

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/HB 1049</a> <b>TITLE:</b> Tampering With, Harassing, or Retaliating Against Court Officials <b>SPONSOR(S):</b> Persons-Mulicka	<b>COMPANION BILL:</b> <a href="#">CS/CS/SB 1838</a> (Martin) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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**FINAL HOUSE FLOOR ACTION:** 113 Y's 0 N's **GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill creates and amends several crimes relating to tampering with, harassing, or retaliating against court officials and provides graduated penalties depending on the offense level of the official investigation or proceeding affected. The bill defines "court official" to mean any judge, justice, general magistrate, special magistrate, grand juror, petit juror, clerk of the court, deputy clerk of the court, judicial assistant, administrative assistant, attorney, child support enforcement hearing officer, bailiff, or court deputy. The bill specifies that the prohibition against tampering with or harassing a court official does not apply to the actions of an attorney acting in the performance of his or her duties. The bill also adds general magistrates, special magistrates, child support enforcement hearing officers, and administrative assistants to the list of specified persons that a person may not threaten with death or serious bodily harm or harass with intent to intimidate or coerce the person to perform or refrain from performing his or her lawful duty.

#### Fiscal or Economic Impact:

The bill may have an indeterminate positive impact on jail and prison beds by providing graduated penalties related to tampering with, harassing, or retaliating against court officials that may result in longer terms of incarceration for persons convicted of such offenses, and by expanding the list of personnel protected from specified threat or harassment offenses, which may lead to more offenders being convicted of such offenses.

### JUMP TO

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## ANALYSIS

### EFFECT OF THE BILL:

The bill creates and amends several statutes relating to [tampering](#) with, [harassing](#), or [retaliating](#) against court officials.

The bill amends [s. 918.12, F.S.](#), which is currently limited to prohibit tampering with jurors, to instead provide criminal penalties for tampering with a court official. A person commits the crime of tampering with a court official if he or she knowingly commits any of the following acts with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding:

- Uses intimidation or physical force;
- Threatens any person, or attempts to do so;
- Engages in misleading conduct toward any person; or
- Offers pecuniary benefit or gain to any person. (Section [3](#))

Under the bill, tampering with a court official is a:

- Third degree felony if the offense level of the affected official investigation or official proceeding is indeterminable, or involves the investigation or prosecution of a misdemeanor or any noncriminal matter pending in county court.
- Second degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony or any noncriminal matter pending in circuit court.

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- First degree felony if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, punishable by a term of years not exceeding life, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or a first degree felony punishable by a term of years not exceeding life.
- Life felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony. (Section [3](#))

The bill further amends [s. 918.12, F.S.](#), to provide criminal penalties for harassing a court official. A person commits the crime of harassing a court official if he or she intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to hinder, delay, prevent, or dissuade a court official from performing any of the following acts:

- Attending an official proceeding;
- Rendering a fair verdict based solely upon the evidence produced at an official proceeding and the law; or
- Following the rules of juror behavior and deliberation as set forth by the judge. (Section [3](#))

Under the bill, harassing a court official is a:

- First degree misdemeanor, if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or any noncriminal matter pending in county court.
- Third degree felony, if the offense level of the affected official investigation or official proceeding is indeterminable, or involves the investigation or prosecution of a third degree felony or any noncriminal matter pending in circuit court.
- Second degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony.
- First degree felony, punishable by a term of years not exceeding life, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony punishable by a term of years not exceeding life or a prosecution of a life or capital felony. (Section [3](#))

The bill specifies that the prohibition against tampering with or harassing a court official does not apply to the actions of an attorney acting in the performance of his or her duties. (Section [3](#))

The bill creates s. 918.125, F.S., to prohibit specified retaliatory conduct towards court officials. Under the bill, a person commits a third degree felony if he or she, with the intent to retaliate against a court official for his or her participation in an official investigation or official proceeding:

- Knowingly engages in any conduct that threatens to cause bodily injury to another person; or
- Damages the tangible property of another person or threatens to do so. (Section [4](#))

A person whose retaliation against a court official results in bodily injury to another person commits a second degree felony. (Section [4](#))

The bill creates s. 918.115, F.S., to define the following terms:

- “Administrative assistant” means a court employee assigned to the office of a specific general or special magistrate or a child support enforcement hearing officer.
- “Bodily injury” means a cut, an abrasion, a bruise, a burn, or a disfigurement; physical pain; illness; impairment of the function of a bodily member, an organ, or a mental faculty; or any other injury to the body, regardless of how temporary.
- “Court official” means any judge, justice, general magistrate, special magistrate, grand juror, petit juror, clerk of the court, deputy clerk of the court, judicial assistant, administrative assistant, attorney, child support enforcement hearing officer, bailiff, or court deputy.
- “Harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress in that person and serves no legitimate purpose.

- “Judicial assistant” means a court employee assigned to the office of a specific judge or justice responsible for providing administrative, secretarial, or clerical support to the assigned judge or justice.
- “Misleading conduct” means any of the following:
  - Knowingly making a false statement.
  - Intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact and thereby creating a false impression by such statement.
  - Knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity, with the intent to mislead.
  - Knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect, with the intent to mislead.
  - Knowingly using a trick, scheme, or device with the intent to mislead.
- “Official investigation” means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or by the Commission on Ethics.
- “Official proceeding” means any proceeding before a judge or court or a grand jury.
- “Physical force” means physical action against another person and includes confinement of a person. (Section [2](#))

The bill also amends [s. 836.12, F.S.](#), related to threats or harassment, to:

- Define the term “administrative assistant” to mean a court employee assigned to the office of a specific general or special magistrate or child support enforcement hearing officer; and
- Add general magistrates, special magistrates, child support enforcement hearing officers, and administrative assistants to the list of specified persons that a person may not threaten with death or serious bodily harm or harass with intent to intimidate or coerce the person to perform or refrain from performing his or her lawful duty. Under the bill, such conduct is punishable as a first degree misdemeanor upon a first offense and as a third degree felony upon a second or subsequent specified offense. (Section [1](#))

Lastly, the bill makes conforming changes to ss. [772.102](#) and [895.02, F.S.](#), and amends [s. 921.0022, F.S.](#), of the [Criminal Punishment Code](#) to remove [s. 918.12, F.S.](#), as a level 4 offense on the offense severity ranking chart. (Sections [5](#), [6](#), and [7](#))

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2025. (Section [8](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill may have an indeterminate positive impact on prison beds by providing graduated penalties related to tampering with, harassing, or retaliating against court officials that may result in longer terms of incarceration for persons convicted of such offenses, and by expanding the list of personnel protected from specified threat or harassment offenses, which may lead to more offenders being convicted of such offenses.

### **LOCAL GOVERNMENT:**

The bill may have an indeterminate positive impact on jail beds by providing graduated penalties related to tampering with, harassing, or retaliating against court officials that may result in longer terms of incarceration for persons convicted of such offenses, and by expanding the list of personnel protected from specified threat or harassment offenses, which may lead to more offenders being convicted of such offenses.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### [Tampering Offenses](#)

#### [Jury Tampering](#)

Section [918.12, F.S.](#), provides that any person commits a third degree felony<sup>1</sup> if he or she influences the judgment or decision of any grand or petit juror on any matter, question, cause, or proceeding which may be pending, or which may by law be brought, before him or her as such juror, with intent to obstruct the administration of justice.

### Witness Tampering

Witness tampering, as defined under [s. 914.22, F.S.](#), involves various actions designed to influence a witness, victim, or informant. This can include using intimidation or physical force, making threats, or engaging in misleading behavior to alter a witness's testimony or cooperation with law enforcement. A person commits the crime of tampering with a witness, victim, or informant if he or she knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, or offers pecuniary benefit or gain to another person, with intent to cause or induce any person to:

- Withhold testimony, or withhold a record, document, or other object, from an official investigation or official proceeding;
- Alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official investigation or official proceeding;
- Evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official investigation or an official proceeding;
- Be absent from an official proceeding to which such person has been summoned by legal process;
- Hinder, delay, or prevent the communication to a law enforcement officer or judge of information relating to the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding; or
- Testify untruthfully in an official investigation or an official proceeding.<sup>2</sup>

Tampering with a witness, victim, or informant is a:

- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor<sup>3</sup> or a noncriminal investigation or proceeding.
- Second degree felony<sup>4</sup> where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.
- First degree felony<sup>5</sup> where the official investigation or official proceeding affected involves the investigation of a second degree felony.
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or first degree felony punishable by a term of years not exceeding life.
- Life felony where the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony.<sup>6</sup>

A person commits the crime of [harassing](#) a witness, victim, or informant if he or she intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person, or attempts to do so, from:

- Attending or testifying in an official proceeding involving a noncriminal investigation or proceeding;
- Reporting to a law enforcement officer or judge the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding;
- Arresting or seeking the arrest of another person in connection with an offense; or
- Causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or from assisting in such prosecution or proceeding.<sup>7</sup>

Harassing a witness, victim, or informant is a:

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<sup>1</sup> A third degree felony is punishable by up to five years in prison and a \$5,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

<sup>2</sup> S. [914.22\(1\), F.S.](#)

<sup>3</sup> A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. [Ss. 775.082 and 775.083, F.S.](#)

<sup>4</sup> A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

<sup>5</sup> A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine. [Ss. 775.082, 775.083, or 775.084, F.S.](#)

<sup>6</sup> S. [914.22\(2\), F.S.](#)

<sup>7</sup> S. [914.22\(3\), F.S.](#)

- First degree misdemeanor where the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor.
- Third degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony, or a noncriminal investigation or proceeding, or is indeterminable.
- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- First degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony.
- First degree felony punishable by a term of years not exceeding life where the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony punishable by a term of years not exceeding life or a prosecution of a life or capital felony.<sup>8</sup>

### **Retaliating Against a Witness, Victim, or Informant**

Under [s. 914.23, F.S.](#), a person commits a third degree felony if he or she knowingly engages in any conduct that causes bodily injury to another person or damages the tangible property of another person, or threatens or attempts to do so, with intent to retaliate against any person for:

- The attendance of a witness or party at an official proceeding, or for any testimony given or any record, document, or other object produced by a witness in an official proceeding; or
- Any information relating to the commission or possible commission of an offense or a violation of a condition of probation, parole, or release pending a judicial proceeding given by a person to a law enforcement officer.

If the retaliatory conduct results in bodily injury, the person commits a second degree felony.<sup>9</sup>

### **Criminal Punishment Code**

Felony offenses which are subject to the Criminal Punishment Code<sup>10</sup> are listed in a single offense severity ranking chart (OSRC),<sup>11</sup> which uses 10 offense levels to rank felonies from least severe to most severe. Each felony offense listed in the OSRC is assigned a level according to the severity of the offense.<sup>12,13</sup> A person's primary offense, any other current offenses, and prior convictions are scored using the points designated for the offense severity level of each offense.<sup>14,15</sup> The final score calculation, following the scoresheet formula, determines the lowest permissible sentence that a trial court may impose, absent a valid reason for departure.<sup>16</sup>

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<sup>8</sup> S. [914.22\(4\), F.S.](#)

<sup>9</sup> S. [914.23, F.S.](#)

<sup>10</sup> All felony offenses, with the exception of capital felonies, committed on or after October 1, 1998, are subject to the Criminal Punishment Code. S. [921.002, F.S.](#)

<sup>11</sup> S. [921.0022, F.S.](#)

<sup>12</sup> S. [921.0022\(2\), F.S.](#)

<sup>13</sup> Felony offenses that are not listed in the OSRC default to statutorily assigned levels, as follows: an unlisted third-degree felony defaults to a level 1; an unlisted second-degree felony defaults to a level 4; an unlisted first-degree felony defaults to a level 7; an unlisted first-degree felony punishable by life defaults to a level 9; and an unlisted life felony defaults to a level 10. S. [921.0023, F.S.](#)

<sup>14</sup> Ss. [921.0022](#) and [921.0024, F.S.](#)

<sup>15</sup> A person may also accumulate points for factors such as victim injury points, community sanction violation points, and certain sentencing multipliers. S. [921.0024\(1\), F.S.](#)

<sup>16</sup> If a person scores more than 44 points, the lowest permissible sentence is a specified term of months in state prison, determined by a formula. If a person scores 44 points or fewer, the court may impose a nonprison sanction, such as a county jail sentence, probation, or community control. S. [921.0024\(2\), F.S.](#)