

HB 423

2008

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

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 285.16, Florida Statutes, is amended to
 18 read:

19 285.16 Civil and criminal jurisdiction on Indian
 20 reservations; exception reservation.--

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

HB 423

2008

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 made by this act to section 285.16, Florida Statutes, 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:

HB 423

2008

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.