

Bill No. SB 1194

Amendment No. 1 Barcode 742254

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Criminal Justice recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 30, after the period

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

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

777.04 Attempts, solicitation, and conspiracy.--

(4)(a) Except as otherwise provided in ss. 104.091(2), 828.125(2), 849.25(4), 893.135(5), and 921.0022, the offense of criminal attempt, criminal solicitation, or criminal conspiracy is ranked for purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944 one level below the ranking under s. 921.0022 or s. 921.0023 of the offense attempted, solicited, or conspired to. If the criminal attempt, criminal solicitation, or criminal conspiracy is of an offense ranked in level 1 or level 2 under s. 921.0022 or s. 921.0023, such offense is a

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1 misdemeanor of the first degree, punishable as provided in s.
2 775.082 or s. 775.083.

3 (b) If the offense attempted, solicited, or conspired
4 to is a capital felony, the offense of criminal attempt,
5 criminal solicitation, or criminal conspiracy is a felony of
6 the first degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084.

8 (c) Except as otherwise provided in s. 893.135(5), if
9 the offense attempted, solicited, or conspired to is a life
10 felony or a felony of the first degree, the offense of
11 criminal attempt, criminal solicitation, or criminal
12 conspiracy is a felony of the second degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (d) Except as otherwise provided in s. 104.091(2),s.
15 828.125(2),or s. 849.25(4), if the offense attempted,
16 solicited, or conspired to is a:

- 17 1. Felony of the second degree;
- 18 2. Burglary that is a felony of the third degree; or
- 19 3. Felony of the third degree ranked in level 3, 4, 5,
20 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,

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22 the offense of criminal attempt, criminal solicitation, or
23 criminal conspiracy is a felony of the third degree,
24 punishable as provided in s. 775.082, s. 775.083, or s.
25 775.084.

26 (e) Except as otherwise provided in s. 104.091(2),s.
27 849.25(4),or paragraph (d), if the offense attempted,
28 solicited, or conspired to is a felony of the third degree,
29 the offense of criminal attempt, criminal solicitation, or
30 criminal conspiracy is a misdemeanor of the first degree,
31 punishable as provided in s. 775.082 or s. 775.083.

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1 (f) Except as otherwise provided in s. 104.091(2),if
2 the offense attempted, solicited, or conspired to is a
3 misdemeanor of the first or second degree, the offense of
4 criminal attempt, criminal solicitation, or criminal
5 conspiracy is a misdemeanor of the second degree, punishable
6 as provided in s. 775.082 or s. 775.083.

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8 (Redesignate subsequent sections.)

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, line 10, delete that line

14

15 and insert:

16 violation; providing penalties; amending s.
17 777.04, F.S.; exempting certain violations of
18 the Florida Election Code from provisions
19 specifying the ranking of an offense under the
20 Criminal Punishment Code; providing an

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