

8.22(b) HARASSING A PUBLIC OFFICIAL WITH INTENT TO AFFECT A LAWFUL DUTY

§ 836.12(3), Fla. Stat.

To prove the crime of Harassing a Public Official with Intent to Affect a Lawful Duty, the State must prove the following four elements beyond a reasonable doubt:

1. (Defendant) **knowingly and willfully harassed** (name of public official).
2. **At the time**, (name of public official) **was a[n]** [law enforcement officer] [state attorney] [assistant state attorney] [firefighter] [judge] [justice] [judicial assistant] [clerk of court or clerk personnel] [elected official] [general magistrate] [special magistrate] [child support enforcement hearing officer] [administrative assistant].
3. (Defendant) **knew** (name of public official) **was a[n]** [law enforcement officer] [state attorney] [assistant state attorney] [firefighter] [judge] [justice] [judicial assistant] [clerk of court or clerk personnel] [elected official] [general magistrate] [special magistrate] [child support enforcement hearing officer] [administrative assistant].
4. (Defendant) **did so with the intent to intimidate or coerce** (name of public official) **to perform or refrain from performing a lawful duty**.

“Willfully” means intentionally and purposely.

“To intimidate” means that (name of public official) **would reasonably be in fear of harm as a result of the defendant’s behavior.**

Give as applicable.

“Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

Definitions for part-time and auxiliary law enforcement officers can be found in § 943.10, Fla. Stat.

“Law enforcement officer” includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

Federal law enforcement officer.

“Law enforcement officer” includes a person who is employed by the Federal Government as a full-time law enforcement officer as defined by federal

law, who is empowered to effect an arrest for violations of the United States Code, who is authorized to carry firearms in the performance of her or his duties, and who has received law enforcement training equivalent to that prescribed for state law enforcement officers.

“Administrative assistant” means a court employee assigned to the office of a specific general magistrate, special magistrate, or 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, and clerical support to the assigned judge or justice.

“Firefighter” means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal under Florida law.

Lesser Included Offense

HARASSING A PUBLIC OFFICIAL WITH INTENT TO AFFECT A LAWFUL DUTY — 836.12(3)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comments

As of February 2026, it was unclear if the definition of “harass” in the Stalking statute (§ 784.048, Fla. Stat.) or the Criminal Use of Personal Identification statute (§ 817. 568), or some other definition, applies to this statute.

As of February 2026, it is unclear whether the courts will require the state to prove either that the victim felt harassed or that a reasonable person in the victim’s position would have felt harassed.

This instruction was adopted on December 15, 2023, and amended on March 20, 2026.