

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 69
SPONSOR(S): Patterson
TIED BILLS:

License Plates

IDEN./SIM. BILLS: SB 222

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Infrastructure</u>	<u>7 Y, 1 N</u>	<u>Cortese</u>	<u>Miller</u>
2) <u>Economic Expansion & Infrastructure Council</u>	<u></u>	<u>Cortese</u>	<u>Tinker</u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill requires county tax collectors, as agents of the Department of Highway Safety and Motor Vehicles (DHSMV), to issue a new state license plate that includes the state motto ("In God We Trust"). This bill would allow drivers the choice of having the official state motto at the bottom of their license plate rather than the county name or state nickname ("Sunshine State"). This optional plate would be a standard plate, not a specialty plate. Drivers would not be required to pay any additional fees, and standard license plate fees would apply.

Current Florida law requires that the license plate be imprinted with the word "Florida" at the top and the name of the county in which it is sold, or the state nickname, "Sunshine State", at the bottom. Counties may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold within that county. The words "Sunshine State" appear on license plates in counties where the county names have been removed. In counties where the county name has not been removed from license plates, this bill would give drivers a third option of the state motto ("In God We Trust") appearing on their standard license plates.

Although there would be an initial stocking cost for the new plates with the "In God We Trust" graphic, there should also be a corresponding decrease in the sale of current license plates to eventually negate the cost of the new plates. The \$30,000 contracted cost for programming would be the only permanent fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty – The bill would provide an additional standard license plate choice which increases the options available to an individual regarding the type of tag to display on their vehicle.

B. EFFECT OF PROPOSED CHANGES:

Current Law Regarding License Plates

Currently, s. 320.06(3)(a), F.S., specifies that standard license plates are to be printed with the phrase “Sunshine State” or the issuing county name on the license plate. Counties may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold within that county. The words “Sunshine State” appear on license plates in counties where the county names have been removed. Florida automobile owners have an array of choices that include over 100 specialty license plates which require an additional fee and several “special” plates that are priced the same as standard plates.¹

In those counties where the county commission has not removed the county name from the license plate, the tax collector has the option of providing an alternate plate with the words “Sunshine State” rather than the county name.

“In God We Trust” was included in the state seal and flag of Florida adopted in 1886, and was adopted as the official state motto in the 2006 Florida Legislative Session.² In 1956, “In God We Trust” was established as the United States national motto. Additionally, “In God We Trust” has been printed on U.S. currency since the Civil War and has been mandated on all coin and paper currency since 1957.³

Effect of Proposed Change

This bill requires county tax collectors to issue license plates with the state motto (“In God we Trust”), or the words “Sunshine State”. This requirement would not apply to counties that have voted to remove their county name from license plates sold within the county. The only county that has removed the county name is Miami-Dade County. This bill would allow drivers the choice of having the official state motto at the bottom of their license plate rather than the county name or state nickname (“Sunshine State”). This optional plate would be a standard plate, not a specialty plate. Drivers would not be required to pay any additional fees, and standard license plate fees would apply.

There are currently two states that use their official state motto on their license plates: New Hampshire (“Live Free or Die”) and Alaska (“North to the Future”). There are six states that offer the phrase “In God We Trust” on license plates: Arkansas⁴, Indiana⁵, Louisiana⁶, North Carolina⁷, South Carolina⁸ and Tennessee⁹. “In God We Trust” is not the official motto of any of these states.

¹ <http://www.hsmv.state.fl.us/html/titlinf.html>

² F.S. 15.0301

³ U.S. Mint Website- www.moneyfactory.gov

⁴ http://www.arkansas.gov/dfa/motor_vehicle/mv_index.html

⁵ <http://www.state.in.us/bmv/3999.htm>

⁶ http://omv.dps.state.la.us/Special%20Plates/SpecialPlates_display.asp

⁷ <https://edmv-sp.dot.state.nc.us/sp/SpecialPlatesList?startLetter=I>

⁸ <http://www.scdmvonline.com/DMVNew/PlateGallery.aspx?q=Specialty>

⁹ <http://www.tennessee.gov/revenue/vehicle/licenseplates/specialty.htm>

C. SECTION DIRECTORY:

Section 1. Amends s. 320.06 F.S.; requires counties to issue license plates with either "Sunshine State" or the official state motto printed on the plate in lieu of the county name; providing conditions.
Section 2. This act takes effect July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

An additional license plate type will increase initial inventory stocking cost. An estimated supply of 100 plates would be needed at each of the 320 Tax Collector/Tag Office locations. With license plates costing \$1.67 each, DHSMV anticipates the estimated cost to be \$53,440. Although there would be an initial stocking cost for the new plates with the "In God We Trust" graphic, there should also be a corresponding decrease in the sale of current license plates to eventually negate the cost of the new plates. According to DHSMV, this bill will require 300 hours of programming at a cost of \$100 per hour. This \$30,000 contracted cost for programming would be the only permanent fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

Tax Collector offices issuing "In God We Trust" plates would now have to maintain an adequate supply of "In God We Trust" graphic license plates in inventory to meet public demand. There should also be a corresponding decrease in current license plate inventory.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have

to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

Indiana Lawsuit

The constitutionality of a similar license plate in Indiana is being challenged in a pending lawsuit by a plaintiff being represented by the American Civil Liberties Union. The lawsuit challenges the law that created the "In God We Trust" specialty license plate based on a state constitutional equal protection claim, saying purchasers receive preferential treatment not available to supporters of other specialty plates.¹⁰ The lawsuit argues that those who obtain an Indiana 'In God We Trust' license plate are afforded the opportunity to make an affirmative statement through display of the plate without any additional cost while vehicle owners must pay additional fees for specialty plates. Proponents of the plate have argued that the "In God We Trust" license plate is not a specialty plate which raises funds to advance a particular cause, but is an optional standard plate to which no specialty plate fees apply. The lawsuit was filed in April of 2007 but has not progressed to trial. Note that unlike Florida, "In God We Trust" has not been adopted as the official state motto of Indiana, which has adopted "The Crossroads of America" as its motto.

Federal Establishment Clause Issues

One recent federal appellate court opinion has addressed whether government use of the "In God We Trust" motto was unconstitutional based on the U.S. Constitution's standards on the separation of church and state. In *Lambeth v. Board Of Commissioners Of Davidson County, North Carolina*, 407 F.3d 266 (4th Cir. 2005), the Fourth Circuit Court of Appeals held that the words "In God We Trust" displayed on the facade of a county government center did not violate the Establishment Clause under prior court standards of review.

The federal trial court ruled that the display did not produce an excessive entanglement of church and state. In addition, the appeals court pointed out that the phrase has appeared on the nation's coins since 1865 and was made the national motto by Congress in 1956. The court indicated that the installation of the national motto "In God We Trust" on a government building would not cause a reasonable observer to understand the purpose of the message as advancing or endorsing religion in an impermissible manner. The appeals court also noted that a reasonable observer would be aware of the patriotic uses of the phrase, both historical and present. The U.S. Supreme Court denied review in *Lambeth v. Board of Commissioners of Davidson County, North Carolina*, 126 S. Ct. 647 (U.S. 2005).

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

The sponsor has expressed a desire for this law to be applicable to all 67 Florida counties. As currently written, the bill excludes counties that have previously removed their county name from the license plate. The only county that has removed their county name from their license plate is Miami-Dade County.

¹⁰*Studler v. Indiana Bureau of Motor Vehicles*, Indiana Superior Court for Marion County, cause no. 490050704PL016603, complaint filed 4/23/2007.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On December 13, 2007, this bill was considered by the Committee on Infrastructure. An amendment was adopted to make the state motto license plate available in all 67 Florida counties and to reorganize the current statutory language for clarity. The bill was reported favorably with one amendment.