

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

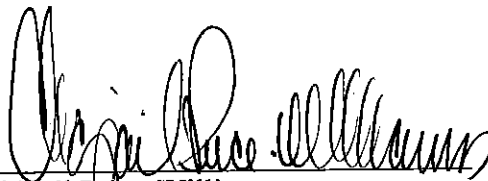
DATE: September 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to clarify state law
regulating motor vehicle license
plates to permit license plate
frames that partially cover non-
essential features of a plate, so
long as the frames do not
obstruct or obscure the
alphanumeric designation and
registration decal

Resolution No. R-848-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.


Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM

(Revised)

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(2)

Veto _____

9-20-16

Override _____

RESOLUTION NO. R-848-16

RESOLUTION URGING THE FLORIDA LEGISLATURE TO CLARIFY STATE LAW REGULATING MOTOR VEHICLE LICENSE PLATES TO PERMIT LICENSE PLATE FRAMES THAT PARTIALLY COVER NON-ESSENTIAL FEATURES OF A PLATE, SO LONG AS THE FRAMES DO NOT OBSTRUCT OR OBSCURE THE ALPHANUMERIC DESIGNATION AND REGISTRATION DECAL

WHEREAS, state law regulates motor vehicle license plates, setting forth visibility and legibility requirements and establishing what can and cannot be placed upon, onto or around any license plate; and

WHEREAS, section 316.605(1), Florida Statutes, requires that “all letters, numerals, printing, writing, the registration decal, and the alphanumeric designation” on a plate be free from “obscuring matter”; and

WHEREAS, section 320.061, Florida Statutes, similarly prohibits anyone from attaching any material on a plate that interferes with the legibility of “any feature or detail on the license plate”; and

WHEREAS, a violation of these statutes constitutes a noncriminal traffic infraction; and

WHEREAS, by law, a standard Florida license plate contains an alphanumeric designation, a registration decal on the upper right-hand corner, the letters “MYFLORIDA.COM” across the top of the face of the plate, and either “SUNSHINE STATE” or the name of the county issuing the plate on the bottom; and

WHEREAS, “MYFLORIDA.COM,” “SUNSHINE STATE” and the county-name portions of the plate arguably are letters, features and details within the meaning of sections 316.605(1) and 320.061, such that it would be unlawful to obscure them; and

WHEREAS, law enforcement officers, pursuant to these statutes, have in fact stopped and cited motorists for driving vehicles with license plate frames partly covering the “MYFLORIDA.COM,” “SUNSHINE STATE” and county-name portions of the plate; and

WHEREAS, citing motorists under sections 316.605(1) and 320.061 for license plate frames that partially cover “MYFLORIDA.COM,” “SUNSHINE STATE” and the county name is inconsistent with the underlying public policy; and

WHEREAS, the prohibitions against obstructing and obscuring license plate features in sections 316.605(1) and 320.061 primarily exist to facilitate identification of a vehicle, which in turns promotes public safety; and

WHEREAS, the “MYFLORIDA.COM,” “SUNSHINE STATE” and county-name portions of the plate are not essential to the identification of a vehicle, as evidenced by the numerous specialty Florida license plates that do not contain them; and

WHEREAS, the legislative history of section 316.605(1) further suggests that the Florida Legislature intended to exclude non-essential letters from the statute’s prohibitions; and

WHEREAS, in 2014 the Florida Legislature passed House Bill 7005, which amended section 316.605(1) by deleting a portion that read, “and other identification marks upon the plates regarding the word ‘Florida,’ ”; and

WHEREAS, according to the House of Representatives Final Bill Analysis, the amendment was intended “to allow the use of license plate frames that might otherwise partially obscure the word ‘Florida’ when it appears at the top or bottom of the license plate”; and

WHEREAS, therefore, both the underlying public policy and legislative history indicate that sections 316.605(1) and 320.061 should not prohibit partially covering non-essential features of a license plate that do not aid in the identification of the vehicle; and

WHEREAS, the lawful use of license plate frames, which are ubiquitous in modern society, frequently associated with universities and nonprofits, and often used to promote worthy causes, should be clarified; and

WHEREAS, this Board believes that the Florida Legislature should clarify state law regulating motor vehicle license plates to permit license plate frames that partially cover non-essential features of a plate, so long as the frames do not obstruct or obscure the alphanumeric designation and registration decal,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to clarify state law regulating motor vehicle license plates to permit license plate frames that partially cover non-essential features of a plate, so long as the frames do not obstruct or obscure the alphanumeric designation and registration decal.

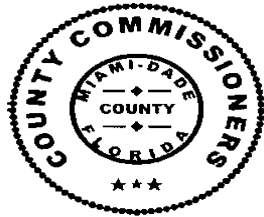
Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner **Barbara J. Jordan** , who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye
	Esteban L. Bovo, Jr., Vice Chairman	absent
Bruno A. Barreiro	aye	Daniella Levine Cava
Jose "Pepe" Diaz	aye	Audrey M. Edmonson
Sally A. Heyman	aye	Barbara J. Jordan
Dennis C. Moss	aye	Rebeca Sosa
Sen. Javier D. Souto	aye	Xavier L. Suarez
Juan C. Zapata	absent	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA

BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MSM for

Dayron Silverio