

A bill to be entitled

An act relating to reservations of the Miccosukee Tribe of Indians of Florida; amending s. 285.16, F.S.; specifying that the state's jurisdiction over criminal offenses committed within Indian reservations and over civil causes of action arising on reservations between Indians or other persons or to which Indians or other persons are parties does not apply to Indian reservations of the Miccosukee Tribe of Indians of Florida; amending s. 285.061, F.S.; conforming provisions; reenacting s. 285.18(2)(c), F.S., relating to tribal councils, to incorporate the amendment to s. 285.16, F.S., in a reference thereto; providing an effective date.

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

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

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

(1) The State of Florida hereby assumes jurisdiction over criminal offenses committed by or against Indians or other persons within Indian reservations and over civil causes of action ~~actions~~ between Indians or other persons or to which Indians or other persons are parties arising ~~rising~~ within Indian reservations.

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

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

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

34 285.061 Transfer of land to United States in trust for  
 35 Seminole and Miccosukee Indian Tribes.--

36 (3) All the provisions of this chapter, not in conflict  
 37 with this section, remain in full force and effect. The state  
 38 reserves both civil and criminal jurisdiction over said  
 39 reservations, other than Indian reservations of the Miccosukee  
 40 Tribe of Indians of Florida, in accordance with ss. 285.16 and  
 41 285.165 and applicable federal law. The transfer of lands in  
 42 trust for the Miccosukee Tribe of Indians of Florida made  
 43 pursuant to the authority of this section remains subject to all  
 44 of the rights, easements, and reservations in favor of the South  
 45 Florida Water Management District provided in the transfer.

46 Section 3. For the purpose of incorporating the amendment  
 47 to section 285.16, Florida Statutes, made by this act in a  
 48 reference thereto, paragraph (c) of subsection (2) of section  
 49 285.18, Florida Statutes, is reenacted to read:

50 285.18 Tribal council as governing body; powers and  
 51 duties.--

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

54 (c) To employ personnel to exercise law enforcement  
55 powers, including the investigation of violations of any of the  
56 criminal laws of the state occurring on reservations over which  
57 the state has assumed jurisdiction pursuant to s. 285.16.

58 1. All law enforcement personnel employed shall be  
59 considered peace officers for all purposes and shall have the  
60 authority to bear arms, make arrests, and apply for, serve, and  
61 execute search warrants, arrest warrants, capias, and other  
62 process of the court, and to enforce criminal and noncriminal  
63 traffic offenses, within their respective special improvement  
64 districts.

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

67 Section 4. This act shall take effect upon becoming a law.