

# 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: SB 1634

SPONSOR: Senator Burt

SUBJECT: Unlawful Activities/Driver's License

DATE: March 23, 2001      REVISED: \_\_\_\_\_

|    | ANALYST         | STAFF DIRECTOR | REFERENCE  | ACTION           |
|----|-----------------|----------------|------------|------------------|
| 1. | <u>Vickers</u>  | <u>Meyer</u>   | <u>TR</u>  | <u>Favorable</u> |
| 2. | <u>Erickson</u> | <u>Cannon</u>  | <u>CJ</u>  | <u>Favorable</u> |
| 3. | _____           | _____          | <u>APJ</u> | _____            |
| 4. | _____           | _____          | <u>AP</u>  | _____            |
| 5. | _____           | _____          | _____      | _____            |
| 6. | _____           | _____          | _____      | _____            |

**I. Summary:**

This bill provides it is unlawful to sell, manufacturer, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or similar document without approval by the Department of Highway Safety and Motor Vehicles. Violation of this provision would constitute a second degree felony punishable by a term of imprisonment of 15 years and a \$10,000 fine.

This bill substantially amends section 322.212 of the Florida Statutes.

**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 that is unlawful for any person to have in his or her possession any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles 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:**

This bill amends s. 322.212, F.S., to provide it is unlawful to sell, manufacturer, or deliver any blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or similar document without approval by the Department. Violation of this section would constitute a second degree felony punishable by a term of imprisonment of 15 years and a \$10,000 fine. The bill also provides that violations may be investigated by any state agency, including, the Division of Alcoholic Beverages and Tobacco.

**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:**

This bill provides that the sale, manufacture, or delivery of a blank, forged, stolen, fictitious, counterfeit, or unlawfully issued driver's license or identification card or similar document would be punishable as a second degree felony. Possession or display of such a document would continue to be a third degree felony.

**C. Government Sector Impact:**

This bill will have minimal fiscal impact on the government sector.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**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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