

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; providing an exception; amending s.  
14          777.04, F.S.; exempting certain violations of  
15          the Florida Election Code from provisions  
16          specifying the ranking of an offense under the  
17          Criminal Punishment Code; providing an  
18          effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Section 104.091, Florida Statutes, is  
23 amended to read:

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

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

29           (2) Any person who agrees, conspires, combines, or  
30 confederates with another person to knowingly commit a  
31 violation of this code shall be punished as if he or she had

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 This subsection does not apply to a member of The Florida Bar  
8 rendering legal advice to a client.

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

11 777.04 Attempts, solicitation, and conspiracy.--

12 (4)(a) Except as otherwise provided in ss. 104.091(2),  
13 828.125(2), 849.25(4), 893.135(5), and 921.0022, the offense  
14 of criminal attempt, criminal solicitation, or criminal  
15 conspiracy is ranked for purposes of sentencing under chapter  
16 921 and determining incentive gain-time eligibility under  
17 chapter 944 one level below the ranking under s. 921.0022 or  
18 s. 921.0023 of the offense attempted, solicited, or conspired  
19 to. If the criminal attempt, criminal solicitation, or  
20 criminal conspiracy is of an offense ranked in level 1 or  
21 level 2 under s. 921.0022 or s. 921.0023, such offense is a  
22 misdemeanor of the first degree, punishable as provided in s.  
23 775.082 or s. 775.083.

24 (b) If the offense attempted, solicited, or conspired  
25 to is a capital felony, the offense of criminal attempt,  
26 criminal solicitation, or criminal conspiracy is a felony of  
27 the first degree, punishable as provided in s. 775.082, s.  
28 775.083, or s. 775.084.

29 (c) Except as otherwise provided in s. 893.135(5), if  
30 the offense attempted, solicited, or conspired to is a life  
31 felony or a felony of the first degree, the offense of

1 criminal attempt, criminal solicitation, or criminal  
2 conspiracy is a felony of the second degree, punishable as  
3 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

11  
12 the offense of criminal attempt, criminal solicitation, or  
13 criminal conspiracy is a felony of the third degree,  
14 punishable as provided in s. 775.082, s. 775.083, or s.  
15 775.084.

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

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

28 Section 3. This act shall take effect July 1, 2000.  
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