

THE FLORIDA SENATE
2026 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/HB 429 — Criteria for Determining Criminal Gang Membership

by Criminal Justice Subcommittee and Reps. Baker, Chamberlin, and others (CS/CS/SB 536 by Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee; and Senator Martin)

The bill modifies the definition of a “criminal gang member” as it pertains to criminal investigations, charges against suspected gang members, and the sentencing of criminal gang members, and creates a definition for the term “gang-related language.”

The definition of a “criminal gang member” means a person who meets two or more specified criteria. The criteria added or amended by the bill include that a person:

- Admits in person or on an online platform or social media that he or she is a criminal gang member.
- Is identified or claimed by a criminal gang as one of its members.
- Is identified as a criminal gang member by a parent, guardian, or spouse living with the person.
- Has been observed in the company of one or more known criminal gang members two or more times. Observation in a custodial setting requires a willful association. It is the intent of the Legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings.
- Has authored any communication indicating gang affiliation or gang activity or accepting responsibility for the commission of any crime by a criminal gang member.
- Uses gang-related language in furtherance of criminal gang-related activity on an online platform or social media.

The term “gang-related language,” means any verbal or written statement that signals gang affiliation, supports gang activity, or uses recognized gang codes, symbols, or terminology associated with criminal organizations. Written statements include any digital or electronic statements, including statements made on any online platform or social media.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect on October 1, 2026.

Vote: Senate 29-9; House 100-7