

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1106

SPONSOR: Senator Sebesta

SUBJECT: Elections

DATE: January 28, 2000

REVISED: 2/8/00 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bradshaw</u>	<u>Bradshaw</u>	<u>EE</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>CJ</u>	_____
3.	_____	_____	<u>FP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 1106 adds two new penalties to the Election Code to assure that a person who conspires or otherwise combines with another person to commit a violation of the election code or who knowingly aids a person who has violated the code with the intent that the violator avoid detection, will be punished as if he or she had actually committed the violation.

This bill substantially amends s. 104.091, Florida Statutes.

II. Present Situation:

Chapter 104, Florida Statutes, provides criminal penalties for numerous election code violations. Specifically, s. 104.091, F.S., provides that any person who knowingly aids, abets, or advises in the violation of the election code is to be punished in like manner as the principal offender.

III. Effect of Proposed Changes:

Senate Bill 1106 incorporates one of the recommendations of the Public Corruption Study Commission. This Commission was established by the Governor to review current laws, policies and procedures related to Florida's response to public corruption and to make recommendations on how Florida might better prevent and respond to public corruption.

The bill adds two new penalties to s. 104.091, F.S. Under the provisions of this bill, a person who "agrees, conspires, combines, or confederates with another person" to violate the election code would be punished as if he or she committed the violation. In addition, a person who knowingly "aids, abets or advises another person" who *has* violated the election code "with the intent that the principal offender avoid detection, arrest, or prosecution" would be punished in like manner as the principal offender.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Estimating Conference has not reviewed this bill for its impact on state resources, but it is expected to be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Ethics and Elections:

Removes the word “advises” from the new penalty provision so that the penalty will affect 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.” (WITH TITLE AMENDMENT)

