

STORAGE NAME: h1683a.cpcs.doc

DATE: April 12, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME PREVENTION, CORRECTIONS & SAFETY
ANALYSIS**

BILL #: HB 1683

RELATING TO: Unlawful Activities/Driver's Licenses

SPONSOR(S): Representative(s) Miller

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME PREVENTION, CORRECTIONS & SAFETY YEAS 5 NAYS 0
 - (2) TRANSPORTATION
 - (3) COUNCIL FOR HEALTHY COMMUNITIES
 - (4)
 - (5)
-

I. SUMMARY:

The bill amends s. 322.212, F.S. to make it a second degree felony to knowingly sell, manufacture, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the likeness of a driver's license or identification card unless the person has been authorized by the Department of Highway Safety and Motor Vehicles.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 322.212, F.S. makes it unlawful for any person to:

1. Knowingly to have in his or her possession or to display any blank, forged, stolen fictitious, counterfeit or unlawfully issued driver's license or identification card or any instrument in the similitude (likeness) of a driver's license or identification card unless the possession has been authorized by the department.
2. Knowingly to have in his or her possession any instrument in the similitude of a driver's license or identification card issued by the department.

These offenses are third degree felonies, punishable by a maximum of 5 year imprisonment.

Section 831.29, F.S. prohibits several activities involving the possession or use of instruments for counterfeiting driver's licenses. The section provides, in part, that any person who

prints, photographs, or in any manner makes or executes any engraved photograph, print, or impression by any process whatsoever in the similitude of any such license or identification cards with the intent to sell, issue, publish or utter the same.....

commits a second degree felony which is ranked in level 3 of the offense severity ranking chart of the Criminal Punishment Code. s. 921.0022(3)(c), F.S.

C. EFFECT OF PROPOSED CHANGES:

The bill amends s. 322.212 to make it a second degree felony to knowingly sell, manufacture, or deliver or offer to sell, manufacture, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of a driver's license or identification card unless the person has been authorized by the department.

The bill further provides that violations of this paragraph may be investigated by any state agency, including but not limited to, the Division of Alcoholic Beverages and Tobacco.¹

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 322.212, F.S. to make it unlawful to sell driver's licenses unless authorized by the department.

Section 2: Provides effective date of October 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See fiscal comments.

D. FISCAL COMMENTS:

This bill creates a second degree felony offense for a person who sells, manufactures or delivers any blank, forged, stolen or counterfeited driver's license. The bill does not rank the offense in the Offense Severity Ranking Chart of the Criminal Punishment Code. The offense will therefore default to Level 4. The lowest permissible sentence for such an offense is a nonstate prison sanction. The maximum sentence for a second degree felony is fifteen years in prison. The Criminal Justice Impact Conference has not met to consider the prison bed impact of this bill on the Department of Corrections. However, it is expected that the bill will have an insignificant prison bed impact.

¹ The Division of Alcoholic Beverages and Tobacco is within the Department of Business and Professional Regulation. It is not clear why this particular division is specifically mentioned in the bill when the bill also states that an investigation can be conducted by "any state agency".

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill is exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON CRIME PREVENTION, CORRECTIONS & SAFETY:

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