

STORAGE NAME: h0899a.tr.doc
DATE: January 30, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 899
RELATING TO: Unlawful Activities Involving Driver's Licenses and Identification Cards
SPONSOR(S): Representative(s) Russell
TIED BILL(S): None

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

- (1) TRANSPORTATION YEAS 12 NAYS 0
 - (2) SELECT COMMITTEE ON SECURITY
 - (3) READY INFRASTRUCTURE COUNCIL
 - (4)
 - (5)
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I. SUMMARY:

Under current law, a number of possession offenses relating to fake, counterfeit or unlawfully issued driver's licenses and identification cards (ID cards) are punishable as third-degree felonies. Certain other lesser possession offenses related to driver's license and ID cards are punishable as second-degree misdemeanors.

The bill prohibits as a second-degree felony:

- The knowing, unauthorized sale, manufacture or delivery of blank, stolen, forged, fictitious, counterfeit, or unlawfully issued driver's licenses or ID cards.
- The knowing, unauthorized *offer of* sale, manufacture or delivery of blank, stolen, forged, fictitious, counterfeit, or unlawfully issued driver's licenses or ID cards.

Any state agency, including the Division of Alcoholic Beverages and Tobacco, may investigate these crimes.

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

[Note: On January 30, 2002, the Committee on Transportation adopted one amendment. The bill was then reported FAVORABLY and the amendment is traveling with the bill. For more details see the AMENDMENTS AND COMMITTEE SUBSTITUTE CHANGES section.]

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

Less Government

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.

B. PRESENT SITUATION:

Under current law, without prior authorization from DHSMV, it is unlawful 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.

However, Florida law does not specifically prohibit a person from making or selling 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 second-degree felony to knowingly sell, manufacture, or deliver a driver's license, ID card, or document resembling them, without authorization from DHSMV, that is:

- blank;
- forged;
- stolen;
- fictitious;
- counterfeit; or

- unlawfully issued.

In addition, the bill makes it a second-degree felony to knowingly *offer* to sell, manufacture, or deliver the items described above without authorization from DHSMV.

Violation of these prohibitions may be investigated by any state agency, including the Division of Alcoholic Beverages and Tobacco, and is punishable as a second-degree felony.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that it is a second-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 state agency.

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

III. 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.

IV. 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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Identical language is contained in CS/HB 223.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 30, 2002, the Committee on Transportation adopted one amendment. The amendment provides that law enforcement, 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.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

William C. Garner

Phillip B. Miller