HB 231 2006

A bill to be entitled

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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; reenacting s. 285.061(3), F.S., relating to transfer of land to the United States in trust for the Seminole and Miccosukee Indian Tribes, and s. 285.18(2)(c), F.S., relating to tribal councils, to incorporate the amendment to s. 285.16, F.S., in

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

references thereto; providing an effective date.

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

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

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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 actions between Indians or other persons or to which Indians or other persons are parties rising within Indian reservations.

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

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

- Section 2. For the purpose of incorporating the amendment to section 285.16, Florida Statutes, made by this act in a reference thereto, subsection (3) of section 285.061, Florida Statutes, is reenacted to read:
- 285.061 Transfer of land to United States in trust for Seminole and Miccosukee Indian Tribes.--
- (3) All the provisions of this chapter, not in conflict with this section, remain in full force and effect. The state reserves both civil and criminal jurisdiction over said reservations in accordance with ss. 285.16 and 285.165 and applicable federal law. The transfer of lands in trust for the Miccosukee Tribe of Indians of Florida made pursuant to the authority of this section remains subject to all of the rights, easements, and reservations in favor of the South Florida Water Management District provided in the transfer.
- Section 3. For the purpose of incorporating the amendment to section 285.16, Florida Statutes, made by this act in a reference thereto, paragraph (c) of subsection (2) of section 285.18, Florida Statutes, is reenacted to read:
- 285.18 Tribal council as governing body; powers and duties.--
- (2) The governing bodies of the special improvement districts shall have the duty and power:

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

- 1. All law enforcement personnel employed shall be considered peace officers for all purposes and shall have the authority to bear arms, make arrests, and apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court, and to enforce criminal and noncriminal traffic offenses, within their respective special improvement districts.
- 2. All law enforcement personnel shall be entitled to the privileges, protection, and benefits of ss. 112.19 and 870.05.
 - Section 4. This act shall take effect upon becoming a law.