

# CHAPTER 97-206

## House Bill No. 507

An act relating to driver's licenses, identification cards, and motor vehicle registrations; amending s. 61.13016, F.S.; specifying requirements for giving a delinquent child-support obligor notice of delinquency and intent to suspend; amending s. 322.245, F.S.; providing notice in accordance with s. 61.13016, F.S.; amending s. 322.32, F.S.; deleting reference to possession of a fictitious or fraudulently altered driver's license; amending s. 322.212, F.S.; providing that it is unlawful for any person knowingly to possess any instrument in the similitude of a driver's license issued by the Department of Highway Safety and Motor Vehicles or of any other state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle, or any identification card issued by the department or of another state or jurisdiction, unless possession by such person has been duly authorized by the department; providing penalties; amending s. 831.29, F.S.; prohibiting the possession, use, or transport of implements and materials used to produce identification cards; amending s. 921.0012, F.S.; conforming cross-references; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 61.13016, Florida Statutes, is amended to read:

61.13016 Suspension of driver's licenses and motor vehicle registrations.—

(1) The driver's license and motor vehicle registration of a child support obligor who is delinquent in payment may be suspended. Upon a delinquency in child support in IV-D cases, the Title IV-D agency may provide serve notice to on the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles as provided under s. 322.245. Upon a delinquency in child support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide serve notice to ~~by certified mail, return receipt requested, on~~ the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles as provided under s. 322.245. In either case, the notice must state:

- (a) The terms of the order creating the child support obligation;
- (b) The period of the delinquency and the total amount of the delinquency as of the date of the notice;
- (c) That notification will be given to ~~The intent of the Title IV-D agency in IV-D cases or the depository or clerk of the court in non-IV-D cases to~~

notify the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver's license and motor vehicle registration unless, within 20 15 days after ~~the date receipt of the notice~~ is mailed, the obligor:

- 1.a. Pays the delinquency in full;
  - ~~b.2.~~ Enters into a written agreement for payment with the obligee in non-IV-D cases or with the Title IV-D agency in IV-D cases; or
  - ~~c.3.~~ Files a petition with the circuit court to contest the delinquency action; and
2. Pays any applicable delinquency fees.

If the obligor in non-IV-D cases enters into a written agreement for payment before ~~prior to~~ the expiration of the 20-day 15-day period, he must provide a copy of the signed written agreement to the depository or the clerk of the court.

(2) If the obligor does not, within 20 15 days after the mailing date on receipt of the notice, pay the delinquency, enter into a payment agreement, or file a motion to contest, the Title IV-D agency in IV-D cases, or the depository or clerk of the court in non-IV-D cases, shall file the notice with the Department of Highway Safety and Motor Vehicles and request the suspension of the obligor's driver's license and motor vehicle registration in accordance with s. 322.058.

(3) The obligor may, within 20 15 days after the mailing date on the receipt of a notice of delinquency and intent to suspend, file in the circuit court a petition to contest the notice of delinquency and intent to suspend on the ground of mistake of fact regarding the existence of a delinquency or the identity of the obligor. The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or depository or clerk of the court in non-IV-D cases. When an obligor timely files a petition to contest, the court must hear the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition to contest stays the notice of delinquency and intent to suspend until the entry of a court order resolving the matter.

~~(4) The Title IV-D agency shall submit a report that describes the measured results and effectiveness of the driver's license suspension process set forth in this section for IV-D cases to the Senate and the House of Representatives by February 1, 1997.~~

Section 2. Subsections (2) and (3) of section 322.245, Florida Statutes, 1996 Supplement, are amended to read:

322.245 Suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or this chapter to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61.—

(2) In non-IV-D cases, if a person fails to pay child support under chapter 61 and the obligee so requests, the depository or the clerk of the court shall mail in accordance with s. 61.13016 to the person, at the last address of record as maintained by the local depository, the notice specified in that section, s. 61.13016 notifying him that if he does not comply with the requirements of that section and pay a delinquency fee of \$10 to the depository or the clerk, his driver's license and motor vehicle registration will be suspended. The delinquency fee may be retained by the depository or the office of the clerk to defray the operating costs of the office.

(3) If the person fails to comply with the directives of the court within the 30-day period, or, in non-IV-D cases, fails to comply with the requirements of s. 61.13016 within the ~~15-day~~ period specified in that statute, the depository or the clerk of the court shall notify the department of such failure within 5 days. Upon receipt of the notice, the department shall immediately issue an order suspending the person's driver's license and privilege to drive effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6).

Section 3. Section 322.32, Florida Statutes, is amended to read:

322.32 Unlawful use of license.—It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person:

(1) To display, cause or permit to be displayed, or have in his or her possession any canceled, revoked, suspended, or disqualified, ~~fictitious, or fraudulently altered~~ driver's license.

(2) To lend his or her driver's license to any other person or knowingly permit the use thereof by another.

(3) To display, or represent as his or her own, any driver's license not issued to him or her.

(4) To fail or refuse to surrender to the department upon its lawful demand any driver's license that ~~which~~ has been suspended, revoked, disqualified, or canceled.

(5) To permit any unlawful use of a driver's license issued to him or her.

(6) To apply for, obtain, or cause to be issued to him or her two or more photographic driver's licenses which are in different names. The issuance of such licenses shall be prima facie evidence that the licensee has violated the provisions of this section unless the issuance was in compliance with the requirements of this chapter.

(7) To do any act forbidden, or fail to perform any act required, by this chapter.

Section 4. Section 322.212, Florida Statutes, is amended to read:

322.212 Unauthorized possession of, and other unlawful acts in relation to, driver's license or identification card.—

(1) It is unlawful for any person:

(a) 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 of a driver's license or identification card described in s. 322.051 unless possession by such person has been duly authorized by the department;

(b) Knowingly to have in his or her possession any instrument in the similitude of a driver's license issued by the department or its duly authorized agents or those of any state or jurisdiction issuing licenses recognized in this state for the operation of a motor vehicle; or

(c) Knowingly to have in his or her possession any instrument in the similitude of an identification card issued by the department or its duly authorized agents or those of any state or jurisdiction issuing identification cards recognized in this state for the purpose of indicating a person's true name and age.

The term "driver's license" includes a driver's license issued by the department or its agents or a driver's license issued by any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle. The term "identification card" includes any identification card issued by the department or its agents or any identification card issued by any state or jurisdiction that issues identification cards recognized in this state for the purpose of indicating a person's true name and age. This subsection does not prohibit a person from possessing or displaying another person's driver's license or identification card for a lawful purpose.

(2) It is unlawful for any person to barter, trade, sell, or give away any driver's license or identification card or to perpetrate a conspiracy to barter, trade, sell, or give away any such license or identification card unless such person has been duly authorized to issue the license or identification card by the department as provided in this chapter or in the adopted rules and regulations of the department.

(3) It is unlawful for any employee of the department to allow or permit the issuance of a driver's license or identification card when he or she knows that the applicant has not lawfully fulfilled the requirements of this chapter for the issuance of such license or identification card.

(4) It is unlawful for any person to agree to supply or to aid in supplying any person with a driver's license or identification card by any means whatsoever not in accordance with the provisions of this chapter.

(5)(a) It is unlawful for any person to use a false or fictitious name in any application for a driver's license or identification card or knowingly to make a false statement, knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(b) It is unlawful for any person to have in his or her possession a driver's license or identification card upon which the date of birth has been altered.

(6) Any person who violates any of the provisions of this section ~~act~~ is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, any person who violates paragraph (5)(a) the provisions of subsection (5) by giving a false age in any application for a driver's license or identification card or who violates paragraph (5)(b) by possessing a driver's license, identification card, or any instrument in the similitude thereof, on which the date of birth has been altered is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The ~~foregoing~~ provisions of this section are in addition and supplemental to all other provisions of this chapter and of the laws of this state relating to driver's licenses and identification cards.

Section 5. Section 831.29, Florida Statutes, is amended to read:

831.29 Making or having instruments and material for counterfeiting driver's drivers' licenses or identification cards.—~~Any person who~~ Whoever has control, custody, or possession of any plate, block, press, stone, or other tool, instrument, or implement, or any part thereof; ~~or whoever engraves, makes, or amends, or begins to engrave, make, or amend, any plate, block, press, stone, or other tool, instrument, or implement; or whoever brings into the state any such plate, block, press, stone, or other tool, instrument, or implement, or any part thereof, in the similitude of the driver's drivers' licenses or identification cards issued by the Department of Highway Safety and Motor Vehicles or its duly authorized agents or those of any state or jurisdiction that which issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's true name and age; or whoever has control, custody, or possession of or makes or provides any paper or other material adapted and designed for the making of a false and counterfeit driver's license or identification card purporting to be issued by the Department of Highway Safety and Motor Vehicles or its duly authorized agents, or those of any state or jurisdiction that which issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's true name and age; or whoever has in his possession, control, or custody any such plate or block engraved in any part, or any press or other tool or, instrument or any paper or other material adapted and designed as aforesaid, with intent to sell, issue, publish, pass, or utter the same or to cause or permit the same to be used in forging or making any such false or counterfeit driver's license or identification card; or whoever 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 licenses or identification cards with the intent to sell, issue, publish, or utter the same or to cause or permit the same to be used in forging or making any such false and counterfeit driver's license or identification card of this state or any state or jurisdiction that which issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's true name and age is ~~shall be~~ guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 6. Paragraphs (a) and (c) of subsection (3) of section 921.0012, Florida Statutes, 1996 Supplement, are amended to read:

921.0012 Sentencing guidelines offense levels; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(a) LEVEL 1
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.212(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; <u>possession of simulated identification.</u>
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license <u>or identification card.</u>
322.212(5)(a)	3rd	False application for driver's license <u>or identification card.</u>
370.13(4)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.
372.663(1)	3rd	Poach any alligator or crocodilia.
414.39(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
458.327(1)(a)	3rd	Unlicensed practice of medicine.
466.026(1)(a)	3rd	Unlicensed practice of dentistry or dental hygiene.

Florida Statute	Felony Degree	Description
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27(1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
815.04(4)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05 (2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.015(3)	3rd	Bribery.
838.016(1)	3rd	Public servant receiving unlawful compensation.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.

Florida Statute	Felony Degree	Description
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
		(c) LEVEL 3
39.061	3rd	Escapes from juvenile facility (secure detention or residential commitment facility).
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
697.08	3rd	Equity skimming.



Florida Statute	Felony Degree	Description
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
796.05(1)	3rd	Live on earnings of a prostitute.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.29	2nd	Possession of instruments for counterfeiting <u>driver's</u> <del>drivers'</del> licenses <u>or identification cards</u> .
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c), (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

Florida Statute	Felony Degree	Description
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

Section 7. This act shall take effect October 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.