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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; amending s. 322.212, F.S.; providing
13 that it is unlawful for any person knowingly to
14 possess any instrument in the similitude of a
15 driver's license issued by the Department of
16 Highway Safety and Motor Vehicles or of any
17 other state or jurisdiction that issues
18 licenses recognized in this state for the
19 operation of a motor vehicle, or any
20 identification card issued by the department or
21 of another state or jurisdiction, unless
22 possession by such person has been duly
23 authorized by the department; providing
24 penalties; amending s. 831.29, F.S.;
25 prohibiting the possession, use, or transport
26 of implements and materials used to produce
27 identification cards; amending s. 921.0012,
28 F.S.; conforming cross-references; providing an
29 effective date.
30
31 Be It Enacted by the Legislature of the State of Florida:

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

3 61.13016 Suspension of driver's licenses and motor
4 vehicle registrations.--

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

21 (a) The terms of the order creating the child support
22 obligation;

23 (b) The period of the delinquency and the total amount
24 of the delinquency as of the date of the notice;

25 (c) That notification will be given to ~~The intent of~~
26 ~~the Title IV-D agency in IV-D cases or the depository or clerk~~
27 ~~of the court in non-IV-D cases to notify~~ the Department of
28 Highway Safety and Motor Vehicles to suspend the obligor's
29 driver's license and motor vehicle registration unless, within
30 20 ~~15~~ days after the date ~~receipt of~~ the notice is mailed, the
31 obligor:

- 1 1.a. Pays the delinquency in full;
2 ~~b.2.~~ Enters into a written agreement for payment with
3 the obligee in non-IV-D cases or with the Title IV-D agency in
4 IV-D cases; or
5 ~~c.3.~~ Files a petition with the circuit court to
6 contest the delinquency action; and
7 2. Pays any applicable delinquency fees.

8
9 If the obligor in non-IV-D cases enters into a written
10 agreement for payment before ~~prior to~~ the expiration of the
11 20-day ~~15-day~~ period, he must provide a copy of the signed
12 written agreement to the depository or the clerk of the court.

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

22 (3) The obligor may, within 20 ~~15~~ days after the
23 mailing date on the ~~receipt of a~~ notice of delinquency and
24 intent to suspend, file in the circuit court a petition to
25 contest the notice of delinquency and intent to suspend on the
26 ground of mistake of fact regarding the existence of a
27 delinquency or the identity of the obligor. The obligor must
28 serve a copy of the petition on the Title IV-D agency in IV-D
29 cases or depository or clerk of the court in non-IV-D cases.
30 When an obligor timely files a petition to contest, the court
31 must hear the matter within 15 days after the petition is

1 filed. The court must enter an order resolving the matter
2 within 10 days after the hearing, and a copy of the order must
3 be served on the parties. The timely filing of a petition to
4 contest stays the notice of delinquency and intent to suspend
5 until the entry of a court order resolving the matter.

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

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

13 322.245 Suspension of license upon failure of person
14 charged with specified offense under chapter 316, chapter 320,
15 or this chapter to comply with directives ordered by traffic
16 court or upon failure to pay child support in non-IV-D cases
17 as provided in chapter 61.--

18 (2) In non-IV-D cases, if a person fails to pay child
19 support under chapter 61 and the obligee so requests, the
20 depository or the clerk of the court shall mail in accordance
21 with s. 61.13016 ~~to the person, at the last address of record~~
22 ~~as maintained by the local depository,~~ the notice specified in
23 that section, ~~s. 61.13016~~ notifying him that if he does not
24 comply with the requirements of that section and pay a
25 delinquency fee of \$10 to the depository or the clerk, his
26 driver's license and motor vehicle registration will be
27 suspended. The delinquency fee may be retained by the
28 depository or the office of the clerk to defray the operating
29 costs of the office.

30 (3) If the person fails to comply with the directives
31 of the court within the 30-day period, or, in non-IV-D cases,

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

9 Section 3. Section 322.32, Florida Statutes, is
10 amended to read:

11 322.32 Unlawful use of license.--It is a misdemeanor
12 of the second degree, punishable as provided in s. 775.082 or
13 s. 775.083, for any person:

14 (1) To display, cause or permit to be displayed, or
15 have in his or her possession any canceled, revoked,
16 suspended, or disqualified, ~~fictitious, or fraudulently~~
17 ~~altered~~ driver's license.

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

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

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

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

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

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

5 Section 4. Section 322.212, Florida Statutes, is
6 amended to read:

7 322.212 Unauthorized possession of, and other unlawful
8 acts in relation to, driver's license or identification
9 card.--

10 (1) It is unlawful for any person:

11 (a) Knowingly to have in his or her possession or to
12 display any blank, forged, stolen, fictitious, counterfeit, or
13 unlawfully issued driver's license or identification card or
14 any instrument in the similitude of a driver's license or
15 identification card ~~described in s. 322.051~~ unless possession
16 by such person has been duly authorized by the department;

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

22 (c) Knowingly to have in his or her possession any
23 instrument in the similitude of an identification card issued
24 by the department or its duly authorized agents or those of
25 any state or jurisdiction issuing identification cards
26 recognized in this state for the purpose of indicating a
27 person's true name and age.

28
29 The term "driver's license" includes a driver's license issued
30 by the department or its agents or a driver's license issued
31 by any state or jurisdiction that issues licenses recognized

1 in this state for the operation of a motor vehicle. The term
2 "identification card" includes any identification card issued
3 by the department or its agents or any identification card
4 issued by any state or jurisdiction that issues identification
5 cards recognized in this state for the purpose of indicating a
6 person's true name and age. This subsection does not prohibit
7 a person from possessing or displaying another person's
8 driver's license or identification card for a lawful purpose.

9 (2) It is unlawful for any person to barter, trade,
10 sell, or give away any driver's license or identification card
11 or to perpetrate a conspiracy to barter, trade, sell, or give
12 away any such license or identification card unless such
13 person has been duly authorized to issue the license or
14 identification card by the department as provided in this
15 chapter or in the adopted rules ~~and regulations~~ of the
16 department.

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

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

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

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

4 (6) Any person who violates any of the provisions of
5 this ~~section act~~ is guilty of a felony of the third degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084. However, any person who violates paragraph (5)(a)
8 ~~the provisions of subsection (5)~~ by giving a false age in any
9 application for a driver's license or identification card or
10 who violates paragraph (5)(b) by possessing a driver's
11 license, identification card, or any instrument in the
12 similitude thereof, on which the date of birth has been
13 altered is guilty of a misdemeanor of the second degree,
14 punishable as provided in s. 775.082 or s. 775.083.

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

19 Section 5. Section 831.29, Florida Statutes, is
20 amended to read:

21 831.29 Making or having instruments and material for
22 counterfeiting driver's licenses or identification
23 cards. ~~--Any person who~~ ~~whoever~~ has control, custody, or
24 possession of any plate, block, press, stone, or other tool,
25 instrument, or implement, or any part thereof; ~~or whoever~~
26 engraves, makes, or amends, or begins to engrave, make, or
27 amend, any plate, block, press, stone, or other tool,
28 instrument, or implement; ~~or whoever~~ brings into the state
29 any such plate, block, press, stone, or other tool,
30 instrument, or implement, or any part thereof, in the
31 similitude of the driver's licenses or identification

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

1 cards recognized in this state for the purpose of indicating a
 2 person's true name and age is ~~shall be~~ guilty of a felony of
 3 the second degree, punishable as provided in s. 775.082, s.
 4 775.083, or s. 775.084.

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

8 921.0012 Sentencing guidelines offense levels; offense
 9 severity ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

11 Florida	Felony	
12 Statute	Degree	Description
		14 (a) LEVEL 1
15 24.118(3)(a)	3rd	Counterfeit or altered state 16 lottery ticket.
17 212.054(2)(b)	3rd	Discretionary sales surtax; 18 limitations, administration, and 19 collection.
20 212.15(2)(b)	3rd	Failure to remit sales taxes, 21 amount greater than \$300 but less 22 than \$20,000.
23 319.30(5)	3rd	Sell, exchange, give away 24 certificate of title or 25 identification number plate.
26 319.35(1)(a)	3rd	Tamper, adjust, change, etc., an 27 odometer.
28 320.26(1)(a)	3rd	Counterfeit, manufacture, or sell 29 registration license plates or 30 validation stickers.
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1	322.212(1)	3rd	Possession of forged, stolen,
2			counterfeit, or unlawfully issued
3			driver's license; <u>possession of</u>
4			<u>simulated identification</u> .
5	322.212(4)	3rd	Supply or aid in supplying
6			unauthorized driver's license <u>or</u>
7			<u>identification card</u> .
8	322.212(5)(a)	3rd	False application for driver's
9			license <u>or identification card</u> .
10	370.13(4)(a)	3rd	Molest any stone crab trap, line,
11			or buoy which is property of
12			licenseholder.
13	370.135(1)	3rd	Molest any blue crab trap, line,
14			or buoy which is property of
15			licenseholder.
16	372.663(1)	3rd	Poach any alligator or
17			crocodilia.
18	414.39(2)	3rd	Unauthorized use, possession,
19			forgery, or alteration of food
20			stamps, Medicaid ID, value
21			greater than \$200.
22	414.39(3)(a)	3rd	Fraudulent misappropriation of
23			public assistance funds by
24			employee/official, value more
25			than \$200.
26	443.071(1)	3rd	False statement or representation
27			to obtain or increase
28			unemployment compensation
29			benefits.
30	458.327(1)(a)	3rd	Unlicensed practice of medicine.
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1	466.026(1)(a)	3rd	Unlicensed practice of dentistry
2			or dental hygiene.
3	509.151(1)	3rd	Defraud an innkeeper, food or
4			lodging value greater than \$300.
5	517.302(1)	3rd	Violation of the Florida
6			Securities and Investor
7			Protection Act.
8	562.27(1)	3rd	Possess still or still apparatus.
9	713.69	3rd	Tenant removes property upon
10			which lien has accrued, value
11			more than \$50.
12	812.014(3)(c)	3rd	Petit theft (3rd conviction);
13			theft of any property not
14			specified in subsection (2).
15	812.081(2)	3rd	Unlawfully makes or causes to be
16			made a reproduction of a trade
17			secret.
18	815.04(4)(a)	3rd	Offense against intellectual
19			property (i.e., computer
20			programs, data).
21	817.52(2)	3rd	Hiring with intent to defraud,
22			motor vehicle services.
23	826.01	3rd	Bigamy.
24	828.122(3)	3rd	Fighting or baiting animals.
25	831.04(1)	3rd	Any erasure, alteration, etc., of
26			any replacement deed, map, plat,
27			or other document listed in s.
28			92.28.
29			
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1	831.31(1)(a)	3rd	Sell, deliver, or possess
2			counterfeit controlled
3			substances, all but s. 893.03(5)
4			drugs.
5	832.041(1)	3rd	Stopping payment with intent to
6			defraud \$150 or more.
7	832.05		
8	(2)(b) & (4)(c)	3rd	Knowing, making, issuing
9			worthless checks \$150 or more or
10			obtaining property in return for
11			worthless check \$150 or more.
12	838.015(3)	3rd	Bribery.
13	838.016(1)	3rd	Public servant receiving unlawful
14			compensation.
15	838.15(2)	3rd	Commercial bribe receiving.
16	838.16	3rd	Commercial bribery.
17	843.18	3rd	Fleeing by boat to elude a law
18			enforcement officer.
19	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
20			lewd, etc., material (2nd
21			conviction).
22	849.01	3rd	Keeping gambling house.
23	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
24			or assist therein, conduct or
25			advertise drawing for prizes, or
26			dispose of property or money by
27			means of lottery.
28	849.23	3rd	Gambling-related machines;
29			"common offender" as to property
30			rights.
31	849.25(2)	3rd	Engaging in bookmaking.

1	860.08	3rd	Interfere with a railroad signal.
2	860.13(1)(a)	3rd	Operate aircraft while under the
3			influence.
4	893.13(2)(a)2.	3rd	Purchase of cannabis.
5	893.13(6)(a)	3rd	Possession of cannabis (more than
6			20 grams).
7	893.13(7)(a)10.	3rd	Affix false or forged label to
8			package of controlled substance.
9	934.03(1)(a)	3rd	Intercepts, or procures any other
10			person to intercept, any wire or
11			oral communication.
12			
13			(c) LEVEL 3
14	39.061	3rd	Escapes from juvenile facility
15			(secure detention or residential
16			commitment facility).
17	319.30(4)	3rd	Possession by junkyard of motor
18			vehicle with identification
19			number plate removed.
20	319.33(1)(a)	3rd	Alter or forge any certificate of
21			title to a motor vehicle or
22			mobile home.
23	319.33(1)(c)	3rd	Procure or pass title on stolen
24			vehicle.
25	319.33(4)	3rd	With intent to defraud, possess,
26			sell, etc., a blank, forged, or
27			unlawfully obtained title or
28			registration.
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1997 Legislature

HB 507, Second Engrossed

1	328.05(2)	3rd	Possess, sell, or counterfeit
2			fictitious, stolen, or fraudulent
3			titles or bills of sale of
4			vessels.
5	328.07(4)	3rd	Manufacture, exchange, or possess
6			vessel with counterfeit or wrong
7			ID number.
8	376.302(5)	3rd	Fraud related to reimbursement
9			for cleanup expenses under the
10			Inland Protection Trust Fund.
11	501.001(2)(b)	2nd	Tampers with a consumer product
12			or the container using materially
13			false/misleading information.
14	697.08	3rd	Equity skimming.
15	790.15(3)	3rd	Person directs another to
16			discharge firearm from a vehicle.
17	796.05(1)	3rd	Live on earnings of a prostitute.
18	806.10(1)	3rd	Maliciously injure, destroy, or
19			interfere with vehicles or
20			equipment used in firefighting.
21	806.10(2)	3rd	Interferes with or assaults
22			firefighter in performance of
23			duty.
24	810.09(2)(c)	3rd	Trespass on property other than
25			structure or conveyance armed
26			with firearm or dangerous weapon.
27	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
28			less than \$10,000.
29	815.04(4)(b)	2nd	Computer offense devised to
30			defraud or obtain property.
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1	817.034(4)(a)3.	3rd	Engages in scheme to defraud
2			(Florida Communications Fraud
3			Act), property valued at less
4			than \$20,000.
5	817.233	3rd	Burning to defraud insurer.
6	828.12(2)	3rd	Tortures any animal with intent
7			to inflict intense pain, serious
8			physical injury, or death.
9	831.29	2nd	Possession of instruments for
10			counterfeiting <u>driver's</u> drivers'
11			licenses <u>or identification cards</u> .
12	838.021(3)(b)	3rd	Threatens unlawful harm to public
13			servant.
14	843.19	3rd	Injure, disable, or kill police
15			dog or horse.
16	870.01(2)	3rd	Riot; inciting or encouraging.
17	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
18			cannabis (or other s.
19			893.03(1)(c), (2)(c), (3), or (4)
20			drugs).
21	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
22			893.03(1)(c), (2)(c), (3), or (4)
23			drugs within 200 feet of
24			university, public housing
25			facility, or public park.
26	893.13(6)(a)	3rd	Possession of any controlled
27			substance other than felony
28			possession of cannabis.
29	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
30			controlled substance by fraud,
31			forgery, misrepresentation, etc.

1	893.13(7)(a)11.	3rd	Furnish false or fraudulent
2			material information on any
3			document or record required by
4			chapter 893.
5	918.13(1)(a)	3rd	Alter, destroy, or conceal
6			investigation evidence.
7	944.47		
8	(1)(a)1.-2.	3rd	Introduce contraband to
9			correctional facility.
10	944.47(1)(c)	2nd	Possess contraband while upon the
11			grounds of a correctional
12			institution.

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