



545718

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/26/2026	.	
	.	
	.	
	.	

The Appropriations Committee on Criminal and Civil Justice
(Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

874.03 Definitions.—As used in this chapter:



545718

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

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

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

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

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

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

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

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

25 (h) ~~(g)~~ Associates with one or more known criminal gang
26 members.

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

32 (k) ~~(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 (l) ~~(k)~~ Has authored any communication indicating gang
39 affiliation or gang activity or accepting responsibility for the



545718

40 commission of any crime by a the criminal gang member.

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

43

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

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

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

58 823.05 Places and groups engaged in certain activities
59 declared a nuisance; abatement and enjoinder.—

60 (2) (a) As used in this subsection, the terms "criminal
61 gang," "criminal gang member," "criminal gang associate," and
62 "criminal gang-related activity" have the same meanings as
63 provided in s. 874.03.

64 Section 3. For the purpose of incorporating the amendment
65 made by this act to section 874.03, Florida Statutes, in a
66 reference thereto, paragraph (n) of subsection (6) of section
67 921.141, Florida Statutes, is reenacted to read:

68 921.141 Sentence of death or life imprisonment for capital



69 felonies; further proceedings to determine sentence.-

70 (6) AGGRAVATING FACTORS.-Aggravating factors shall be
71 limited to the following:

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

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

78 951.23 County and municipal detention facilities;
79 definitions; administration; standards and requirements.-

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

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

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete everything before the enacting clause
92 and insert:

93 A bill to be entitled
94 An act relating to criteria for determining criminal
95 gang membership; amending s. 874.03, F.S.; revising
96 the definition of the term "criminal gang member";
97 defining the term "gang-related language"; reenacting



545718

98 ss. 823.05(2)(a), 921.141(6)(n), and 951.23(11), F.S.,
99 all relating to the definition of the term "criminal
100 gang member," to incorporate the amendment made to s.
101 874.03, F.S., in references thereto; providing an
102 effective date.