

By Representative Trovillion

1 A bill to be entitled
2 An act relating to driver's licenses and
3 identification cards; amending s. 322.32, F.S.;
4 deleting reference to possession of a
5 fictitious or fraudulently altered driver's
6 license, knowingly permitting another to use
7 one's driver's license, using another's
8 driver's license, and permitting unlawful use
9 of a driver's license; amending s. 322.212,
10 F.S.; providing that it is unlawful for any
11 person knowingly to possess any instrument in
12 the similitude of a driver's license issued by
13 the Department of Highway Safety and Motor
14 Vehicles or of any other state or jurisdiction
15 that issues licenses recognized in this state
16 for the operation of a motor vehicle, or any
17 identification card issued by the department or
18 of another state or jurisdiction, unless
19 possession by such person has been duly
20 authorized by the department; providing
21 penalties; providing that it is unlawful to
22 allow another to use one's driver's license or
23 identification card or to use another's
24 driver's license or identification card;
25 amending s. 831.29, F.S.; prohibiting the
26 possession, use, or transport of implements and
27 materials used to produce identification cards;
28 amending s. 921.0012, F.S.; conforming
29 cross-references; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Section 322.32, Florida Statutes, is
2 amended to read:

3 322.32 Unlawful use of license.--It is a misdemeanor
4 of the second degree, punishable as provided in s. 775.082 or
5 s. 775.083, for any person:

6 (1) To display, cause or permit to be displayed, or
7 have in his or her possession any canceled, revoked,
8 suspended, or disqualified, ~~fictitious, or fraudulently~~
9 ~~altered~~ driver's license.

10 ~~(2) To lend his or her driver's license to any other~~
11 ~~person or knowingly permit the use thereof by another.~~

12 ~~(3) To display, or represent as his or her own, any~~
13 ~~driver's license not issued to him or her.~~

14 (2)~~(4)~~ To fail or refuse to surrender to the
15 department upon its lawful demand any driver's license that
16 ~~which~~ has been suspended, revoked, disqualified, or canceled.

17 ~~(5) To permit any unlawful use of a driver's license~~
18 ~~issued to him or her.~~

19 (3)~~(6)~~ To apply for, obtain, or cause to be issued to
20 him or her two or more photographic driver's licenses which
21 are in different names. The issuance of such licenses shall
22 be prima facie evidence that the licensee has violated the
23 provisions of this section unless the issuance was in
24 compliance with the requirements of this chapter.

25 (4)~~(7)~~ To do any act forbidden, or fail to perform any
26 act required, by this chapter.

27 Section 2. Section 322.212, Florida Statutes, is
28 amended to read:

29 322.212 Unauthorized possession of, and other unlawful
30 acts in relation to, driver's license or identification
31 card.--

1 (1) It is unlawful for any person:
2 (a) Knowingly to have in his or her possession or to
3 display any blank, forged, stolen, fictitious, counterfeit, or
4 unlawfully issued driver's license or identification card or
5 any instrument in the similitude of a driver's license or
6 identification card ~~described in s. 322.051~~ unless possession
7 by such person has been duly authorized by the department;

8 (b) Knowingly to have in his or her possession any
9 instrument in the similitude of a driver's license issued by
10 the department or its duly authorized agents or those of any
11 state or jurisdiction issuing licenses recognized in this
12 state for the operation of a motor vehicle; or

13 (c) Knowingly to have in his or her possession any
14 instrument in the similitude of an identification card issued
15 by the department or its duly authorized agents or those of
16 any state or jurisdiction issuing identification cards
17 recognized in this state for the purpose of indicating a
18 person's true name and age.

19
20 The term "driver's license" includes a driver's license issued
21 by the department or its agents or a driver's license issued
22 by any state or jurisdiction that issues licenses recognized
23 in this state for the operation of a motor vehicle. The term
24 "identification card" includes any identification card issued
25 by the department or its agents or any identification card
26 issued by any state or jurisdiction that issues identification
27 cards recognized in this state for the purpose of indicating a
28 person's true name and age. This subsection does not prohibit
29 a person from possessing or displaying another person's
30 driver's license or identification card for a lawful purpose.

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1 (2) It is unlawful for any person to barter, trade,
2 sell, ~~or~~ give away, or allow another to use for an unlawful
3 purpose any driver's license or identification card or to
4 perpetrate a conspiracy to barter, trade, sell, ~~or~~ give away,
5 or allow another to use for an unlawful purpose any such
6 license or identification card unless such person has been
7 duly authorized to issue the license or identification card by
8 the department as provided in this chapter or in the adopted
9 rules ~~and regulations~~ of the department.

10 (3) It is unlawful for any person to display as his or
11 her own, or for any other unlawful purpose, any driver's
12 license or identification card not issued to him or her.

13 (4)~~(3)~~ It is unlawful for any employee of the
14 department to allow or permit the issuance of a driver's
15 license or identification card when he or she knows that the
16 applicant has not lawfully fulfilled the requirements of this
17 chapter for the issuance of such license or identification
18 card.

19 (5)~~(4)~~ It is unlawful for any person to agree to
20 supply or to aid in supplying any person with a driver's
21 license or identification card by any means whatsoever not in
22 accordance with the provisions of this chapter.

23 (6)~~(5)~~ It is unlawful for any person to use a false or
24 fictitious name in any application for a driver's license or
25 identification card or knowingly to make a false statement,
26 knowingly conceal a material fact, or otherwise commit a fraud
27 in any such application.

28 (7)~~(6)~~ Any person who violates any of the provisions
29 of this act is guilty of a felony of the third degree,
30 punishable as provided in s. 775.082, s. 775.083, or s.
31 775.084. However, any person who violates the provisions of

1 subsection (6)~~(5)~~ by giving a false age in any application
2 for a driver's license or identification card is guilty of a
3 misdemeanor of the second degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 (8)~~(7)~~ The ~~foregoing~~ provisions of this section are in
6 addition and supplemental to all other provisions of this
7 chapter and of the laws of this state relating to driver's
8 licenses and identification cards.

9 Section 3. Section 831.29, Florida Statutes, is
10 amended to read:

11 831.29 Making or having instruments and material for
12 counterfeiting driver's drivers' licenses or identification
13 cards.--Any person who ~~whoever~~ has control, custody, or
14 possession of any plate, block, press, stone, or other tool,
15 instrument, or implement, or any part thereof; ~~or whoever~~
16 engraves, makes, or amends, or begins to engrave, make, or
17 amend, any plate, block, press, stone, or other tool,
18 instrument, or implement; ~~or whoever~~ brings into the state
19 any such plate, block, press, stone, or other tool,
20 instrument, or implement, or any part thereof, in the
21 similitude of the driver's drivers' licenses or identification
22 cards issued by the Department of Highway Safety and Motor
23 Vehicles or its duly authorized agents or those of any state
24 or jurisdiction that which issues licenses recognized in this
25 state for the operation of a motor vehicle or that issues
26 identification cards recognized in this state for the purpose
27 of indicating a person's true name and age; ~~or whoever~~ has
28 control, custody, or possession of or makes or provides any
29 paper or other material adapted and designed for the making of
30 a false and counterfeit driver's license or identification
31 card purporting to be issued by the Department of Highway

1 Safety and Motor Vehicles or its duly authorized agents, or
2 those of any state or jurisdiction that ~~which~~ issues licenses
3 recognized in this state for the operation of a motor vehicle
4 or that issues identification cards recognized in this state
5 for the purpose of indicating a person's true name and age; or
6 ~~whoever~~ has in his possession, control, or custody any such
7 plate or block engraved in any part, or any press or other
8 tool or, instrument or any paper or other material adapted and
9 designed as aforesaid, with intent to sell, issue, publish,
10 pass, or utter the same or to cause or permit the same to be
11 used in forging or making any such false or counterfeit
12 driver's license or identification card; or ~~whoever~~ prints,
13 photographs, or in any manner makes or executes any engraved
14 photograph, print, or impression by any process whatsoever in
15 the similitude of any such licenses or identification cards
16 with the intent to sell, issue, publish, or utter the same or
17 to cause or permit the same to be used in forging or making
18 any such false and counterfeit driver's license or
19 identification card of this state or any state or jurisdiction
20 that ~~which~~ issues licenses recognized in this state for the
21 operation of a motor vehicle or that issues identification
22 cards recognized in this state for the purpose of indicating a
23 person's true name and age is ~~shall be~~ guilty of a felony of
24 the second degree, punishable as provided in s. 775.082, s.
25 775.083, or s. 775.084.

26 Section 4. Paragraphs (a) and (c) of subsection (3) of
27 section 921.0012, Florida Statutes, 1996 Supplement, are
28 amended to read:

29 921.0012 Sentencing guidelines offense levels; offense
30 severity ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			(a) LEVEL 1
5	24.118(3)(a)	3rd	Counterfeit or altered state
6			lottery ticket.
7	212.054(2)(b)	3rd	Discretionary sales surtax;
8			limitations, administration, and
9			collection.
10	212.15(2)(b)	3rd	Failure to remit sales taxes,
11			amount greater than \$300 but less
12			than \$20,000.
13	319.30(5)	3rd	Sell, exchange, give away
14			certificate of title or
15			identification number plate.
16	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
17			odometer.
18	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
19			registration license plates or
20			validation stickers.
21	322.212(1)	3rd	Possession of forged, stolen,
22			counterfeit, or unlawfully issued
23			driver's license; <u>possession of</u>
24			<u>simulated identification</u> .
25	322.212 (5) (4)	3rd	Supply or aid in supplying
26			unauthorized driver's license <u>or</u>
27			<u>identification card</u> .
28	322.212 (6) (5)	3rd	False application for driver's
29			license <u>or identification card</u> .
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1	370.13(4)(a)	3rd	Molest any stone crab trap, line,
2			or buoy which is property of
3			licenseholder.
4	370.135(1)	3rd	Molest any blue crab trap, line,
5			or buoy which is property of
6			licenseholder.
7	372.663(1)	3rd	Poach any alligator or
8			crocodilia.
9	414.39(2)	3rd	Unauthorized use, possession,
10			forgery, or alteration of food
11			stamps, Medicaid ID, value
12			greater than \$200.
13	414.39(3)(a)	3rd	Fraudulent misappropriation of
14			public assistance funds by
15			employee/official, value more
16			than \$200.
17	443.071(1)	3rd	False statement or representation
18			to obtain or increase
19			unemployment compensation
20			benefits.
21	458.327(1)(a)	3rd	Unlicensed practice of medicine.
22	466.026(1)(a)	3rd	Unlicensed practice of dentistry
23			or dental hygiene.
24	509.151(1)	3rd	Defraud an innkeeper, food or
25			lodging value greater than \$300.
26	517.302(1)	3rd	Violation of the Florida
27			Securities and Investor
28			Protection Act.
29	562.27(1)	3rd	Possess still or still apparatus.
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1	713.69	3rd	Tenant removes property upon
2			which lien has accrued, value
3			more than \$50.
4	812.014(3)(c)	3rd	Petit theft (3rd conviction);
5			theft of any property not
6			specified in subsection (2).
7	812.081(2)	3rd	Unlawfully makes or causes to be
8			made a reproduction of a trade
9			secret.
10	815.04(4)(a)	3rd	Offense against intellectual
11			property (i.e., computer
12			programs, data).
13	817.52(2)	3rd	Hiring with intent to defraud,
14			motor vehicle services.
15	826.01	3rd	Bigamy.
16	828.122(3)	3rd	Fighting or baiting animals.
17	831.04(1)	3rd	Any erasure, alteration, etc., of
18			any replacement deed, map, plat,
19			or other document listed in s.
20			92.28.
21	831.31(1)(a)	3rd	Sell, deliver, or possess
22			counterfeit controlled
23			substances, all but s. 893.03(5)
24			drugs.
25	832.041(1)	3rd	Stopping payment with intent to
26			defraud \$150 or more.
27	832.05		
28	(2)(b) & (4)(c)	3rd	Knowing, making, issuing
29			worthless checks \$150 or more or
30			obtaining property in return for
31			worthless check \$150 or more.

1	838.015(3)	3rd	Bribery.
2	838.016(1)	3rd	Public servant receiving unlawful
3			compensation.
4	838.15(2)	3rd	Commercial bribe receiving.
5	838.16	3rd	Commercial bribery.
6	843.18	3rd	Fleeing by boat to elude a law
7			enforcement officer.
8	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
9			lewd, etc., material (2nd
10			conviction).
11	849.01	3rd	Keeping gambling house.
12	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
13			or assist therein, conduct or
14			advertise drawing for prizes, or
15			dispose of property or money by
16			means of lottery.
17	849.23	3rd	Gambling-related machines;
18			"common offender" as to property
19			rights.
20	849.25(2)	3rd	Engaging in bookmaking.
21	860.08	3rd	Interfere with a railroad signal.
22	860.13(1)(a)	3rd	Operate aircraft while under the
23			influence.
24	893.13(2)(a)2.	3rd	Purchase of cannabis.
25	893.13(6)(a)	3rd	Possession of cannabis (more than
26			20 grams).
27	893.13(7)(a)10.	3rd	Affix false or forged label to
28			package of controlled substance.
29	934.03(1)(a)	3rd	Intercepts, or procures any other
30			person to intercept, any wire or
31			oral communication.

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2			(c) LEVEL 3
3	39.061	3rd	Escapes from juvenile facility
4			(secure detention or residential
5			commitment facility).
6	319.30(4)	3rd	Possession by junkyard of motor
7			vehicle with identification
8			number plate removed.
9	319.33(1)(a)	3rd	Alter or forge any certificate of
10			title to a motor vehicle or
11			mobile home.
12	319.33(1)(c)	3rd	Procure or pass title on stolen
13			vehicle.
14	319.33(4)	3rd	With intent to defraud, possess,
15			sell, etc., a blank, forged, or
16			unlawfully obtained title or
17			registration.
18	328.05(2)	3rd	Possess, sell, or counterfeit
19			fictitious, stolen, or fraudulent
20			titles or bills of sale of
21			vessels.
22	328.07(4)	3rd	Manufacture, exchange, or possess
23			vessel with counterfeit or wrong
24			ID number.
25	376.302(5)	3rd	Fraud related to reimbursement
26			for cleanup expenses under the
27			Inland Protection Trust Fund.
28	501.001(2)(b)	2nd	Tampers with a consumer product
29			or the container using materially
30			false/misleading information.
31	697.08	3rd	Equity skimming.

1	790.15(3)	3rd	Person directs another to
2			discharge firearm from a vehicle.
3	796.05(1)	3rd	Live on earnings of a prostitute.
4	806.10(1)	3rd	Maliciously injure, destroy, or
5			interfere with vehicles or
6			equipment used in firefighting.
7	806.10(2)	3rd	Interferes with or assaults
8			firefighter in performance of
9			duty.
10	810.09(2)(c)	3rd	Trespass on property other than
11			structure or conveyance armed
12			with firearm or dangerous weapon.
13	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
14			less than \$10,000.
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	828.12(2)	3rd	Tortures any animal with intent
23			to inflict intense pain, serious
24			physical injury, or death.
25	831.29	2nd	Possession of instruments for
26			counterfeiting <u>driver's</u> drivers'
27			<u>licenses</u> <u>or identification cards</u> .
28	838.021(3)(b)	3rd	Threatens unlawful harm to public
29			servant.
30	843.19	3rd	Injure, disable, or kill police
31			dog or horse.

1	870.01(2)	3rd	Riot; inciting or encouraging.
2	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
3			cannabis (or other s.
4			893.03(1)(c), (2)(c), (3), or (4)
5			drugs).
6	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
7			893.03(1)(c), (2)(c), (3), or (4)
8			drugs within 200 feet of
9			university, public housing
10			facility, or public park.
11	893.13(6)(a)	3rd	Possession of any controlled
12			substance other than felony
13			possession of cannabis.
14	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
15			controlled substance by fraud,
16			forgery, misrepresentation, etc.
17	893.13(7)(a)11.	3rd	Furnish false or fraudulent
18			material information on any
19			document or record required by
20			chapter 893.
21	918.13(1)(a)	3rd	Alter, destroy, or conceal
22			investigation evidence.
23	944.47		
24	(1)(a)1.-2.	3rd	Introduce contraband to
25			correctional facility.
26	944.47(1)(c)	2nd	Possess contraband while upon the
27			grounds of a correctional
28			institution.
29			
30	Section 5.		This act shall take effect October 1, 1997.
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HOUSE SUMMARY

Provides that penalties with respect to unauthorized possession or other illegal acts in relation to driver's licenses and identification cards also apply to instruments in the similitude of driver's licenses and identification cards. Defines the terms "driver's license" and "identification card" for purposes of the prohibited acts. Provides second-degree felony penalties for unlawful possession of instruments or materials for counterfeiting identification cards.