

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 839 The Display of the State Motto

**SPONSOR(S):** Daniels; Ponder and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1158

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	10 Y, 0 N	McAlarney	Healy
2) Education Committee	17 Y, 1 N	McAlarney	Hassell

### SUMMARY ANALYSIS

The bill requires each district school board to adopt rules that require all schools and all buildings used by the school board to display in a conspicuous place the state motto, *In God We Trust*.

The bill provides an effective date of July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

The national motto of the United States was declared by Congress to be *In God We Trust*.<sup>1</sup> *In God We Trust* was designated as the official motto of the State of Florida<sup>2</sup> in 2006.<sup>3</sup> The phrase, *In God We Trust*, was adopted by the Florida legislature as part of the State Seal in 1868.<sup>4</sup>

Federal courts have found the use of *In God We Trust* as the national motto constitutional, and that the national motto, and its use on coinage and currency, has nothing to do with the establishment of religion. Its use is of patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise.<sup>5</sup>

##### Effect of Proposed Changes

The bill requires each district school board to adopt rules that require all schools and all buildings used by the school board to display in a conspicuous place the state motto, *In God We Trust*.

#### B. SECTION DIRECTORY:

**Section 1.** Amends s. 1003.44, F.S., requiring each district school board to adopt rules that require all schools and all buildings used by the school board to display in a conspicuous place the state motto, *In God We Trust*.

**Section 2.** Provides an effective date of July 1, 2018.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

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<sup>1</sup> 36 U.S.C. § 186

<sup>2</sup> Section 15.0301, F.S.

<sup>3</sup> Florida Department of State, Florida Facts, Florida State Symbols, State Motto, <http://dos.myflorida.com/florida-facts/florida-state-symbols/state-motto/> (last visited Jan. 23, 2018).

<sup>4</sup> Florida Department of State, Florida Facts, Florida State Symbols, State Motto, <http://dos.myflorida.com/florida-facts/florida-state-symbols/state-motto/> (last visited Jan. 23, 2018).

<sup>5</sup> *Aronow v. United States*, 432 F. 2d 242 (1970); *Zorach v. Clauson*, 343 US 306; *O'Hair v. Blumenthal*, 462 F.Supp. 19 (1978); *Newdow v. Peterson*, 753 F. 3d 105 (2014).

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

District school boards would be fiscally impacted the cost of printing the motto.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

Requires each district school board to adopt rules regarding the display of the state motto.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.