

By the Committee on Criminal Justice and Senator Sebesta

307-1656A-00

1                                   A bill to be entitled  
2           An act relating to elections; amending s.  
3           104.091, F.S.; providing that a person who  
4           agrees, conspires, combines, or confederates  
5           with another person to knowingly commit a  
6           violation of the Florida Election Code is  
7           punishable as if he or she committed the  
8           violation; providing that a person who  
9           knowingly aids or abets another person who has  
10          violated the code, with intent for that person  
11          to avoid detection, arrest, or prosecution, is  
12          punishable in like manner as the principal  
13          offender; amending s. 777.04, F.S.; exempting  
14          certain violations of the Florida Election Code  
15          from provisions specifying the ranking of an  
16          offense under the Criminal Punishment Code;  
17          providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:  
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21           Section 1. Section 104.091, Florida Statutes, is  
22 amended to read:

23           104.091 Aiding, abetting, ~~or~~ advising, or conspiring  
24 in a violation of the code.--

25           (1) Any person who shall knowingly aids aid, abets,  
26 ~~abet or advises in advise~~ the violation of this code shall be  
27 punished in like manner as the principal offender.

28           (2) Any person who agrees, conspires, combines, or  
29 confederates with another person to knowingly commit a  
30 violation of this code shall be punished as if he or she had  
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1 actually committed the violation, notwithstanding any  
2 provisions of s. 777.04.

3 (3) Any person who knowingly aids or abets another  
4 person who has violated this code, with the intent that the  
5 principal offender avoid detection, arrest, or prosecution,  
6 shall be punished in like manner as the principal offender.

7 Section 2. Subsection (4) of section 777.04, Florida  
8 Statutes, is amended to read:

9 777.04 Attempts, solicitation, and conspiracy.--

10 (4)(a) Except as otherwise provided in ss. 104.091(2),  
11 828.125(2), 849.25(4), 893.135(5), and 921.0022, the offense  
12 of criminal attempt, criminal solicitation, or criminal  
13 conspiracy is ranked for purposes of sentencing under chapter  
14 921 and determining incentive gain-time eligibility under  
15 chapter 944 one level below the ranking under s. 921.0022 or  
16 s. 921.0023 of the offense attempted, solicited, or conspired  
17 to. If the criminal attempt, criminal solicitation, or  
18 criminal conspiracy is of an offense ranked in level 1 or  
19 level 2 under s. 921.0022 or s. 921.0023, such offense is a  
20 misdemeanor of the first degree, punishable as provided in s.  
21 775.082 or s. 775.083.

22 (b) If the offense attempted, solicited, or conspired  
23 to is a capital felony, the offense of criminal attempt,  
24 criminal solicitation, or criminal conspiracy is a felony of  
25 the first degree, punishable as provided in s. 775.082, s.  
26 775.083, or s. 775.084.

27 (c) Except as otherwise provided in s. 893.135(5), if  
28 the offense attempted, solicited, or conspired to is a life  
29 felony or a felony of the first degree, the offense of  
30 criminal attempt, criminal solicitation, or criminal  
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1 conspiracy is a felony of the second degree, punishable as  
2 provided in s. 775.082, s. 775.083, or s. 775.084.

3 (d) Except as otherwise provided in s. 104.091(2),s.  
4 828.125(2),or s. 849.25(4), if the offense attempted,  
5 solicited, or conspired to is a:

- 6 1. Felony of the second degree;
- 7 2. Burglary that is a felony of the third degree; or
- 8 3. Felony of the third degree ranked in level 3, 4, 5,  
9 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

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11 the offense of criminal attempt, criminal solicitation, or  
12 criminal conspiracy is a felony of the third degree,  
13 punishable as provided in s. 775.082, s. 775.083, or s.  
14 775.084.

15 (e) Except as otherwise provided in s. 104.091(2),s.  
16 849.25(4),or paragraph (d), if the offense attempted,  
17 solicited, or conspired to is a felony of the third degree,  
18 the offense of criminal attempt, criminal solicitation, or  
19 criminal conspiracy is a misdemeanor of the first degree,  
20 punishable as provided in s. 775.082 or s. 775.083.

21 (f) Except as otherwise provided in s. 104.091(2),if  
22 the offense attempted, solicited, or conspired to is a  
23 misdemeanor of the first or second degree, the offense of  
24 criminal attempt, criminal solicitation, or criminal  
25 conspiracy is a misdemeanor of the second degree, punishable  
26 as provided in s. 775.082 or s. 775.083.

27 Section 3. This act shall take effect July 1, 2000.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 1106

- Removes the word "advises" from subsection (3), making the offense apply to a person who "aids or abets" another person who has violated the election code "with the intent that the principal offender avoid detection, arrest, or prosecution."
- Inserts the word "knowingly" into subsection (2), making the offense apply to a person who agrees to conspire with another to knowingly commit a violation of the election code.
- Amends section 777.04, F.S., the general conspiracy statute, by specifying that those provisions are not applicable to violations of the election code.