

By Senator Martin

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A bill to be entitled

An act relating to criminal gang members; amending s. 874.03, F.S.; revising the definition of the term "criminal gang member"; 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.

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" means ~~is~~ a person who either admits in person or on social media to criminal gang membership or who meets two or more of the following criteria:

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

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

(c) Is identified as a criminal gang member by a law enforcement officer or a documented reliable informant.

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

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

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

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

33-00605A-26

2026536__

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

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

(j) Has been observed in the company of one or more known criminal gang members two ~~four~~ 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.

(k) Has authored any communication indicating gang affiliation or gang activity or accepting responsibility for the commission of any crime by the criminal gang. Meeting the criteria of this paragraph replaces the need for a standard field interview.

(l) Using gang-related language on social media.

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

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

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

(2)(a) As used in this subsection, the terms "criminal

33-00605A-26

2026536__

gang," "criminal gang member," "criminal gang associate," and "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.

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