

STORAGE NAME: h0899s1.ric.doc

DATE: February 25, 2002

HOUSE OF REPRESENTATIVES

COUNCIL FOR READY INFRASTRUCTURE ANALYSIS

BILL #: CS/HB 899

RELATING TO: Unlawful Activities Involving Driver's Licenses and Identification Cards

SPONSOR(S): Council for Ready Infrastructure and Representative(s) Russell & others

TIED BILL(S): None

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

- (1) TRANSPORTATION YEAS 12 NAYS 0
 - (2) SECURITY, SELECT YEAS 9 NAYS 0
 - (3) COUNCIL FOR READY INFRASTRUCTURE YEAS 16 NAYS 0
 - (4)
 - (5)
-

I. SUMMARY:

Under current law, it is illegal to possess or display blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's licenses and identification cards (ID cards), and a violation is punishable as a third-degree felony. Current law does not address the sale, manufacture, or delivery of such documents.

This bill makes it a third-degree felony to knowingly sell, manufacture, or deliver, or knowingly offer to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license, ID card, or likeness without authorization from the Department of Highway Safety and Motor Vehicles.

As provided in the bill, these violations may be investigated by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

The bill does not appear to have a fiscal impact on state or local governments.

The effective date of the bill is October 1, 2002.

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 checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

Individual Freedom: The bill establishes a criminal penalty for certain activities relating to the sale, manufacture, and delivery of fake or illegally obtained driver's licenses or identification cards.

Lower Taxes: The bill creates a new third-degree felony offense with a punishment that includes a fine up to \$5,000.

B. PRESENT SITUATION:

Under s. 322.212, F.S., without prior authorization from the Department of Highway Safety and Motor Vehicles (DHSMV), it is unlawful for any person to knowingly:

- Possess or display any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or ID card, or any instrument resembling a driver's license or ID card;
- Possess any instrument resembling a driver's license issued by DHSMV, its agents, or the corresponding agency of another state;
- Possess any instrument resembling an ID card issued by DHSMV, its agents, or the corresponding agency of another state.

Violation of these provisions will usually constitute a third-degree felony. However, it is only a second-degree misdemeanor when a driver's license or ID card is unlawfully issued as a result of a person giving a false age in an application for a driver's license or an ID card, or when a person possesses a driver's license, identification card, or a document resembling one of them, with an altered date of birth.

Currently, Florida law does not specifically prohibit a person from selling, manufacturing, or delivering blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's licenses, ID cards, or instruments resembling them.

C. EFFECT OF PROPOSED CHANGES:

The bill makes it a third-degree felony for a person to knowingly sell, manufacture, or deliver, or to knowingly offer to sell, manufacture, or deliver, any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card, or document resembling them, unless that person has received authorization from DHSMV.

Violation of these prohibitions may be investigated by any law enforcement agency, including, but not limited to, the Division of Alcoholic Beverages and Tobacco.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 322.212, F.S.; provides that it is a third-degree felony to knowingly sell, manufacture or deliver, or to knowingly offer to sell, manufacture, or deliver a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or ID card. Authorizes investigation by any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco.

Section 2. Provides an effective date of October 1, 2002.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to expend funds or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that cities or counties 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 cities or counties.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

This bill contains provisions that are identical to provisions contained in CS/CS/HB 223.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 30, 2002, the Committee on Transportation adopted one amendment. The amendment provides that any law enforcement agency, including the Division of Alcoholic Beverages and Tobacco, may investigate crimes specified in the bill. Originally, the bill authorized investigation by "any state agency," which would have excluded investigation by local and federal law enforcement.

On February 26, 2002, the Ready Infrastructure Council adopted one amendment by Rep. Ball. The amendment reduces from second- to third-degree felony the new offense created in the bill related to the manufacturing or selling of a fictitious driver's license or ID card. The bill was reported favorably as a council substitute.

VI. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

William C. Garner

Staff Director:

Phillip B. Miller

AS REVISED BY THE SELECT COMMITTEE ON SECURITY:

Prepared by:

Lynn Dodson

Staff Director:

Thomas J. Randle/Richard Hixson

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Prepared by:

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AS FURTHER REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

Prepared by:

Council Director:

Randy L. Havlicak

Thomas J. Randle