Indian Tribes.--

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

21 Section 3. For the purpose of incorporating the
22 amendment made by this act to section 285.16, Florida
23 Statutes, in a reference thereto, paragraph (c) of subsection
24 (2) of section 285.18, Florida Statutes, is reenacted to read:

25 285.18 Tribal council as governing body; powers and
26 duties.--

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

29 (c) To employ personnel to exercise law enforcement
30 powers, including the investigation of violations of any of
31 the criminal laws of the state occurring on reservations over

1 | which the state has assumed jurisdiction pursuant to s.
2 | 285.16.

3 | 1. All law enforcement personnel employed shall be
4 | considered peace officers for all purposes and shall have the
5 | authority to bear arms, make arrests, and apply for, serve,
6 | and execute search warrants, arrest warrants, capias, and
7 | other process of the court, and to enforce criminal and
8 | noncriminal traffic offenses, within their respective special
9 | improvement districts.

10 | 2. All law enforcement personnel shall be entitled to
11 | the privileges, protection, and benefits of ss. 112.19 and
12 | 870.05.

13 | Section 4. This act shall take effect upon becoming a
14 | law.

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17 | SENATE SUMMARY

18 | Provides that the state's jurisdiction over criminal
19 | offenses committed within Indian reservations and over
20 | civil causes of action arising on reservations between
21 | Indians or other persons or to which Indians or other
22 | persons are parties does not apply to Indian reservations
23 | of the Miccosukee Tribe of Indians of Florida.
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