

1 A bill to be entitled
2 An act relating to driver's licenses,
3 identification cards, and motor vehicle
4 registrations; amending s. 61.13016, F.S.;
5 specifying requirements for giving a delinquent
6 child-support obligor notice of delinquency and
7 intent to suspend; amending s. 322.245, F.S.;
8 providing notice in accordance with s.
9 61.13016, F.S.; amending s. 322.32, F.S.;
10 deleting reference to possession of a
11 fictitious or fraudulently altered driver's
12 license, knowingly permitting another to use
13 one's driver's license, using another's
14 driver's license, and permitting unlawful use
15 of a driver's license; amending s. 322.212,
16 F.S.; providing that it is unlawful for any
17 person knowingly to possess any instrument in
18 the similitude of a driver's license issued by
19 the Department of Highway Safety and Motor
20 Vehicles or of any other state or jurisdiction
21 that issues licenses recognized in this state
22 for the operation of a motor vehicle, or any
23 identification card issued by the department or
24 of another state or jurisdiction, unless
25 possession by such person has been duly
26 authorized by the department; providing
27 penalties; providing that it is unlawful to
28 allow another to use one's driver's license or
29 identification card or to use another's
30 driver's license or identification card;
31 amending s. 831.29, F.S.; prohibiting the

1 possession, use, or transport of implements and
2 materials used to produce identification cards;
3 amending s. 921.0012, F.S.; conforming
4 cross-references; providing an effective date.
5

6 Be It Enacted by the Legislature of the State of Florida:
7

8 Section 1. Section 61.13016, Florida Statutes, is
9 amended to read:

10 61.13016 Suspension of driver's licenses and motor
11 vehicle registrations.--

12 (1) The driver's license and motor vehicle
13 registration of a child support obligor who is delinquent in
14 payment may be suspended. Upon a delinquency in child support
15 in IV-D cases, the Title IV-D agency may provide ~~serve~~ notice
16 to on the obligor of the delinquency and the intent to suspend
17 by regular United States mail that is posted to the obligor's
18 last address of record with the Department of Highway Safety
19 and Motor Vehicles ~~as provided under s. 322.245~~. Upon a
20 delinquency in child support in non-IV-D cases, and upon the
21 request of the obligee, the depository or the clerk of the
22 court must provide ~~serve~~ notice to ~~by certified mail, return~~
23 ~~receipt requested,~~ on the obligor of the delinquency and the
24 intent to suspend by regular United States mail that is posted
25 to the obligor's last address of record with the Department of
26 Highway Safety and Motor Vehicles ~~as provided under s.~~
27 ~~322.245~~. In either case, the notice must state:

28 (a) The terms of the order creating the child support
29 obligation;

30 (b) The period of the delinquency and the total amount
31 of the delinquency as of the date of the notice;

1 (c) That notification will be given to ~~The intent of~~
2 ~~the Title IV-D agency in IV-D cases or the depository or clerk~~
3 ~~of the court in non-IV-D cases to notify~~ the Department of
4 Highway Safety and Motor Vehicles to suspend the obligor's
5 driver's license and motor vehicle registration unless, within
6 20 ~~15~~ days after the date ~~receipt of~~ the notice is mailed, the
7 obligor:

8 1.a. Pays the delinquency in full;

9 b.2. Enters into a written agreement for payment with
10 the obligee in non-IV-D cases or with the Title IV-D agency in
11 IV-D cases; or

12 c.3. Files a petition with the circuit court to
13 contest the delinquency action; and

14 2. Pays any applicable delinquency fees.

15
16 If the obligor in non-IV-D cases enters into a written
17 agreement for payment before ~~prior to~~ the expiration of the
18 20-day ~~15-day~~ period, he must provide a copy of the signed
19 written agreement to the depository or the clerk of the court.

20 (2) If the obligor does not, within 20 ~~15~~ days after
21 the mailing date on ~~receipt of~~ the notice, pay the
22 delinquency, enter into a payment agreement, or file a motion
23 to contest, the Title IV-D agency in IV-D cases, or the
24 depository or clerk of the court in non-IV-D cases, shall file
25 the notice with the Department of Highway Safety and Motor
26 Vehicles and request the suspension of the obligor's driver's
27 license and motor vehicle registration in accordance with s.
28 322.058.

29 (3) The obligor may, within 20 ~~15~~ days after the
30 mailing date on the ~~receipt of a~~ notice of delinquency and
31 intent to suspend, file in the circuit court a petition to

1 contest the notice of delinquency and intent to suspend on the
2 ground of mistake of fact regarding the existence of a
3 delinquency or the identity of the obligor. The obligor must
4 serve a copy of the petition on the Title IV-D agency in IV-D
5 cases or depository or clerk of the court in non-IV-D cases.
6 When an obligor timely files a petition to contest, the court
7 must hear the matter within 15 days after the petition is
8 filed. The court must enter an order resolving the matter
9 within 10 days after the hearing, and a copy of the order must
10 be served on the parties. The timely filing of a petition to
11 contest stays the notice of delinquency and intent to suspend
12 until the entry of a court order resolving the matter.

13 ~~(4) The Title IV-D agency shall submit a report that~~
14 ~~describes the measured results and effectiveness of the~~
15 ~~driver's license suspension process set forth in this section~~
16 ~~for IV-D cases to the Senate and the House of Representatives~~
17 ~~by February 1, 1997.~~

18 Section 2. Subsections (2) and (3) of section 322.245,
19 Florida Statutes, 1996 Supplement, are amended to read:

20 322.245 Suspension of license upon failure of person
21 charged with specified offense under chapter 316, chapter 320,
22 or this chapter to comply with directives ordered by traffic
23 court or upon failure to pay child support in non-IV-D cases
24 as provided in chapter 61.--

25 (2) In non-IV-D cases, if a person fails to pay child
26 support under chapter 61 and the obligee so requests, the
27 depository or the clerk of the court shall mail in accordance
28 with s. 61.13016 to the person, ~~at the last address of record~~
29 ~~as maintained by the local depository,~~ the notice specified in
30 that section, s. 61.13016 notifying him that if he does not
31 comply with the requirements of that section and pay a

1 delinquency fee of \$10 to the depository or the clerk, his
2 driver's license and motor vehicle registration will be
3 suspended. The delinquency fee may be retained by the
4 depository or the office of the clerk to defray the operating
5 costs of the office.

6 (3) If the person fails to comply with the directives
7 of the court within the 30-day period, or, in non-IV-D cases,
8 fails to comply with the requirements of s. 61.13016 within
9 the ~~15-day~~ period specified in that statute, the depository or
10 the clerk of the court shall notify the department of such
11 failure within 5 days. Upon receipt of the notice, the
12 department shall immediately issue an order suspending the
13 person's driver's license and privilege to drive effective 20
14 days after the date the order of suspension is mailed in
15 accordance with s. 322.251(1), (2), and (6).

16 Section 3. Section 322.32, Florida Statutes, is
17 amended to read:

18 322.32 Unlawful use of license.--It is a misdemeanor
19 of the second degree, punishable as provided in s. 775.082 or
20 s. 775.083, for any person:

21 (1) To display, cause or permit to be displayed, or
22 have in his or her possession any canceled, revoked,
23 suspended, or disqualified, ~~fictitious, or fraudulently~~
24 ~~altered~~ driver's license.

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

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

29 ~~(2)(4)~~ To fail or refuse to surrender to the
30 department upon its lawful demand any driver's license that
31 ~~which~~ has been suspended, revoked, disqualified, or canceled.

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

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

9 (4)(7) To do any act forbidden, or fail to perform any
10 act required, by this chapter.

11 Section 4. Section 322.212, Florida Statutes, is
12 amended to read:

13 322.212 Unauthorized possession of, and other unlawful
14 acts in relation to, driver's license or identification
15 card.--

16 (1) It is unlawful for any person:

17 (a) Knowingly to have in his or her possession or to
18 display any blank, forged, stolen, fictitious, counterfeit, or
19 unlawfully issued driver's license or identification card or
20 any instrument in the similitude of a driver's license or
21 identification card described in s. 322.051 unless possession
22 by such person has been duly authorized by the department;

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

28 (c) Knowingly to have in his or her possession any
29 instrument in the similitude of an identification card issued
30 by the department or its duly authorized agents or those of
31 any state or jurisdiction issuing identification cards

1 recognized in this state for the purpose of indicating a
2 person's true name and age.
3
4 The term "driver's license" includes a driver's license issued
5 by the department or its agents or a driver's license issued
6 by any state or jurisdiction that issues licenses recognized
7 in this state for the operation of a motor vehicle. The term
8 "identification card" includes any identification card issued
9 by the department or its agents or any identification card
10 issued by any state or jurisdiction that issues identification
11 cards recognized in this state for the purpose of indicating a
12 person's true name and age. This subsection does not prohibit
13 a person from possessing or displaying another person's
14 driver's license or identification card for a lawful purpose.
15 (2) It is unlawful for any person to barter, trade,
16 sell, or give away, or allow another to use for an unlawful
17 purpose any driver's license or identification card or to
18 perpetrate a conspiracy to barter, trade, sell, or give away,
19 or allow another to use for an unlawful purpose any such
20 license or identification card unless such person has been
21 duly authorized to issue the license or identification card by
22 the department as provided in this chapter or in the adopted
23 rules and regulations of the department.
24 (3) It is unlawful for any person to display as his or
25 her own, or for any other unlawful purpose, any driver's
26 license or identification card not issued to him or her.
27 (4)~~(3)~~ It is unlawful for any employee of the
28 department to allow or permit the issuance of a driver's
29 license or identification card when he or she knows that the
30 applicant has not lawfully fulfilled the requirements of this
31

1 chapter for the issuance of such license or identification
2 card.

3 ~~(5)(4)~~ It is unlawful for any person to agree to
4 supply or to aid in supplying any person with a driver's
5 license or identification card by any means whatsoever not in
6 accordance with the provisions of this chapter.

7 ~~(6)(a)(5)~~ It is unlawful for any person to use a false
8 or fictitious name in any application for a driver's license
9 or identification card or knowingly to make a false statement,
10 knowingly conceal a material fact, or otherwise commit a fraud
11 in any such application.

12 (b) It is unlawful for any person to have in his or
13 her possession a driver's license or identification card upon
14 which the date of birth has been altered.

15 ~~(7)(6)~~ Any person who violates any of the provisions
16 of this section ~~act~~ is guilty of a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084. However, any person who violates paragraph (6)(a)
19 ~~the provisions of subsection (5)~~ by giving a false age in any
20 application for a driver's license or identification card or
21 who violates paragraph (6)(b) by possessing a driver's
22 license, identification card, or any instrument in the
23 similitude thereof, on which the date of birth has been
24 altered is guilty of a misdemeanor of the second degree,
25 punishable as provided in s. 775.082 or s. 775.083.

26 ~~(8)(7)~~ The ~~foregoing~~ provisions of this section are in
27 addition and supplemental to all other provisions of this
28 chapter and of the laws of this state relating to driver's
29 licenses and identification cards.

30 Section 5. Section 831.29, Florida Statutes, is
31 amended to read:

1 831.29 Making or having instruments and material for
 2 counterfeiting driver's licenses or identification
 3 cards.--Any person who ~~whoever~~ has control, custody, or
 4 possession of any plate, block, press, stone, or other tool,
 5 instrument, or implement, or any part thereof; ~~or whoever~~
 6 engraves, makes, or amends, or begins to engrave, make, or
 7 amend, any plate, block, press, stone, or other tool,
 8 instrument, or implement; ~~or whoever~~ brings into the state
 9 any such plate, block, press, stone, or other tool,
 10 instrument, or implement, or any part thereof, in the
 11 similitude of the driver's licenses or identification
 12 cards issued by the Department of Highway Safety and Motor
 13 Vehicles or its duly authorized agents or those of any state
 14 or jurisdiction that which issues licenses recognized in this
 15 state for the operation of a motor vehicle or that issues
 16 identification cards recognized in this state for the purpose
 17 of indicating a person's true name and age; ~~or whoever~~ has
 18 control, custody, or possession of or makes or provides any
 19 paper or other material adapted and designed for the making of
 20 a false and counterfeit driver's license or identification
 21 card purporting to be issued by the Department of Highway
 22 Safety and Motor Vehicles or its duly authorized agents, or
 23 those of any state or jurisdiction that which issues licenses
 24 recognized in this state for the operation of a motor vehicle
 25 or that issues identification cards recognized in this state
 26 for the purpose of indicating a person's true name and age; or
 27 ~~whoever~~ has in his possession, control, or custody any such
 28 plate or block engraved in any part, or any press or other
 29 tool or, instrument or any paper or other material adapted and
 30 designed as aforesaid, with intent to sell, issue, publish,
 31 pass, or utter the same or to cause or permit the same to be

1 used in forging or making any such false or counterfeit
2 driver's license or identification card; or ~~whoever~~ prints,
3 photographs, or in any manner makes or executes any engraved
4 photograph, print, or impression by any process whatsoever in
5 the similitude of any such licenses or identification cards
6 with the intent to sell, issue, publish, or utter the same or
7 to cause or permit the same to be used in forging or making
8 any such false and counterfeit driver's license or
9 identification card of this state or any state or jurisdiction
10 that ~~which~~ issues licenses recognized in this state for the
11 operation of a motor vehicle or that issues identification
12 cards recognized in this state for the purpose of indicating a
13 person's true name and age is ~~shall be~~ guilty of a felony of
14 the second degree, punishable as provided in s. 775.082, s.
15 775.083, or s. 775.084.

16 Section 6. Paragraphs (a) and (c) of subsection (3) of
17 section 921.0012, Florida Statutes, 1996 Supplement, are
18 amended to read:

19 921.0012 Sentencing guidelines offense levels; offense
20 severity ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	Description
Statute	Degree	
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

1	212.15(2)(b)	3rd	Failure to remit sales taxes,
2			amount greater than \$300 but less
3			than \$20,000.
4	319.30(5)	3rd	Sell, exchange, give away
5			certificate of title or
6			identification number plate.
7	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
8			odometer.
9	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
10			registration license plates or
11			validation stickers.
12	322.212(1)	3rd	Possession of forged, stolen,
13			counterfeit, or unlawfully issued
14			driver's license; <u>possession of</u>
15			<u>simulated identification</u> .
16	322.212(5) (4)	3rd	Supply or aid in supplying
17			unauthorized driver's license <u>or</u>
18			<u>identification card</u> .
19	322.212(6)(a) (5)	3rd	False application for driver's
20			license <u>or identification card</u> .
21	370.13(4)(a)	3rd	Molest any stone crab trap, line,
22			or buoy which is property of
23			licenseholder.
24	370.135(1)	3rd	Molest any blue crab trap, line,
25			or buoy which is property of
26			licenseholder.
27	372.663(1)	3rd	Poach any alligator or
28			crocodilia.
29			
30			
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1	414.39(2)	3rd	Unauthorized use, possession,
2			forgery, or alteration of food
3			stamps, Medicaid ID, value
4			greater than \$200.
5	414.39(3)(a)	3rd	Fraudulent misappropriation of
6			public assistance funds by
7			employee/official, value more
8			than \$200.
9	443.071(1)	3rd	False statement or representation
10			to obtain or increase
11			unemployment compensation
12			benefits.
13	458.327(1)(a)	3rd	Unlicensed practice of medicine.
14	466.026(1)(a)	3rd	Unlicensed practice of dentistry
15			or dental hygiene.
16	509.151(1)	3rd	Defraud an innkeeper, food or
17			lodging value greater than \$300.
18	517.302(1)	3rd	Violation of the Florida
19			Securities and Investor
20			Protection Act.
21	562.27(1)	3rd	Possess still or still apparatus.
22	713.69	3rd	Tenant removes property upon
23			which lien has accrued, value
24			more than \$50.
25	812.014(3)(c)	3rd	Petit theft (3rd conviction);
26			theft of any property not
27			specified in subsection (2).
28	812.081(2)	3rd	Unlawfully makes or causes to be
29			made a reproduction of a trade
30			secret.
31			

1	815.04(4)(a)	3rd	Offense against intellectual
2			property (i.e., computer
3			programs, data).
4	817.52(2)	3rd	Hiring with intent to defraud,
5			motor vehicle services.
6	826.01	3rd	Bigamy.
7	828.122(3)	3rd	Fighting or baiting animals.
8	831.04(1)	3rd	Any erasure, alteration, etc., of
9			any replacement deed, map, plat,
10			or other document listed in s.
11			92.28.
12	831.31(1)(a)	3rd	Sell, deliver, or possess
13			counterfeit controlled
14			substances, all but s. 893.03(5)
15			drugs.
16	832.041(1)	3rd	Stopping payment with intent to
17			defraud \$150 or more.
18	832.05		
19	(2)(b) & (4)(c)	3rd	Knowing, making, issuing
20			worthless checks \$150 or more or
21			obtaining property in return for
22			worthless check \$150 or more.
23	838.015(3)	3rd	Bribery.
24	838.016(1)	3rd	Public servant receiving unlawful
25			compensation.
26	838.15(2)	3rd	Commercial bribe receiving.
27	838.16	3rd	Commercial bribery.
28	843.18	3rd	Fleeing by boat to elude a law
29			enforcement officer.
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1	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
2			lewd, etc., material (2nd
3			conviction).
4	849.01	3rd	Keeping gambling house.
5	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
6			or assist therein, conduct or
7			advertise drawing for prizes, or
8			dispose of property or money by
9			means of lottery.
10	849.23	3rd	Gambling-related machines;
11			"common offender" as to property
12			rights.
13	849.25(2)	3rd	Engaging in bookmaking.
14	860.08	3rd	Interfere with a railroad signal.
15	860.13(1)(a)	3rd	Operate aircraft while under the
16			influence.
17	893.13(2)(a)2.	3rd	Purchase of cannabis.
18	893.13(6)(a)	3rd	Possession of cannabis (more than
19			20 grams).
20	893.13(7)(a)10.	3rd	Affix false or forged label to
21			package of controlled substance.
22	934.03(1)(a)	3rd	Intercepts, or procures any other
23			person to intercept, any wire or
24			oral communication.
25			
26			(c) LEVEL 3
27	39.061	3rd	Escapes from juvenile facility
28			(secure detention or residential
29			commitment facility).
30			
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1	319.30(4)	3rd	Possession by junkyard of motor
2			vehicle with identification
3			number plate removed.
4	319.33(1)(a)	3rd	Alter or forge any certificate of
5			title to a motor vehicle or
6			mobile home.
7	319.33(1)(c)	3rd	Procure or pass title on stolen
8			vehicle.
9	319.33(4)	3rd	With intent to defraud, possess,
10			sell, etc., a blank, forged, or
11			unlawfully obtained title or
12			registration.
13	328.05(2)	3rd	Possess, sell, or counterfeit
14			fictitious, stolen, or fraudulent
15			titles or bills of sale of
16			vessels.
17	328.07(4)	3rd	Manufacture, exchange, or possess
18			vessel with counterfeit or wrong
19			ID number.
20	376.302(5)	3rd	Fraud related to reimbursement
21			for cleanup expenses under the
22			Inland Protection Trust Fund.
23	501.001(2)(b)	2nd	Tampers with a consumer product
24			or the container using materially
25			false/misleading information.
26	697.08	3rd	Equity skimming.
27	790.15(3)	3rd	Person directs another to
28			discharge firearm from a vehicle.
29	796.05(1)	3rd	Live on earnings of a prostitute.
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1	806.10(1)	3rd	Maliciously injure, destroy, or
2			interfere with vehicles or
3			equipment used in firefighting.
4	806.10(2)	3rd	Interferes with or assaults
5			firefighter in performance of
6			duty.
7	810.09(2)(c)	3rd	Trespass on property other than
8			structure or conveyance armed
9			with firearm or dangerous weapon.
10	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
11			less than \$10,000.
12	815.04(4)(b)	2nd	Computer offense devised to
13			defraud or obtain property.
14	817.034(4)(a)3.	3rd	Engages in scheme to defraud
15			(Florida Communications Fraud
16			Act), property valued at less
17			than \$20,000.
18	817.233	3rd	Burning to defraud insurer.
19	828.12(2)	3rd	Tortures any animal with intent
20			to inflict intense pain, serious
21			physical injury, or death.
22	831.29	2nd	Possession of instruments for
23			counterfeiting <u>driver's drivers+</u>
24			<u>licenses or identification cards.</u>
25	838.021(3)(b)	3rd	Threatens unlawful harm to public
26			servant.
27	843.19	3rd	Injure, disable, or kill police
28			dog or horse.
29	870.01(2)	3rd	Riot; inciting or encouraging.
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31			

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

Section 7. This act shall take effect October 1, 1997.