

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Criminal Justice
Subcommittee

Representative Baker offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (6), (7), and (8) of section 874.03, Florida Statutes, are renumbered as subsections (7), (8), and (9), respectively, subsection (3) of that section is amended, and a new subsection (6) is added to that section, to read:

874.03 Definitions.—As used in this chapter:

(3) "Criminal gang member" means ~~is~~ a person who meets two or more of the following criteria:

(a) Admits in person or on an online platform or social media that he or she is a criminal gang member.

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17 (b)(a) Is identified or claimed by a ~~Admits to~~ criminal
18 gang as one of its members ~~membership~~.

19 (c)(b) Is identified as a criminal gang member by a
20 parent, ~~or~~ guardian, or spouse living with the person.

21 (d)(e) Is identified as a criminal gang member by a
22 documented reliable informant.

23 (e)(d) Adopts the style of dress of a criminal gang.

24 (f)(e) Adopts the use of a hand sign identified as used by
25 a criminal gang.

26 (g)(f) Has a tattoo identified as used by a criminal gang.

27 (h)(g) Associates with one or more known criminal gang
28 members.

29 (i)(h) Is identified as a criminal gang member by an
30 informant of previously untested reliability and such
31 identification is corroborated by independent information.

32 (j)(i) Is identified as a criminal gang member by physical
33 evidence.

34 (k)(j) Has been observed in the company of one or more
35 known criminal gang members two ~~four~~ or more times. Observation
36 in a custodial setting requires a willful association. It is the
37 intent of the Legislature to allow this criterion to be used to
38 identify gang members who recruit and organize in jails,
39 prisons, and other detention settings.

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40 (1)~~(k)~~ Has authored any communication indicating gang
41 affiliation or gang activity or accepting responsibility for the
42 commission of any crime by a the criminal gang member.

43 (m) Uses gang-related language in furtherance of criminal
44 gang-related activity on an online platform or social media.

45
46 Where a single act or factual transaction satisfies the
47 requirements of more than one of the criteria in this
48 subsection, each of those criteria has thereby been satisfied
49 for the purposes of this subsection ~~the statute.~~

50 (6) "Gang-related language" is any verbal or written
51 statement that signals gang affiliation, supports gang activity,
52 or uses recognized gang codes, symbols, or terminology
53 associated with criminal organizations. Written statements
54 include any digital or electronic statements, including
55 statements made on any online platform or social media.

56 **Section 2. For the purpose of incorporating the amendment**
57 **made by this act to section 874.03, Florida Statutes, in a**
58 **reference thereto, paragraph (a) of subsection (2) of section**
59 **823.05, Florida Statutes, is reenacted to read:**

60 823.05 Places and groups engaged in certain activities
61 declared a nuisance; abatement and enjoinder.—

62 (2)(a) As used in this subsection, the terms "criminal
63 gang," "criminal gang member," "criminal gang associate," and

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"criminal gang-related activity" have the same meanings as provided in s. 874.03.

Section 3. For the purpose of incorporating the amendment made by this act to section 874.03, Florida Statutes, in a reference thereto, paragraph (n) of subsection (6) of section 921.141, Florida Statutes, is reenacted to read:

921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(6) AGGRAVATING FACTORS.—Aggravating factors shall be limited to the following:

(n) The capital felony was committed by a criminal gang member, as defined in s. 874.03.

Section 4. For the purpose of incorporating the amendment made by this act to section 874.03, Florida Statutes, in a reference thereto, subsection (11) of section 951.23, Florida Statutes, is reenacted to read:

951.23 County and municipal detention facilities; definitions; administration; standards and requirements.—

(11) GANG STATUS OF INMATES.—A county or municipal detention facility may designate an individual to be responsible for assessing whether each current inmate is a criminal gang member or associate using the criteria in s. 874.03. The individual should at least once biweekly transmit information on inmates believed to be criminal gang members or associates to the arresting law enforcement agency.

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Section 5. This act shall take effect October 1, 2026.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to criteria for determining criminal
gang membership; amending s. 874.03, F.S.; revising
the definition of the term "criminal gang member";
defining the term "gang-related language"; reenacting
ss. 823.05(2)(a), 921.141(6)(n), and 951.23(11), F.S.,
all relating to the definition of the term "criminal
gang member", to incorporate the amendment made to s.
874.03, F.S., in references thereto; providing an
effective date.