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CS/HB 429

2026 Legislature

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 2 An act relating to criteria for determining criminal
 3 gang membership; amending s. 874.03, F.S.; revising
 4 the definition of the term "criminal gang member";
 5 defining the term "gang-related language"; reenacting
 6 ss. 823.05(2)(a), 921.141(6)(n), and 951.23(11), F.S.,
 7 all relating to the definition of the term "criminal
 8 gang member", to incorporate the amendment made to s.
 9 874.03, F.S., in references thereto; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsections (6), (7), and (8) of section
 15 874.03, Florida Statutes, are renumbered as subsections (7),
 16 (8), and (9), respectively, subsection (3) of that section is
 17 amended, and a new subsection (6) is added to that section, to
 18 read:

19 874.03 Definitions.—As used in this chapter:

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

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

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

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- 26 (c)~~(b)~~ Is identified as a criminal gang member by a
 27 parent, ~~or~~ guardian, or spouse living with the person.
- 28 (d)~~(e)~~ Is identified as a criminal gang member by a
 29 documented reliable informant.
- 30 (e)~~(d)~~ Adopts the style of dress of a criminal gang.
- 31 (f)~~(e)~~ Adopts the use of a hand sign identified as used by
 32 a criminal gang.
- 33 (g)~~(f)~~ Has a tattoo identified as used by a criminal gang.
- 34 (h)~~(g)~~ Associates with one or more known criminal gang
 35 members.
- 36 (i)~~(h)~~ Is identified as a criminal gang member by an
 37 informant of previously untested reliability and such
 38 identification is corroborated by independent information.
- 39 (j)~~(i)~~ Is identified as a criminal gang member by physical
 40 evidence.
- 41 (k)~~(j)~~ Has been observed in the company of one or more
 42 known criminal gang members two ~~four~~ or more times. Observation
 43 in a custodial setting requires a willful association. It is the
 44 intent of the Legislature to allow this criterion to be used to
 45 identify gang members who recruit and organize in jails,
 46 prisons, and other detention settings.
- 47 (l)~~(k)~~ Has authored any communication indicating gang
 48 affiliation or gang activity or accepting responsibility for the
 49 commission of any crime by a ~~the~~ criminal gang member.
- 50 (m) Uses gang-related language in furtherance of criminal

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51 gang-related activity on an online platform or social media.

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53 Where a single act or factual transaction satisfies the
 54 requirements of more than one of the criteria in this
 55 subsection, each of those criteria has thereby been satisfied
 56 for the purposes of this subsection ~~the statute~~.

57 (6) "Gang-related language" means any verbal or written
 58 statement that signals gang affiliation, supports gang activity,
 59 or uses recognized gang codes, symbols, or terminology
 60 associated with criminal organizations. Written statements
 61 include any digital or electronic statements, including
 62 statements made on any online platform or social media.

63 Section 2. For the purpose of incorporating the amendment
 64 made by this act to section 874.03, Florida Statutes, in a
 65 reference thereto, paragraph (a) of subsection (2) of section
 66 823.05, Florida Statutes, is reenacted to read:

67 823.05 Places and groups engaged in certain activities
 68 declared a nuisance; abatement and enjoinder.-

69 (2) (a) As used in this subsection, the terms "criminal
 70 gang," "criminal gang member," "criminal gang associate," and
 71 "criminal gang-related activity" have the same meanings as
 72 provided in s. 874.03.

73 Section 3. For the purpose of incorporating the amendment
 74 made by this act to section 874.03, Florida Statutes, in a
 75 reference thereto, paragraph (n) of subsection (6) of section

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76 | 921.141, Florida Statutes, is reenacted to read:

77 | 921.141 Sentence of death or life imprisonment for capital
78 | felonies; further proceedings to determine sentence.—

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

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

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

87 | 951.23 County and municipal detention facilities;
88 | definitions; administration; standards and requirements.—

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

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