

21.24 TAMPERING WITH A COURT OFFICIAL

§ 918.12(1), Fla. Stat.

To prove the crime of Tampering with a Court Official, the State must prove the following five elements beyond a reasonable doubt:

Give as applicable.

1. (Defendant) **knowingly**
 - a. **used intimidation or physical force against** (name of person).
 - b. **threatened or attempted to threaten** (name of person).
 - c. **engaged in misleading conduct toward** (name of person).
 - d. **offered pecuniary benefit or gain to** (name of person).
2. (Defendant) **did so with the intent to cause or induce** (name of court official) **to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding.**
3. **The official investigation or official proceeding involved the investigation or prosecution of** (insert appropriate type of investigation or proceeding, e.g., first degree murder, dissolution of marriage, etc.).
4. **At the time,** (name of court official) **was a[n] [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] [court deputy].**
5. **At the time,** (defendant) **knew** (name of court official) **was a[n] [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] [court deputy].**

The Court instructs you that an official investigation or official proceeding involving the investigation or prosecution of (insert relevant information from element #3) **is** (insert appropriate information from § 918.12(1)(b)1.-6.)

“Physical force” means physical action against another person and includes confinement of a person.

“Misleading conduct” means:

- a. **knowingly making a false statement;**

- b. **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;**
 - c. **with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity;**
 - d. **with 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;**
- or**
- e. **knowingly using a trick, scheme, or device with 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.

Give as applicable.

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

“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.

Affirmative Defense. Give if applicable. § 918.12(3), Fla. Stat. As of February 2026, the courts had not determined which party had the burden of persuasion and at what level of proof (preponderance, clear and convincing, beyond a reasonable doubt).

It is a defense to the charge of Tampering with a Court Official if at the time of the alleged offense, (defendant) was an attorney acting in the performance of [his] [her] duties.

Lesser Included Offenses

TAMPERING WITH A COURT OFFICIAL — 918.12(1)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Bribery of a Public Official	838.015	19.1
	Unlawful Compensation for Official Behavior	838.016	19.3
	Aggravated Assault	784.021	8.2
	Threat to [Kill] [do Serious Bodily Injury] to a Public Official	836.12	8.22(a)
	Assault	784.011	8.1
	Attempt	777.04(1)	5.1

Comments

Other crimes could be lesser included offenses depending on the charging document and the evidence.

This instruction was adopted on March 20, 2026.