

By the Committee on Criminal Justice; and Senator Burt

307-1787-02

1                                   A bill to be entitled  
2           An act relating to unlawful activities  
3           involving driver's licenses and identification  
4           cards; amending s. 322.212, F.S.; prohibiting a  
5           person from knowingly selling, manufacturing,  
6           or delivering, or offering to sell,  
7           manufacture, or deliver, any blank, forged,  
8           stolen, fictitious, counterfeit, or unlawfully  
9           issued driver's license or identification card  
10          or any instrument in the similitude of such  
11          license or such card; providing a penalty;  
12          authorizing investigations of violations of  
13          this section; providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Subsections (1) and (6) of section 322.212,  
18 Florida Statutes, are amended to read:

19           322.212 Unauthorized possession of, and other unlawful  
20 acts in relation to, driver's license or identification  
21 card.--

22           (1) It is unlawful for any person to:

23           (a) Knowingly ~~to~~ have in his or her possession or to  
24 display any blank, forged, stolen, fictitious, counterfeit, or  
25 unlawfully issued driver's license or identification card or  
26 any instrument in the similitude of a driver's license or  
27 identification card unless possession by such person has been  
28 duly authorized by the department;

29           (b) Knowingly ~~to~~ have in his or her possession any  
30 instrument in the similitude of a driver's license issued by  
31 the department or its duly authorized agents or those of any

1 state or jurisdiction issuing licenses recognized in this  
2 state for the operation of a motor vehicle; ~~or~~

3 (c) Knowingly ~~to~~ have in his or her possession any  
4 instrument in the similitude of an identification card issued  
5 by the department or its duly authorized agents or those of  
6 any state or jurisdiction issuing identification cards  
7 recognized in this state for the purpose of indicating a  
8 person's true name and age; ~~or-~~

9 (d) Knowingly sell, manufacture, or deliver, or  
10 knowingly offer to sell, manufacture, or deliver, a blank,  
11 forged, stolen, fictitious, counterfeit, or unlawfully issued  
12 driver's license or identification card, or an instrument in  
13 the similitude of a driver's license or identification card,  
14 unless that person is authorized to do so by the department. A  
15 violation of this paragraph may be investigated by any law  
16 enforcement agency, including the Division of Alcoholic  
17 Beverages and Tobacco.

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

30 (6) Except as otherwise provided in this subsection,  
31 any person who violates any of the provisions of this section

1 is guilty of a felony of the third degree, punishable as  
2 provided in s. 775.082, s. 775.083, or s. 775.084. ~~However,~~  
3 Any person who violates paragraph (5)(a) by giving a false age  
4 in any application for a driver's license or identification  
5 card or who violates paragraph (5)(b) by possessing a driver's  
6 license, identification card, or any instrument in the  
7 similitude thereof, on which the date of birth has been  
8 altered is guilty of a misdemeanor of the second degree,  
9 punishable as provided in s. 775.082 or s. 775.083. Any person  
10 who violates paragraph (1)(d) commits a felony of the second  
11 degree, punishable as provided in s. 775.082, s. 775.083, or  
12 s. 775.084.

13 Section 2. This act shall take effect October 1, 2002.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16 COMMITTEE SUBSTITUTE FOR  
17 Senate Bill 306

18 Authorizes any law enforcement agency, including the Division  
19 of Alcoholic Beverages and Tobacco to, investigate unlawful  
20 sale, manufacture, or deliver of blank, forged, stolen,  
21 fictitious, counterfeit, or unlawfully issued driver's  
22 licenses or state identification cards.  
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