

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1385.02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA SUPPORTING THE INTRODUCTION OF A BILL CLARIFYING P.L. 280 IN FLORIDA AS APPLIED TO THE MICCOSUKEE TRIBE OF INDIANS OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising twenty-four (24) federally recognized tribes; and

WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribe's leadership; and

WHEREAS, the Miccosukee Tribe of Indians of Florida (Miccosukee Tribe) is a founding member of USET; and

WHEREAS, Public Law 83-280 (P.L. 280) is a federal law passed in 1953 which decreed that criminal and civil cases involving Indians in certain states are to be adjudicated in their respective state court system and allowed for other states to adopt wholly or in part jurisdiction over Indians; and

WHEREAS, the State of Florida in 1961 adopted P.L. 280 to assume full jurisdiction over Indians and amended the Florida State Statutes under Chapter 285.16 to assert their jurisdiction without consulting the Miccosukee Tribe; and

WHEREAS, the Miccosukee Tribe never agreed to submit to P.L. 280 or to Florida State Statutes Chapter 285.16; and

WHEREAS, The Miccosukee Tribe filed a lawsuit against the State of Florida After the State of Florida adopted P.L. 280 to take away the trusteeship of the Miccosukee State Indian reservation from the State of Florida to the Federal Government due to the State of Florida not providing services to the Tribe, such as law enforcement, and for authorizing leases and contracts which benefitted the State of Florida and not necessarily the Miccosukee Tribe; and

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WHEREAS, the Miccosukee Tribe developed its own Court System, Law Enforcement Program, Environmental Programs, Fish and Wildlife Program, and other Social Services excluded by the State of Florida; and

WHEREAS, the Miccosukee Tribe encountered jurisdictional issues with the State of Florida concerning the application of P.L. 280 on Miccosukee Tribal Trust Lands, specifically those trust lands which were determined by the Miccosukee Tribal Court and the Federal Court System to be exclusively Federal jurisdiction; and

WHEREAS, such jurisdictional issues with the State of Florida were ultimately resolved by the Miccosukee Tribal Court and Federal Courts in favor of the Miccosukee Tribe; and

WHEREAS, State Senator Rudy Garcia is in the process of introducing a Senate Bill which will clarify the application of P.L. 280 on Miccosukee Tribal Trust Land as determined by the Courts;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the Town of Golden Beach hereby supports the introduction of a State Senate Bill to clarify the application of P.L. 280 in the State of Florida, which upholds Tribal Sovereignty, and recognizes the decisions of the federal court system in this instance, and that the Town of Golden Beach hereby requests that all members of the Florida State Legislature give their support to the aforementioned bill.

Section 2. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 3. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

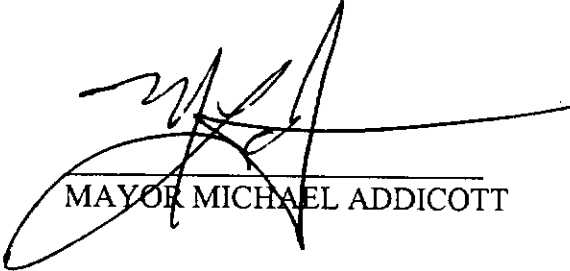
Section 4. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Mayor Addicott.

The Motion to adopt the foregoing resolution was offered by Councilmember Paruas, seconded by Councilmember Feinman and on roll call the following vote ensued:

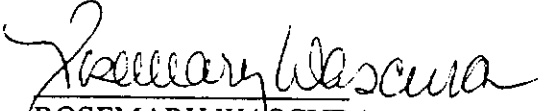
Mayor Addicott	<u>AYE</u>
Vice Mayor Einstein	<u>ABSENT</u>
Councilmember Singer	<u>AYE</u>
Councilmember Feinman	<u>AYE</u>
Councilmember Paruas	<u>NAY</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 19TH day of March, 2002.




MAYOR MICHAEL ADDICOTT

ATTEST:



ROSEMARY WASCURA
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



EDWARD PAUL KREILING
TOWN ATTORNEY