

1                                   A bill to be entitled  
2           An act relating to violation of the election  
3           code; amending s. 104.091, F.S.; providing that  
4           any person who conspires with another person to  
5           violate the election code or who knowingly  
6           gives aid to a person who has violated the code  
7           with intent to help such person avoid or escape  
8           detection, arrest, trial, or punishment shall  
9           be punished as if he or she had committed the  
10          violation; providing penalties; amending s.  
11          777.04, F.S.; exempting certain violations of  
12          the Florida Election Code from provisions  
13          specifying the ranking of an offense under the  
14          Criminal Punishment Code; providing an  
15          effective date.

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

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19           Section 1. Section 104.091, Florida Statutes, is  
20 amended to read:

21           104.091 Aiding, abetting, ~~or~~ advising, or conspiring  
22 in violation of the code.--

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

26           (2) Any person who agrees, conspires, combines, or  
27 confederates with another person to commit a violation of this  
28 code shall be punished as if he or she had committed the  
29 violation.

30           (3) Any person who knows of a felony violation of this  
31 code and gives any aid to the offender who has violated this

1 code, with intent that the offender avoid or escape detection,  
2 arrest, trial, or punishment, shall be punished as if he or  
3 she had committed the violation. This subsection does not  
4 prohibit a member of The Florida Bar from giving legal advice  
5 to a client.

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

8 777.04 Attempts, solicitation, and conspiracy.--

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

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

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

1           (d) Except as otherwise provided in s. 104.091(2), s.  
2 828.125(2), or s. 849.25(4), if the offense attempted,  
3 solicited, or conspired to is a:  
4           1. Felony of the second degree;  
5           2. Burglary that is a felony of the third degree; or  
6           3. Felony of the third degree ranked in level 3, 4, 5,  
7 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023,  
8  
9 the offense of criminal attempt, criminal solicitation, or  
10 criminal conspiracy is a felony of the third degree,  
11 punishable as provided in s. 775.082, s. 775.083, or s.  
12 775.084.

13           (e) Except as otherwise provided in s. 104.091(2), s.  
14 849.25(4), or paragraph (d), if the offense attempted,  
15 solicited, or conspired to is a felony of the third degree,  
16 the offense of criminal attempt, criminal solicitation, or  
17 criminal conspiracy is a misdemeanor of the first degree,  
18 punishable as provided in s. 775.082 or s. 775.083.

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

25           Section 3. This act shall take effect October 1, 2002.  
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