

21.25 HARASSING A COURT OFFICIAL

§ 918.12(2), Fla. Stat.

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

- 1. (Defendant) intentionally harassed (victim).**
- 2. At the time, (victim) 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].**
- 3. (Defendant) knew (victim) 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].**
- 4. ((Defendant) thereby [hindered] [delayed] [prevented] [dissuaded] [attempted to [hinder] [delay] [prevent] [dissuade]] (victim) from**
Give as applicable.
 - a. attending an official proceeding.**
 - b. rendering a fair verdict based solely upon the evidence produced at an official proceeding and upon the law.**
 - c. following the rules of juror behavior and deliberation as set forth by the judge in an official proceeding.**
- 5. The official proceeding involved (insert appropriate type of proceeding, e.g., first degree murder, dissolution of marriage, etc.).**

The Court instructs you that an official proceeding involving the investigation or prosecution of (insert relevant information from element #5) is (insert appropriate information from § 918.12(2)(b)1.-6.)

§ 918.115, Fla. Stat.

“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.

“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 has 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 Harassing a Court Official if at the time, (defendant) was an attorney acting in the performance of [his] [her] duties.

Lesser Included Offenses

HARASSING A COURT OFFICIAL — 918.12(2)			
CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Stalking	784.048	8.6
	Harassing Telephone Calls	365.16	8.30

Comments

As of February 2026, it was unclear whether the courts will require the state to prove that a reasonable person in the court official’s position would have experienced substantial emotional distress. It was also undetermined whether the courts will require the state to prove that the defendant’s harassment was done with the intent to affect the official proceeding or investigation.

This instruction was adopted on March 20, 2026.