

A bill to be entitled
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";
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

**Section 1. Subsection (3) of section 874.03, Florida
Statutes, is amended to read:**

874.03 Definitions.—As used in this chapter:

(3) "Criminal gang member" is a person who:

(a) Admits, in person or on social media, to criminal gang
membership; or

(b) Meets two or more of the following criteria:

~~(a) Admits to criminal gang membership.~~

1. ~~(b)~~ Is identified as a criminal gang member by a parent,
or guardian, or spouse who resides with the person.

2. ~~(c)~~ Is identified as a criminal gang member by a
documented reliable informant.

3. ~~(d)~~ Adopts the style of dress of a criminal gang.

4. ~~(e)~~ Adopts the use of a hand sign identified as used by
a criminal gang.

5. ~~(f)~~ Has a tattoo identified as used by a criminal gang.

6. ~~(g)~~ Associates with one or more known criminal gang

26 members.

27 7.~~(h)~~ Is identified as a criminal gang member by an
28 informant of previously untested reliability and such
29 identification is corroborated by independent information.

30 8.~~(i)~~ Is identified as a criminal gang member by physical
31 evidence.

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

38 10.~~(k)~~ Has authored any communication indicating criminal
39 gang affiliation, criminal gang-related activity, or acceptance
40 of responsibility for the commission of any crime by the
41 criminal gang.

42 11. Has used criminal gang-related language on social
43 media, including language used in a post, caption, comment,
44 reply, thread, direct message, private message, meme, reel,
45 username, screen name, handle, or e-mail address.

46 12. Participates in any recording that promotes or
47 describes criminal gang activity, regardless of whether the
48 activity actually took place.

49
50 Where a single act or factual transaction satisfies the

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51 requirements of more than one of the criteria in this paragraph
52 ~~subsection~~, each of those criteria has thereby been satisfied
53 for the purposes of the statute.

54 **Section 2.** This act shall take effect October 1, 2026.