

Four Florida Criminal Law Changes Taking Effect October 1

Roussos Law Group explains new felony offenses, stricter enforcement of pretrial release conditions, expanded gang-membership criteria, and other changes.

TAMPA, FL, UNITED STATES, August 19, 2026 /EINPresswire.com/ -- Four Florida Criminal Law Changes Taking Effect October 1 That Could Affect You

Roussos Law Group explains new felony offenses, stricter pretrial release enforcement, expanded gang-membership criteria, and other changes Floridians should understand

The new laws create felony penalties for fraudulently obtaining possession of a rental home, establish a separate crime for violating certain pretrial no-contact orders, expand criteria used to identify alleged criminal gang members, and impose new restrictions involving nitrous oxide and xylazine.

1. Fraudulent Entry Into a Rental Home Becomes a Third-Degree Felony

CS/HB 1293, enacted as Chapter 2026-143, creates the offense of fraudulent entry of a residential dwelling unit.

The offense applies when a person knowingly and willfully enters into and takes possession of a residential rental property by:



Kimberly G. Lewis is a dedicated criminal defense attorney offering comprehensive and skilled trial and negotiation defense in all areas of criminal law.

- * Making a materially false written statement concerning identity in a rental application
- * Presenting forged, fictitious, or counterfeit documents to the landlord, including a driver's license, identification card, bank statement, or pay stub
- * Impersonating another person whose name is used to apply for the property, execute the rental agreement, or take possession

A violation is a third-degree felony.

The law also treats fraudulent entry as landlord-tenant noncompliance that cannot be cured, allowing a landlord to terminate the rental agreement and require the occupant to vacate within seven days.

Criminal Defense & Business Law Attorneys in Tampa Florida

The statute does not make every inaccurate rental application a felony. Prosecutors must establish the required conduct and intent. A mistake, inconsistency, or incomplete application is not automatically equivalent to knowingly and willfully using false identity information or fraudulent documents to obtain possession.

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These laws do more than increase penalties; they change what conduct can support an arrest, what evidence prosecutors may use, and when a prior action can lead to more serious criminal exposure.”

Kimberly G. Lewis

2. Violating Certain Pretrial No-Contact Orders Becomes a Separate Crime

CS/CS/HB 397, the “Victim Safety in Pretrial Release Act,” creates a new offense for willfully violating certain no-contact orders imposed as a condition of pretrial release.

It applies when the original arrest involved a qualifying violent offense, including murder, manslaughter, assault, battery, stalking, kidnapping, false imprisonment, sexual battery, robbery, certain threats, or another felony

involving the use or threatened use of physical force or violence.

A first violation is a first-degree misdemeanor. A second or subsequent violation is a third-degree felony. The law also authorizes a warrantless arrest when an officer has probable cause

to believe the offense occurred.

A person arrested for the new offense must remain in custody until a first-appearance hearing. Similar custody requirements apply when a person on pretrial release for a qualifying violent offense is arrested for a new violation of law. At the hearing, the court must consider continued detention or modified release conditions, with priority given to the safety of the alleged victim and the public.

“The protected person’s willingness to communicate does not modify the judge’s order,” said [Kimberly G. Lewis](#), equity partner and director of criminal defense at Roussos Law Group. “Until the court changes or removes the restriction, a phone call, text message, social media message, third-party communication, or in-person contact may create a new criminal case.”

3. Social Media and Personal Associations May Carry Greater Weight in Alleged Gang Cases

CS/HB 429, enacted as Chapter 2026-156, expands and revises the criteria Florida authorities may use to identify a person as a criminal gang member.

Florida law generally requires at least two statutory criteria before classification as a criminal gang member. Beginning October 1, those criteria may include:

- * Admitting gang membership in person, online, or through social media
- * Being identified or claimed as a member by a criminal gang
- * Being identified as a gang member by a parent, guardian, or spouse living with the person
- * Being observed with one or more known gang members on at least two occasions
- * Authoring a communication indicating gang affiliation or activity
- * Authoring a communication accepting responsibility for a crime committed by a gang member
- * Using gang-related language online or on social media in furtherance of criminal [gang-related activity](#)

Gang-related language includes verbal, written, digital, or electronic statements that signal gang affiliation, support gang activity, or use recognized gang codes, symbols, or terminology associated with criminal organizations.

The amendment does not make slang, music lyrics, clothing, symbols, or online speech a standalone crime. It expands the information that may be considered during investigations, charging decisions, and sentencing proceedings involving alleged gang activity.

4. Florida Creates New Xylazine Trafficking Penalties and Restricts Nitrous Oxide Sales

CS/SB 432, known in part as “Meg’s Law,” creates new criminal penalties involving nitrous oxide and xylazine.

Beginning October 1, it is a third-degree felony for a licensed tobacco or nicotine dealer, or the dealer's employee or agent, to possess, sell, deliver, or give away nitrous oxide on or from the licensed premises. Grocery stores and supermarkets are generally excluded, but convenience stores are not.

The legislation also creates the offense of trafficking in xylazine. Possessing, selling, purchasing, manufacturing, delivering, or bringing 28 grams or more of xylazine into Florida can constitute a first-degree felony carrying mandatory prison sentences and substantial fines based on quantity.

New Laws Can Affect Pending Investigations Differently

The four laws take effect October 1, 2026. As a general rule, the date of the alleged conduct matters when determining which version of a criminal statute applies.

A new statute does not automatically govern conduct that allegedly occurred before its effective date. Cases involving conduct continuing across multiple dates may require more detailed analysis.

Anyone questioned, investigated, arrested, or charged under one of these laws should avoid making statements about the allegations before consulting a [criminal defense attorney](#).

About Roussos Law Group

Roussos Law Group is a Tampa-based law firm representing individuals and businesses throughout Florida in criminal defense, business law, business litigation, and estate planning.

The firm's attorneys are Elpiniki "Nikki" Roussos, Esq., founder and equity partner; Kimberly G. Lewis, Esq., equity partner and director of criminal defense; and Daniel W. Cardwell, Esq., equity partner.

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