

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: CS/SB 240

INTRODUCER: Criminal Justice Committee and Senators Berman and others

SUBJECT: Victims of Domestic Violence and Dating Violence

DATE: April 3, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Wyant	Stokes	CJ	<b>Fav/CS</b>
2. _____	_____	ACJ	_____
3. _____	_____	FP	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 240 creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study. The bill provides terms, requirements, and reporting requirements for such study.

The bill amends s. 741.402, F.S., to define “dating violence”. Section 741.403, F.S., is amended to allow a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program. The bill amends s. 741.408, F.S., to require the designated state and local entities that provide counseling and shelter services to victims of domestic violence, to apply for victims of dating violence.

The bill takes effect July 1, 2025.

**II. Present Situation:**

Dating violence is physical, sexual, emotional, or verbal abuse from a romantic or sexual partner. It can happen at any age, but young women are most likely to experience dating violence. More than four in 10 college women have experienced violence or abuse in a dating relationship and up to 19% of teens experience dating violence.<sup>1</sup>

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<sup>1</sup> Break the Cycle, *Teen Dating Violence Statistics 2024* (January 3, 2025), available at: <https://www.breakthecycle.org/teen-dating-violence-statistics/> (last visited March 25, 2025).

## Domestic Violence

In 2020, 106,615 crimes of domestic violence were reported to Florida law enforcement agencies, resulting in 63,217 arrests.<sup>2</sup> Of those 106,615 reported domestic violence offenses, the relationship of the victims to the offenders varied, including:

- 20,735 were spousal;<sup>3</sup>
- 29,663 were co-habitants;<sup>4</sup> and
- 20,142 were other.<sup>5</sup>

## Dating Violence

Section 784.046, F.S., provides the following “dating violence” means:<sup>6</sup>

- Violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such relationship shall be determined based on the consideration of the following factors:
  - A dating relationship must have existed within the past 6 months;
  - The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
  - The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

“Violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, or false imprisonment, or any criminal offense resulting in physical injury or death, by a person against any other person.<sup>7</sup>

Any person who is the victim of dating violence and has reasonable cause to believe he or she is in imminent danger of becoming the victim of another act of dating violence, or any person who has reasonable cause to believe he or she is in imminent danger of becoming the victim of an act of dating violence, or the parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence of that minor child, has standing in the circuit court to file a verified petition for an injunction for protection against dating violence.<sup>8</sup>

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<sup>2</sup> Florida Department of Law Enforcement, *Crime in Florida: Florida Uniform Crime Report*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence> (Last visited March 27, 2025).

<sup>3</sup> Florida Department of Law Enforcement, *Domestic Violence, Victim to Offender Relationships*, available at: <https://www.fdle.state.fl.us/CJAB/UCR/Annual-Reports/UCR-Domestic-Violence/Domestic-Violence-Relationships-Chart.aspx> (Last visited March 27, 2025). Spouse means the victim and offender are married by law or have been previously married. This category included ex-spouses.

<sup>4</sup> *Id.* Co-Habitant means the victim lived with the offender as a married couple without legal marriage. This category includes former co-habitants.

<sup>5</sup> *Id.* Other means the victim and offender had a child together but were never married and never lived together.

<sup>6</sup> Section 784.046(1)(d), F.S.

<sup>7</sup> Section 784.046(1)(a), F.S.

<sup>8</sup> Section 784.046(2)(b), F.S.

### ***Domestic Violence Investigations***

Section 741.29, F.S., provides domestic violence investigations require an officer who investigates an alleged incident of domestic violence to:

- Assist the victim to obtain medical treatment if such is required;<sup>9</sup>
- Advise the victim that there is a domestic violence center from which the victim may receive services;<sup>10</sup>
- Administer a lethality assessment if the allegation of domestic violence is against an intimate partner, regardless of whether an arrest is made;<sup>11</sup>
- Give the victim immediate notice of the legal rights and remedies available;<sup>12</sup>
- Make a written report, whether or not an arrest is made, that is complete and clearly indicates the alleged offense was an incident of domestic violence. The report shall be given to the officer's supervisor and filed with the law enforcement agency in a manner that will permit data on domestic violence cases to be compiled.<sup>13</sup> Such report must include:
  - A description of physical injuries observed, if any.
  - If a law enforcement officer decides not to make an arrest or decides to arrest two or more parties, the officer must include the grounds for not arresting anyone or for arresting two or more parties.
  - A statement which indicates that a copy of the legal rights and remedies notice was given to the victim.
- Obtain a written statement from the victim and witnesses concerning the alleged domestic violence when possible; and
- Make an arrest whenever the officer determines probable cause that an act of domestic violence has been committed.<sup>14, 15</sup>

### ***Domestic Violence Training***

Section 943.171, F.S., requires basic skills training in handling domestic violence cases. Every basic skills course required in order for law enforcement officers to obtain initial certification shall include a minimum of six hours of training in handling domestic violence cases and

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<sup>9</sup> Section 741.29(1)(a), F.S.

<sup>10</sup> Section 741.29(1)(b), F.S.

<sup>11</sup> Section 741.29(1)(c), F.S.

<sup>12</sup> Section 741.29(1)(d), F.S. The Legal Rights and Remedies Notice to Victims must include a general summary of s. 741.30, F.S., the resource listing and phone number for the area domestic violence center, and a copy of the following statement: "If you are a victim of domestic violence, you may ask the state attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an injunction for protection from domestic violence which may include, but need not be limited to, provisions which restrain the abuser from further acts of abuse; direct the abuser to leave your household; prevent the abuser from entering your residence, school, business, or place of employment; award you custody of minor children; and direct the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

<sup>13</sup> Section 741.29 (3), F.S.

<sup>14</sup> Section 741.29(4), F.S.

<sup>15</sup> Section 901.15(7), F.S., provides that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has committed an act of domestic violence. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas.

training must include the recognition and determination of the primary aggressor in domestic violence cases and the issues involved in child-to-parent cases.

### ***Address Confidentiality Program***

The Address Confidentiality Program for Victims of Domestic Violence operated by the Office of the Attorney General was designed to provide program participants with a substitute address<sup>16</sup> designated by the Attorney General in order to protect such participants and prevent their assailants or probable assailants from locating them. The program allows a participant to use his or her substitute address in lieu of his or her actual address with state and local agencies, which subsequently allows such agencies to comply with public record requests without jeopardizing the safety of program participants.<sup>17</sup>

### **Application Process and Certification**

A person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of a person adjudicated incapacitated may apply to the Attorney General to participate in the Address Confidentiality Program and acquire a substitute address. Funding permitting, the Attorney General shall approve an application if it is filed with the Attorney General's Office in the manner and on the form prescribed by the Attorney General<sup>18</sup> and contains all of the following:

- A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, and that the applicant fears for his or her safety or his or her children's safety or the safety of the minor or incapacitated person on whose behalf the application is made.
- A designation that the Attorney General shall serve as the applicant's agent for purposes of service of process and for the purpose of receipt of mail.
- The mailing address and phone number or numbers where the applicant can be contacted by the Attorney General.
- A statement that the substitute address or addresses that the applicant requests will not be disclosed.
- The signature of the applicant and of any individual or representative of any office who assisted in the preparation of the application,<sup>19</sup> and the date on which the applicant signed the application.<sup>20</sup>

Upon receipt of a properly filed complete application, the Attorney General must certify the applicant as a program participant. Applicants are certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.<sup>21</sup> A program participant will have his or her certification withdrawn if he or she:

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<sup>16</sup> "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant. Section 741.402(1), F.S.

<sup>17</sup> Section. 741.401, F.S.

<sup>18</sup> An application fee may not be charged. Section 741.403(2), F.S.

<sup>19</sup> The Attorney General is required to designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence to assist persons applying to become program participants. Section 741.408, F.S.

<sup>20</sup> Section 741.403(1), F.S.

<sup>21</sup> Section 741.403(3), F.S.

- Obtains a name change; or
- Applies to become a program participant using false information.<sup>22</sup>

Additionally, a program participant may have his or her certification cancelled if:

- He or she changes his or her residential address from the one listed on his or her program application, unless he or she provides the Attorney General with 14 days' prior notice of the change of address.
- Mail forwarded by the Attorney General to the program participant's address is returned and is undeliverable or if service of process documents are returned to the Attorney General.<sup>23, 24</sup>

#### Agency Use of Substitute Address

After obtaining certification as a program participant, such participant may request that state and local agencies or other governmental entities use the substitute address provided by the Attorney General as his or her address.<sup>25</sup> When creating a new public record, state and local agencies or other governmental entities shall accept the participant's substitute address, unless the Attorney General has determined that:

- The agency or entity has a bona fide statutory or administrative requirement for the use of the participant's actual address which would normally be confidential under the program.
- The participant's actual address will only be used for those statutory and administrative purposes.
- The agency or entity has identified the specific program participant's record for which the waiver is requested.
- The agency or entity has identified the individuals who will have access to the record.
- The agency or entity has explained how its acceptance of a substitute address will prevent the agency from meeting its obligations under the law and why it cannot meet its statutory or administrative obligation by a change in its internal procedures.<sup>26</sup>

The agency or entity is required to use the substitute address of the participant until such time as the Attorney General makes all of the required findings for a waiver.<sup>27</sup> If the Attorney General determines that a waiver is permitted, the Attorney General must notify and require the agency or entity to:

- Maintain the confidentiality of a program participant's actual address information.
- Limit the use of and access to that address.
- Designate an address disposition date after which the agency or entity may no longer maintain the record of the actual address.
- Comply with any other provisions and qualifications determined appropriate by the Attorney General.<sup>28</sup>

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<sup>22</sup> Section 741.404(1) and (4), F.S.

<sup>23</sup> Section 741.404(2) and (3), F.S.

<sup>24</sup> The Attorney General's Office must forward all first-class mail to a program participant at no charge.

Section 741.405(8), F.S.

<sup>25</sup> A program participant may use his or her designated substitute address as his or her work address. Section 741.405(7), F.S.

<sup>26</sup> Section 741.405(1), F.S.

<sup>27</sup> Section 741.405(2), F.S.

<sup>28</sup> Section 741.405(4), F.S.

### Supervisor of Elections Use of Substitute Address

A program participant who is otherwise qualified to vote may request a vote-by-mail ballot. The program participant will automatically receive vote-by-mail ballots for all elections in the jurisdictions in which he or she resides, in the same manner as vote-by-mail voters, at the participant's actual address designated in his or her program application. The name, address, and telephone number of a program participant may not be included in any list of registered voters available to the public.<sup>29</sup>

### **911 Communications**

The Emergency Communications Act provides legislative intent to establish and implement a statewide emergency communications and response capability using modern technologies and methods and to fund certain costs incurred by the counties associated with public safety emergency responses.<sup>30</sup> The Emergency Communications Act prohibits the misuse of the 911, E911,<sup>31</sup> and NG911<sup>32</sup> systems.

Since 1974, Florida law has designated "911" as the statewide emergency telephone number to provide citizens with rapid direct access to public safety agencies.<sup>33,34</sup> In 1999, the concept of "Enhanced 911" or "E911" service was established in Florida law to describe 911 service provided to wireless telephone users.<sup>35</sup> Today, under the Emergency Communications Number E911 Act,<sup>36</sup> the term "E911," as used in Florida law, refers more broadly to an enhanced 911 system or service that provides any user of voice communications services<sup>37</sup> with 911 service. E911 service directs calls to appropriate public safety answering points (PSAPs) by selective routing based on the geographical location from which a 911 call originated and provides for automatic number and location identification.<sup>38</sup> PSAPs receiving incoming 911 requests for

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<sup>29</sup> Section 741.406, F.S.

<sup>30</sup> Section 365.172(2)(a)-(b), F.S.

<sup>31</sup> "Enhanced 911" or "E911" means an enhanced 911 system or enhanced 911 services that is an emergency telephone system or service that provides a subscriber with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on geographical location from which the call originated, or as otherwise provided in the state plan, and that provides for automatic number identification and automatic location-identification features. Section 365.172(3)(i), F.S.

<sup>32</sup> "Next Generation 911" or "NG911" means an Internet Protocol (IP)-based system composed of managed Emergency Services IP Networks, functional elements (applications), and databases that replicate traditional E911 features and functions and provide additional capabilities. The NG911 system is designed to provide access to emergency services from all connected communication sources and provide multimedia data capabilities for PSAPs and other emergency service organizations. Section 365.172(3)(s), F.S.

<sup>33</sup> Chapter 74-357, L.O.F.

<sup>34</sup> "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services. Section 365.172(3)(z), F.S.

<sup>35</sup> Chapter 99-367, L.O.F.

<sup>36</sup> Chapter 2007-78, L.O.F.

<sup>37</sup> "Voice communications services" means two-way voice service, through the use of any technology, which actually provides access to 911 services, and includes communications services, as defined in s. 202.11, F.S., which actually provide access to 911 services and which are required to be included in the provision of 911 services pursuant to orders and rules adopted by the Federal Communications Commission. The term includes voice-over-Internet-protocol service. Section 365.172(3)(ee), F.S.

<sup>38</sup> Section 365.172(3)(i), F.S.

assistance dispatch appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications plan.<sup>39</sup>

The next progression in E911 systems is referred to as Next Generation 911 (NG911). NG911 is a digital, internet protocol-based system that replaces the analog 911 infrastructure which, among other things, allows photo, video, and text messages to be transmitted from citizens to PSAPs, in addition to standard voice calls.<sup>40</sup>

### ***Statewide Emergency Communications Plan***

The Division of Telecommunications (Division) within the Department of Management Services (DMS) is responsible for developing, maintaining, and implementing a statewide emergency communications plan. The plan must include:

- The public agency<sup>41</sup> emergency communications requirements for each entity of local government in the state.
- A system to meet specific local government requirements. Such system must include law enforcement, firefighting, and emergency medical services and may include other emergency services such as poison control, suicide prevention, and emergency management services.
- Identification of the mutual aid agreements necessary to obtain an effective emergency communications system.
- A funding provision that identifies the cost necessary to implement the emergency communications system.<sup>42</sup>

The Division is responsible for the implementation and coordination of the plan and must adopt any necessary rules and schedules related to public agencies for implementing and coordinating the plan.<sup>43</sup>

The Secretary of DMS, or his or her designee, acts as the director of the statewide emergency communications system and is authorized to coordinate the activities of the system with state, county, local, and private agencies. The director must consult, cooperate, and coordinate with local law enforcement agencies.<sup>44</sup> No emergency communications number E911 system can be established and no present system can be expanded without prior approval of the Division.<sup>45</sup>

### **III. Effect of Proposed Changes:**

The bill creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study.

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<sup>39</sup> Section 365.172(3)(aa), F.S.

<sup>40</sup> *Next Generation 911*, National Highway Traffic Safety Administration National 911 Program, <https://www.911.gov/issues/ng911/> (last visited Mar. 6, 2025).

<sup>41</sup> “Public agency” means the state and any city, county, city and county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services. Section 365.171(3)(c), F.S.

<sup>42</sup> Section 365.171(4), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> Section 365.171(5), F.S.

<sup>45</sup> Section 365.171(9), F.S.

The bill provides definitions for “division,” “enhanced 911,” “next generation 911,” “public safety agency,” and “public safety answering point (PSAP).”

The bill requires the Division of Telecommunications within the Department of Management Services (Division) to consult with enhanced 911 and Next Generation 911 service providers; state, county and municipal PSAPs; and state and local public safety agencies to conduct a feasibility study regarding the creation of a web-based 911 alert system for use by victims of domestic violence and dating violence which is capable of:

- Ensuring real-time data-sharing between PSAPs and law enforcement agencies;
- Creating a unique telephone number for each user which will connect the user to a PSAP;
- Creating a user-generated numerical code or phrase that can be utilized by the user after contacting a PSAP which indicates the user’s need for immediate law enforcement assistance; and,
- Transmitting specified data to law enforcement agencies when a user calls from his or her unique telephone number and enters his or her numerical code or phrase.

The division is required to report the results of the feasibility study to the President of the Senate and the Speaker of the House of Representatives by January 31, 2026.

The bill amends s. 741.402, F.S., to define “dating violence” to mean an assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment or any criminal offense resulting in physical injury or death, or the threat of any such act, committed by an individual who has or has had a continuing and significant relationship of a romantic or intimate nature as determined pursuant to s. 784.046(1)(d), F.S., with the victim, regardless of whether these acts or threats have been reported to law enforcement officers.

Further, the bill amends s. 741.403, F.S., to allow a victim of dating violence to apply to participate in the Attorney General’s address confidentiality program. The bill amends s. 741.408, F.S., to require the designated state and local entities that provide counseling and shelter services to victims of domestic violence, to apply for victims of dating violence.

The bill amends s. 741.4651, F.S., relating to public records exemptions for victims of stalking or aggravated stalking to specify that certain public records are confidential and exempt in the same manner as participants in the Address Confidentiality Program for Victims of Domestic *and Dating* Violence. Further, the bill amends s. 960.001, F.S. to require victims of dating violence to be given information about the address confidentiality program.

The bill takes effect July 1, 2025.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The bill does not appear to require the cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.



B. Public Records/Open Meetings Issues:

If the bill's intention is to expand the public records exemption to apply to victims of dating violence, the following are required:

- **Vote Requirement:** Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill may expand an exemption for records pertaining to victims of dating violence; therefore, the bill requires a two-thirds vote of each chamber for enactment.
- **Public Necessity Statement:** Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill does not contain a statement of public necessity for the exemption.
- **Breadth of Exemption:** Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect victims of dating violence, and the bill exempts only records pertaining to those persons from the public records requirements.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill appears to expand a public records exemption by allowing victims of dating violence to participate in the Address Confidentiality Program for Victims of Domestic Violence under s. 741.403, F.S.<sup>46</sup>

Because victims of dating violence are allowed into the address program, it appears that either:

- The public records exemption is being expanded and would require a separate public records bill containing a public necessity statement, and would require a two-thirds vote for passage; or,
- The public record exemption does not apply to such victims, and in which case, may cause confusion as to what records may or may not be released.

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<sup>46</sup> SB 240 amended language in s. 741.465, F.S., that would allow a victim of dating violence participating in the address confidentiality program to have their information be confidential and held exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. However, CS/SB 240 removes this exemption but does not differentiate between an address confidentiality program for domestic violence, and one for dating violence.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The FDLE has determined there is no fiscal impact to the department.<sup>47</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 741.401, 741.402, 741.403, 741.408, 741.4651, 960.001.

This bill creates an undesignated section of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Criminal Justice on April 1, 2025:**

This Committee Substitute:

- Removes language creating the Helping Abuse Victims Escape Now (HAVEN) Coordinating Council.
- Creates an undesignated section of law to establish a domestic and dating violence 911 alert system feasibility study and: defines terms; requires the Division of Telecommunications within the Department of Management Services to consult with specified agencies to conduct such feasibility study regarding the creation of a web-based 911 alert system for victims of domestic and dating violence with certain capabilities; and provides a reporting requirement.
- Amends s. 741.402, F.S., to define “dating violence” in s. 741.402, F.S., and amends the address confidentiality program under the Office of the Attorney General, to allow victims of dating violence to be eligible and extend the public records exemption therein.

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<sup>47</sup> Florida Department of Law Enforcement, *SB 240 Agency Analysis*, On file with the Senate Committee on Criminal Justice.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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