

By Senator Wilson

33-00058-09

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

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

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

22           285.16 Civil and criminal jurisdiction on Indian  
23   reservations; exception reservation.—

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

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

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

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

37 285.061 Transfer of land to United States in trust for  
38 Seminole and Miccosukee Indian Tribes.—

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

49 Section 3. For the purpose of incorporating the amendment  
50 made by this act to section 285.16, Florida Statutes, in a  
51 reference thereto, paragraph (c) of subsection (2) of section  
52 285.18, Florida Statutes, is reenacted to read:

53 285.18 Tribal council as governing body; powers and  
54 duties.—

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

57 (c) To employ personnel to exercise law enforcement powers,  
58 including the investigation of violations of any of the criminal

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59 laws of the state occurring on reservations over which the state  
60 has assumed jurisdiction pursuant to s. 285.16.

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

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

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