

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1838

INTRODUCER: Fiscal Policy Committee; Criminal Justice Committee; and Senator Martin

SUBJECT: Tampering With, Harassing, or Retaliating Against Court Officials

DATE: April 23, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u>Parker</u>	<u>Siples</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1838 amends various laws relating to tampering with, harassing, or retaliating against court officials. Specifically, the bill:

- Amends s. 836.12, F.S., to define the term “administrative assistant” to mean a court employee assigned to the office of a general or special magistrate or child support enforcement hearing officer. The bill 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 or refrain from performing his or her lawful duty.
- Creates s. 918.115, F.S., to define the terms “administrative assistant,” “bodily injury,” “court official,” “harass,” “judicial assistant,” “misleading conduct,” “official investigation,” “official proceeding,” and “physical force.”
- Amends s. 918.12, F.S., to provide criminal penalties for persons who knowingly and willfully tamper or harass specified court personnel.
- Provides an exception to the offense of tampering with, or harassing, court officials for an attorney acting in the performance of his or her duties.

The bill may have a positive indeterminate fiscal impact (unquantifiable increase in prison and jail beds) on the Department of Corrections and local jails. See Section V., Fiscal Impact Statement.

The bill takes effect on October 1, 2025.

II. Present Situation:

Tampering

Under the Constitution and Federal law, our government vests in judges, prosecutors, and law enforcement officers the power to make decisions of enormous consequence. Because of the importance of their work, these public servants face unique risks to their safety and the safety of their families. Some who face or have received an adverse judicial decision have sought to intimidate or punish judges and prosecutors with threats of harm. Moreover, judges, prosecutors, and law enforcement officers are symbols within our communities of law and order and may be targeted for that reason alone. And at times, family members of public servants have become victims.¹ Several states have enacted legislation to address a surge in both threats and actual acts of violence against judges and judicial personnel across America.²

Jury Tampering

Section 918.12, F.S., provides that any person who 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, commits a third degree felony.

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. The statute is broad, covering a wide range of conduct aimed at interfering with the judicial process.³

Section 914.22, F.S., provides that a person who 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;

¹ Federal Register, *Protecting Law Enforcement Officers, Judges, Prosecutors, and Their Families*, Executive Order 13977 of January 18, 2021, available at <https://www.federalregister.gov/documents/2021/01/22/2021-01635/protecting-law-enforcement-officers-judges-prosecutors-and-their-families> (last visited March 15, 2025).

² National Center for State Courts, *NCSC supports new legislation to protect state court judges from escalating threats*, available at <https://www.ncsc.org/newsroom/at-the-center/2024/ncsc-supports-new-legislation-to-protect-state-court-judges-from-escalating-threats> (last visited March 15, 2025).

³ Meltzer & Bell, P.A., *Understanding FSS 914.22: Florida's Witness Tampering Law Explained* available at <https://www.meltzerandbell.com/news/understanding-fss-914-22-floridas-witness-tampering-law-explained/#:~:text=Witness%20tampering%2C%20as%20defined%20under.can%20fall%20under%20this%20statute> (last visited March 14, 2025).

- 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, commits the crime of tampering with a witness, victim, or informant.⁴

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.
- Second degree felony where the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony.
- First degree felony 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.
- Third degree felony where the offense level of the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.⁵

A person who intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from:

- Attending or testifying in an official proceeding involves 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, or attempts to do so, commits the crime of harassing a witness, victim, or informant.⁶

Harassing a witness, victim or informant is a:

- 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.

⁴ Section 914.22(1), F.S.

⁵ Section 914.22(2), F.S.

⁶ Section 914.22(3), F.S.

- 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 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 felony of the first degree punishable by a term of years not exceeding life or a prosecution of a life or capital felony.
- Third degree felony where the offense level of the affected official investigation or official proceeding is indeterminable or where the affected official investigation or official proceeding involves a noncriminal investigation or proceeding.⁷

Obstruction of Justice

Obstruction of justice is a criminal offense that occurs when someone willfully interferes with the legal system's ability to carry out its functions. This charge covers a range of unlawful acts intended to disrupt or obstruct investigations, trials, or other legal proceedings. For instance, actions such as tampering with evidence, lying to law enforcement, bribing a witness, or threatening a judge or juror can all be considered obstruction.⁸

Under ch. 843, F.S., obstruction of justice charges apply to actions that deliberately interfere with a legally authorized person in the lawful execution of his or her duty. This includes obstructing police officers as well as any other peace officer, correctional officer, correctional probation officer, and even members of the Florida Highway Patrol and other governmental agencies.⁹

A person who knowingly and willfully resists, obstructs, or opposes any officer, member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission; parole and probation supervisor; county probation officer; personnel or representative of the Department of Law Enforcement; or other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty, by offering or doing violence to the person of such officer or legally authorized person, commits a felony commits a third degree felony.¹⁰

III. Effect of Proposed Changes:

The bill amends several laws relating to tampering with, harassing, or retaliating against court officials.

The bill amends s. 836.12, F.S., to define the term "administrative assistant" to mean a court employee assigned to the office of a general or special magistrate or child support enforcement hearing officer.

⁷ Section 914.22(4), F.S.

⁸ Buda Law, *What is Obstruction of Justice In Florida*, November 11, 2024, available at <https://budalaw.com/blog/2024/november/what-is-obstruction-of-justice-in-florida/> (last visited March 14, 2025).

⁹ *Id.*

¹⁰ Section 843.01(1), F.S.

The bill adds general magistrates, special magistrates, child support enforcement hearing officers, 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 or refrain from performing his or her lawful duty.

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

- “Administrative assistant” to mean a court employee assigned to the office of a specific general or special magistrate or a child support enforcement hearing officer.
- “Bodily injury” to mean 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” 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.
- “Harass” to mean 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” to mean 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” to mean 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.
 - With the intent to mislead, 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.
 - Knowingly using a trick, scheme, or device with the intent to mislead.
- “Official investigation” to mean 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” to mean any proceeding before a judge or court or a grand jury.
- “Physical force” to mean physical action against another person and includes confinement of a person.

The bill amends s. 918.12, F.S., to provide criminal penalties for persons who knowingly and willfully threaten specified court personnel.

Tampering with a Court Official

A person who 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, commits the crime of tampering with a court official:

- 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.

The penalty for tampering with a court official is a:

- Third degree felony if the offense level of the affected official investigation or official proceeding is indeterminable.
- Third degree felony if the official investigation or official proceeding affected 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.
- 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 involved the investigation or prosecution of a life or capital felony.

Harassing a Court Official

A person who 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 commits the crime of harassing a court official:

- 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.

The penalty for harassment of a court official is a:

- First degree misdemeanor, if the official investigation or official proceeding affected involves the investigation or prosecution of 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.
- Third degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a felony of the third degree 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.

The bill provides an exception to the crime of tampering or harassing a court official for an attorney acting in the performance of his or her duties.

Retaliation against a Court Official

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

- 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.

If such conduct results in bodily injury, such person commits a second degree felony.

The bill provides conforming changes to ss. 772.102 and 895.02, F.S.

The bill amends s. 921.0022, F.S., of the criminal punishment code to remove s. 918.12, F.S., as a level 4 offense in the offense severity ranking chart.

The bill takes effect on October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has provided a preliminary estimate that the bill may have a positive indeterminate prison bed impact on the Department of Corrections. The EDR provides:

- Per FDLE, in FY 23-24, there were 527 arrests for misdemeanor harassment and 23 arrests for felony harassment under s. 836.12, F.S., with 339 misdemeanor guilty/convicted charges and 3 felony guilty/convicted charges, as well as 54 misdemeanor adjudication withheld charges and no felony adjudication withheld charges. It is not known how many additional offenders would be added with the expanded list of potential victims.
- Per FDLE, in FY 23-24, there were three arrests for tampering with jurors under s. 918.12, F.S., with no guilty/convicted or adjudication withheld charges. It is not known how many additional offenders would be added with the new language, nor is it known how much the new felonies for harassment under s. 918.12, F.S. would overlap with the current harassment offenders under s. 836.12, F.S.
- Per DOC, there were no new commitments to prison under s. 836.12, F.S. or under s. 918.12, F.S.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹¹ Office of Economic and Demographic Research CS/SB 1838 – Tampering With, Harassing, or Retaliating Against Court Officials, (on file with the Senate Appropriations Committee on Criminal and Civil Justice).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 918.12, 772.102, 895.02, and 921.002.

This bill creates the following sections of the Florida Statutes: 918.125 and 918.21.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Fiscal Policy on April 22, 2025:

The committee substitute:

- Provides an exception to the offense of tampering with, or harassing, court officials. The exception applies to the actions of an attorney acting in the performance of his or her duties.

CS by Criminal Justice Committee on March 18, 2025:

The committee substitute:

- Defines the terms “administrative assistant”, “bodily injury”, “court official”, “harass”, “judicial assistant”, “misleading conduct”, “official investigation”, “official preceding”, and “physical force.”
- Revises the language to include general and special magistrates, child support enforcement hearing officers, and administrative assistants to the list of individuals who a person may not threaten or harass.
- Revises the definition of “court officials”, to include administrative assistants, general and special magistrates, and child support enforcement hearing officers.
- Removes the language providing that no state of mind be proven in the prosecution of an offense for tampering or harassing a court official under certain circumstances.

- B. **Amendments:**

None.