

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 306  
 SPONSOR: Criminal Justice Committee and Senator Burt  
 SUBJECT: Crimes/Driver's Licenses and Identification Cards  
 DATE: January 29, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable/CS
2.	_____	_____	APJ	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Committee Substitute for Senate Bill 306 makes it a second degree felony to knowingly sell, manufacture, or deliver, or knowingly to 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 such person has been duly authorized by the Department of Highway Safety and Motor Vehicles (DHSMV). Any of these violations may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

This CS substantially amends s. 322.212, F.S.

**II. Present Situation:**

Section 322.212, F.S., provides it is unlawful for any person to possess or to display 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. Similarly, this section provides it is unlawful for any person to have in his or her possession any instrument in the similitude of a driver’s license issued by DHSMV or its duly authorized agents for the purpose of operating a motor vehicle. Violation of this section is punishable as a third-degree felony (5 years imprisonment and \$5,000 fine). However, anyone who provides a false age in an application or who possesses a driver’s license, identification card, or similar document on which the date of birth has been altered is guilty of a misdemeanor of the second-degree. While current law addresses the possession or display of specified documents, there is no provision in statute that addresses the sale, manufacture, or delivery of such documents.

**III. Effect of Proposed Changes:**

CS/SB 306 makes it a second-degree felony to knowingly sell, manufacture, or deliver, or knowingly to 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 such person has been duly authorized by the Department of Highway Safety and Motor Vehicles. Any of these violations may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

The act takes effect October 1, 2002.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference has not yet met to determine if CS/SB 306 will have any prison bed impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Florida's requirements relating to the issuance of driver licenses and identification cards have received considerable scrutiny in the wake of the events of September 11, 2001. A number of

parties have called attention to the fact that of the 19 confirmed hijackers, 13 had Florida driver's licenses or identification cards. While a driver's license is not required to board a plane (any photo identification is acceptable), possession of a driver's license or identification card may have provided some legitimacy to the terrorists, lowering the risk of suspicion as they rented apartments, hotel rooms, and cars. It should be noted that investigators have determined that all 13 of the subject hijackers obtained their Florida driver's license or identification card through legitimate means. It is also important to note that the existence of these records were critical in enabling investigators to reconstruct the movements and activities of the terrorists during the time leading up to the events of September 11, 2001.

The CS provides that it is illegal to sell, manufacture, or deliver a fraudulent driver's license. This provision will strengthen law enforcement's efforts to curb identity theft and related criminal activity.

### **VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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