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CS/HB 1049, Engrossed 1

2025 Legislature

1
2 An act relating to tampering with, harassing, or
3 retaliating against court officials; amending s.
4 836.12, F.S.; defining the term "administrative
5 assistant"; providing criminal penalties for persons
6 who knowingly and willfully threaten specified court
7 personnel; providing criminal penalties for persons
8 who knowingly and willfully harass specified court
9 personnel with certain intent; creating s. 918.115,
10 F.S.; defining terms; amending s. 918.12, F.S.;
11 providing criminal penalties for persons who knowingly
12 with certain intent tamper with court officials;
13 providing criminal penalties for persons who
14 intentionally harass court officials when such
15 harassment has a specified outcome; providing
16 applicability; creating s. 918.125, F.S.; providing
17 criminal penalties for persons who retaliate against
18 court officials for their participation in official
19 investigations or proceedings; providing enhanced
20 criminal penalties if the retaliation results in
21 bodily injury; amending ss. 772.102, 895.02, and
22 921.0022, F.S.; conforming provisions to changes made
23 by the act; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 836.12, Florida Statutes, is amended to read:

836.12 Threats or harassment.—

(1) As used in this section, the term:

(a) "Administrative assistant" means a court employee assigned to the office of a specific general or special magistrate or a child support enforcement hearing officer.

(b) "Family member" means:

1. An individual related to another individual by blood or marriage; or

2. An individual who stands in loco parentis to another individual.

~~(c)~~ ~~(b)~~ "Judicial assistant" means a court employee assigned to the office of a specific judge or justice responsible for providing administrative, secretarial, and clerical support to the assigned judge or justice.

~~(d)~~ ~~(e)~~ "Law enforcement officer" means:

1. A law enforcement officer as defined in s. 943.10; or

2. A federal law enforcement officer as defined in s. 901.1505.

(2) (a) Except as provided in paragraph (b), any person who knowingly and willfully threatens a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a general magistrate, a special magistrate, a

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child support enforcement hearing officer, an administrative assistant, a judicial assistant, a clerk of the court, clerk personnel, or an elected official, or a family member of any such person, with death or serious bodily harm commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who commits a second or subsequent violation of paragraph (a) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who knowingly and willfully harasses a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, a justice, a general magistrate, a special magistrate, a child support enforcement hearing officer, an administrative assistant, a judicial assistant, a clerk of the court, clerk personnel, or an elected official, with the intent to intimidate or coerce such a person to perform or refrain from performing a lawful duty, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 918.115, Florida Statutes, is created to read:

918.115 Definitions; ss. 918.12-918.125.—As used in ss. 918.12-918.125, the term:

(1) "Administrative assistant" means a court employee assigned to the office of a specific general or special

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76 magistrate or a child support enforcement hearing officer.

77 (2) "Bodily injury" means a cut, an abrasion, a bruise, a
78 burn, or a disfigurement; physical pain; illness; impairment of
79 the function of a bodily member, an organ, or a mental faculty;
80 or any other injury to the body, regardless of how temporary.

81 (3) "Court official" means any judge, justice, general
82 magistrate, special magistrate, grand juror, petit juror, clerk
83 of the court, deputy clerk of the court, judicial assistant,
84 administrative assistant, attorney, child support enforcement
85 hearing officer, bailiff, or court deputy.

86 (4) "Harass" means to engage in a course of conduct
87 directed at a specific person which causes substantial emotional
88 distress in that person and serves no legitimate purpose.

89 (5) "Judicial assistant" means a court employee assigned
90 to the office of a specific judge or justice responsible for
91 providing administrative, secretarial, or clerical support to
92 the assigned judge or justice.

93 (6) "Misleading conduct" means any of the following:

94 (a) Knowingly making a false statement.

95 (b) Intentionally omitting information from a statement
96 and thereby causing a portion of such statement to be
97 misleading, or intentionally concealing a material fact and
98 thereby creating a false impression by such statement.

99 (c) With the intent to mislead, knowingly submitting or
100 inviting reliance on a writing or recording that is false,

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101 forged, altered, or otherwise lacking in authenticity.

102 (d) With the intent to mislead, knowingly submitting or
103 inviting reliance on a sample, specimen, map, photograph,
104 boundary mark, or other object that is misleading in a material
105 respect.

106 (e) Knowingly using a trick, scheme, or device with the
107 intent to mislead.

108 (7) "Official investigation" means any investigation
109 instituted by a law enforcement agency or prosecuting officer of
110 the state or a political subdivision of the state or by the
111 Commission on Ethics.

112 (8) "Official proceeding" means any proceeding before a
113 judge or court or a grand jury.

114 (9) "Physical force" means physical action against another
115 person and includes confinement of a person.

116 Section 3. Section 918.12, Florida Statutes, is amended to
117 read:

118 918.12 Tampering with or harassing a court official
119 ~~jurors.~~—

120 (1) TAMPERING WITH A COURT OFFICIAL.—

121 (a) A person who knowingly commits any of the following
122 acts with the intent to cause or induce any court official to
123 obstruct the administration of justice or affect the outcome of
124 an official investigation or official proceeding, commits the
125 crime of tampering with a court official:

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126 1. Uses intimidation or physical force;

127 2. Threatens any person or attempts to do so;

128 3. Engages in misleading conduct toward any person; or

129 4. Offers pecuniary benefit or gain to any person.

130 (b) A person who violates paragraph (a) commits:

131 1. A felony of the third degree, punishable as provided in
132 s. 775.082, s. 775.083, or s. 775.084, if the offense level of
133 the affected official investigation or official proceeding is
134 indeterminable.

135 2. A felony of the third degree, punishable as provided in
136 s. 775.082, s. 775.083, or s. 775.084, if the official
137 investigation or official proceeding affected involves the
138 investigation or prosecution of a misdemeanor or noncriminal
139 matter pending in county court.

140 3. A felony of the second degree, punishable as provided
141 in s. 775.082, s. 775.083, or s. 775.084, if the official
142 investigation or official proceeding affected involves the
143 investigation or prosecution of a felony of the third degree or
144 noncriminal matter pending in circuit court.

145 4. A felony of the first degree, punishable as provided in
146 s. 775.082, s. 775.083, or s. 775.084, if the official
147 investigation or official proceeding affected involves the
148 investigation or prosecution of a felony of the second degree.

149 5. A felony of the first degree, punishable by a term of
150 years not exceeding life or as provided in s. 775.082, s.

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151 775.083, or s. 775.084, if the official investigation or
152 official proceeding affected involves the investigation or
153 prosecution of a felony of the first degree or a felony of the
154 first degree punishable by a term of years not exceeding life.

155 6. A life felony, punishable as provided in s. 775.082, s.
156 775.083, or s. 775.084, if the official investigation or
157 official proceeding affected involves the investigation or
158 prosecution of a life or capital felony.

159 (2) HARASSING A COURT OFFICIAL.—

160 (a) A person who intentionally harasses a court official
161 and thereby hinders, delays, prevents, or dissuades, or attempts
162 to hinder, delay, prevent, or dissuade a court official from
163 performing any of the following acts commits the crime of
164 harassing a court official:

165 1. Attending an official proceeding;

166 2. Rendering a fair verdict based solely upon the evidence
167 produced at an official proceeding and upon the law; or

168 3. Following the rules of juror behavior and deliberation
169 as set forth by the judge.

170 (b) A person who violates paragraph (a) commits:

171 1. A misdemeanor of the first degree, punishable as
172 provided in s. 775.082 or s. 775.083, if the official
173 investigation or official proceeding affected involves the
174 investigation or prosecution of a misdemeanor or noncriminal
175 matter pending in county court.

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176 2. A felony of the third degree, punishable as provided in
177 s. 775.082, s. 775.083, or s. 775.084, if the offense level of
178 the affected official investigation or official proceeding is
179 indeterminable.

180 3. A felony of the third degree, punishable as provided in
181 s. 775.082, s. 775.083, or s. 775.084, if the official
182 investigation or official proceeding affected involves the
183 investigation or prosecution of a felony of the third degree or
184 any noncriminal matter pending in circuit court.

185 4. A felony of the second degree, punishable as provided
186 in s. 775.082, s. 775.083, or s. 775.084, if the official
187 investigation or official proceeding affected involves the
188 investigation or prosecution of a felony of the second degree.

189 5. A felony of the first degree, punishable as provided in
190 s. 775.082, s. 775.083, or s. 775.084, if the official
191 investigation or official proceeding affected involves the
192 investigation or prosecution of a felony of the first degree.

193 6. A felony of the first degree, punishable by a term of
194 years not exceeding life or as provided in s. 775.082, s.
195 775.083, or s. 775.084, if the official investigation or
196 official proceeding affected involves the investigation or
197 prosecution of a felony of the first degree punishable by a term
198 of years not exceeding life or a prosecution of a life or
199 capital felony.

200 (3) APPLICABILITY.—This section does not apply to the

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201 actions of an attorney acting in the performance of his or her
202 duties ~~Any person who influences the judgment or decision of any~~
203 ~~grand or petit juror on any matter, question, cause, or~~
204 ~~proceeding which may be pending, or which may by law be brought,~~
205 ~~before him or her as such juror, with intent to obstruct the~~
206 ~~administration of justice, shall be guilty of a felony of the~~
207 ~~third degree, punishable as provided in s. 775.082, s. 775.083,~~
208 ~~or s. 775.084.~~

209 Section 4. Section 918.125, Florida Statutes, is created
210 to read:

211 918.125 Retaliating against a court official.—

212 (1) A person who, with the intent to retaliate against a
213 court official for his or her participation in an official
214 investigation or official proceeding, commits any of the
215 following acts commits a felony of the third degree, punishable
216 as provided in s. 775.082, s. 775.083, or s. 775.084:

217 (a) Knowingly engages in any conduct that threatens to
218 cause bodily injury to another person; or

219 (b) Damages the tangible property of another person or
220 threatens to do so.

221 (2) If the conduct described in subsection (1) results in
222 bodily injury, such person commits a felony of the second
223 degree, punishable as provided in s. 775.082, s. 775.083, or s.
224 775.084.

225 Section 5. Paragraph (a) of subsection (1) of section

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772.102, Florida Statutes, is amended to read:

772.102 Definitions.—As used in this chapter, the term:

(1) "Criminal activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by indictment or information under the following provisions:

1. Section 210.18, relating to evasion of payment of cigarette taxes.

2. Section 414.39, relating to public assistance fraud.

3. Section 440.105 or s. 440.106, relating to workers' compensation.

4. Part IV of chapter 501, relating to telemarketing.

5. Chapter 517, relating to securities transactions.

6. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

7. Chapter 550, relating to jai alai frontons.

8. Chapter 552, relating to the manufacture, distribution, and use of explosives.

9. Chapter 562, relating to beverage law enforcement.

10. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

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11. Chapter 687, relating to interest and usurious practices.
12. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.
13. Chapter 782, relating to homicide.
14. Chapter 784, relating to assault and battery.
15. Chapter 787, relating to kidnapping or human trafficking.
16. Chapter 790, relating to weapons and firearms.
17. Former s. 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.
18. Chapter 806, relating to arson.
19. Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.
20. Chapter 812, relating to theft, robbery, and related crimes.
21. Chapter 815, relating to computer-related crimes.
22. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.
23. Section 827.071, relating to commercial sexual exploitation of children.
24. Chapter 831, relating to forgery and counterfeiting.
25. Chapter 832, relating to issuance of worthless checks and drafts.
26. Section 836.05, relating to extortion.

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27. Chapter 837, relating to perjury.

28. Chapter 838, relating to bribery and misuse of public office.

29. Chapter 843, relating to obstruction of justice.

30. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

31. Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

32. Chapter 893, relating to drug abuse prevention and control.

33. Section 914.22 or s. 914.23, relating to witnesses, victims, or informants.

34. Section 918.12, s. 918.125, or s. 918.13, relating to tampering with or harassing court officials, retaliating against court officials, ~~jurors~~ and tampering with evidence.

Section 6. Paragraph (a) of subsection (8) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(8) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime that is chargeable by petition, indictment, or information under the following provisions of the Florida Statutes:

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1. Section 104.155(2), relating to aiding or soliciting a noncitizen in voting.

2. Section 210.18, relating to evasion of payment of cigarette taxes.

3. Section 316.1935, relating to fleeing or attempting to elude a law enforcement officer and aggravated fleeing or eluding.

4. Chapter 379, relating to the illegal sale, purchase, collection, harvest, capture, or possession of wild animal life, freshwater aquatic life, or marine life, and related crimes.

5. Section 403.727(3)(b), relating to environmental control.

6. Section 409.920 or s. 409.9201, relating to Medicaid fraud.

7. Section 414.39, relating to public assistance fraud.

8. Section 440.105 or s. 440.106, relating to workers' compensation.

9. Section 443.071(4), relating to creation of a fictitious employer scheme to commit reemployment assistance fraud.

10. Section 465.0161, relating to distribution of medicinal drugs without a permit as an Internet pharmacy.

11. Section 499.0051, relating to crimes involving contraband, adulterated, or misbranded drugs.

12. Part IV of chapter 501, relating to telemarketing.

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13. Chapter 517, relating to sale of securities and investor protection.

14. Section 550.235 or s. 550.3551, relating to dogracing and horseracing.

15. Chapter 550, relating to jai alai frontons.

16. Section 551.109, relating to slot machine gaming.

17. Chapter 552, relating to the manufacture, distribution, and use of explosives.

18. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

19. Chapter 562, relating to beverage law enforcement.

20. Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

21. Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

22. Chapter 687, relating to interest and usurious practices.

23. Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

24. Section 775.13(5)(b), relating to registration of persons found to have committed any offense for the purpose of benefiting, promoting, or furthering the interests of a criminal

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gang.

25. Section 777.03, relating to commission of crimes by accessories after the fact.

26. Chapter 782, relating to homicide.

27. Chapter 784, relating to assault and battery.

28. Chapter 787, relating to kidnapping, human smuggling, or human trafficking.

29. Chapter 790, relating to weapons and firearms.

30. Chapter 794, relating to sexual battery, but only if such crime was committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purpose of increasing a criminal gang member's own standing or position within a criminal gang.

31. Former s. 796.03, former s. 796.035, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

32. Chapter 806, relating to arson and criminal mischief.

33. Chapter 810, relating to burglary and trespass.

34. Chapter 812, relating to theft, robbery, and related crimes.

35. Chapter 815, relating to computer-related crimes.

36. Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, credit card crimes, and patient brokering.

37. Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

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38. Section 827.071, relating to commercial sexual exploitation of children.

39. Section 828.122, relating to fighting or baiting animals.

40. Chapter 831, relating to forgery and counterfeiting.

41. Chapter 832, relating to issuance of worthless checks and drafts.

42. Section 836.05, relating to extortion.

43. Chapter 837, relating to perjury.

44. Chapter 838, relating to bribery and misuse of public office.

45. Chapter 843, relating to obstruction of justice.

46. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

47. Chapter 849, relating to gambling, lottery, gambling or gaming devices, slot machines, or any of the provisions within that chapter.

48. Chapter 874, relating to criminal gangs.

49. Chapter 893, relating to drug abuse prevention and control.

50. Chapter 896, relating to offenses related to financial transactions.

51. Sections 914.22 and 914.23, relating to tampering with or harassing a witness, victim, or informant, and retaliation against a witness, victim, or informant.

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52. Sections 918.12, 918.125, and 918.13, relating to tampering with or harassing court official, retaliating against court officials, ~~jurors~~ and tampering with evidence.

Section 7. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
104.155	3rd	Unqualified noncitizen electors voting; aiding or soliciting noncitizen electors in voting.
316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

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413	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
414	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
415	517.07(1)	3rd	Failure to register securities.
416	517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
417	784.031	3rd	Battery by strangulation.
418	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
419	784.074(1)(c)	3rd	Battery of sexually

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			violent predators facility staff.
420	784.075	3rd	Battery on detention or commitment facility staff.
421	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
422	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
423	784.081 (3)	3rd	Battery on specified official or employee.
424	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
425	784.083 (3)	3rd	Battery on code inspector.
426	784.085	3rd	Battery of child by throwing,

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427			tossing, projecting, or expelling certain fluids or materials.
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
428			
	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
429			
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
430			
	787.07	3rd	Human smuggling.
431			
	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.

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432	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
433	790.115 (2) (c)	3rd	Possessing firearm on school property.
434	794.051 (1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
435	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
436	806.135	2nd	Destroying or demolishing a memorial or historic property.
437	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or

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battery.

438

810.02 (4) (b)

3rd

Burglary, or attempted
burglary, of an unoccupied
conveyance; unarmed; no
assault or battery.

439

810.06

3rd

Burglary; possession of
tools.

440

810.08 (2) (c)

3rd

Trespass on property, armed
with firearm or dangerous
weapon.

441

810.145 (3) (b)

3rd

Digital voyeurism
dissemination.

442

812.014 (2) (c) 3.

3rd

Grand theft, 3rd
degree \$10,000 or
more but less than
\$20,000.

443

812.014
(2) (c) 4. &
6.-10.

3rd

Grand theft, 3rd degree;
specified items.

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444	812.014 (2) (d) 2.	3rd	Grand theft, 3rd degree; \$750 or more taken from dwelling or its unenclosed curtilage.
445	812.014 (2) (e) 3.	3rd	Petit theft, 1st degree; less than \$40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
446	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
447	817.505 (4) (a)	3rd	Patient brokering.
448	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
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450	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
451	817.5695 (3) (c)	3rd	Exploitation of person 65 years of age or older, value less than \$10,000.
452	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
453	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
454	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
	836.14 (2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.

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455	836.14 (3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
456	837.02 (1)	3rd	Perjury in official proceedings.
457	837.021 (1)	3rd	Make contradictory statements in official proceedings.
458	838.022	3rd	Official misconduct.
459	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
460	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
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462	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
463	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
464	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
465	843.19 (2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
466	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
	870.01 (3)	2nd	Aggravated rioting.

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467	870.01 (5)	2nd	Aggravated inciting a riot.
468	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
469	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
470	914.14 (2)	3rd	Witnesses accepting bribes.
471	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
472	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
473			

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474	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
475	918.12	3rd	Tampering with jurors.
476	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
477	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
	951.22 (1) (h) , (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county

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detention facility.

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Section 8. This act shall take effect October 1, 2025.