

Florida Department of Law Enforcement Office of the General Counsel
LEGAL BULLETIN 99-02:
**FLORIDA'S ADDRESS CONFIDENTIALITY PROGRAM FOR
VICTIMS OF DOMESTIC VIOLENCE**

(AS ESTABLISHED BY CH. 98-404, LAWS OF FLORIDA)

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This Legal Bulletin summarizes the Attorney General's Address Confidentiality Program for Victims of Domestic Violence and how law enforcement agencies will interact with the program. The program became operational on January 31, 1999 and began accepting domestic violence victims into the program on February 27, 1999.

**DOMESTIC VIOLENCE VICTIM
ADDRESS CONFIDENTIALITY**

I. PROGRAM SUMMARY

The Florida Legislature passed CS/CS/HB 1637 and 1639 (and companion CS/SB 118 and 116) which creates the Address Confidentiality Program for Victims of Domestic Violence. The Office of the Attorney General is charged by law with administering the program. Sections 741.401-741.409, and 741.465, Florida Statutes, and Chapter 2A-7, Florida Administrative Code, govern the program.

The Address Confidentiality Program's goal is to provide services to victims of domestic violence who are attempting escape from actual or threatened violence through relocation. In order to keep victims' new physical addresses confidential, participants are provided a substitute mailing address designated by the Attorney General. This is designed to prevent their assailants from finding them using government public records. An individual's participation in the ACP and the substitute address assigned to them, are not confidential information. However, the program participant's actual location is confidential.

Victims who have left an abusive situation may apply. The victim must also be a Florida resident whose new location is unknown to the abuser.

Using the substitute mailing address, victims receive secure mail forwarding services. Through the substitute address, the Attorney General serves as each client's legal agent for receipt of mail and first class mail forwarding. However, for security reasons, ACP will not handle packages regardless of size or type of mailing. In addition, the Attorney General is the designated agent for receipt of service of process, such as witness subpoenas, on program participants.

All program participants receive a designated substitute mailing address and a fictitious street address. Program participants may use the substitute address as their address of record when dealing with state and local government agencies. Although private entities such as utilities, banks and merchants do not have to accept the substitute address, many will do so. The statute also makes a program participant's voter registration information confidential and provides for voting utilizing absentee ballots.

**II. WHO IS ELIGIBLE TO PARTICIPATE
IN THE PROGRAM?**

Section 741.403(1), Florida Statutes, specifies that any adult that is the victim of domestic violence may apply to the office of the Attorney General for acceptance into the

program. A parent or guardian may apply on behalf of a victim of domestic violence that is a minor or an incapacitated person. "Victim of domestic violence" means a victim of any of the following offenses committed by one family or household member on another who is (or was) residing in the same home:

- assault or aggravated assault;
- battery or aggravated battery;
- sexual assault or sexual battery;
- stalking or aggravated stalking;
- kidnapping or false imprisonment, or
- any criminal offense resulting in physical injury.

For purposes of this definition, a "family or household member" means:

- spouses or former spouses;
- persons related by blood or marriage;
- persons presently residing together as a family;
- persons who have resided together in the past as a family, or
- persons who have a child in common regardless of whether they have been married or have resided together at any time.

A person may be considered the victim of domestic violence, for purposes of program application, even if the abuser's actions have not previously been reported to law enforcement.

A victim of domestic violence may apply for participation in the program by submitting an Address Confidentiality Program Application to the Office of the Attorney General. Applications are to be completed in person with an Application Assistant at any designated domestic violence shelter or community-based victims' assistance program. Upon request, ACP staff will make a referral to a local program that provides ACP application assistance. There are programs accessible throughout the state. Application Assistants are trained to assist

victims with the completion of a program application. The application process includes orientation information and guidance about program participation.

A victim of domestic violence must attest on the application that he or she fears for his or her safety, or for the safety of his or her children, because of the abuser's threats or actions. In addition, the applicant must state that if his or her new address were to be disclosed to the abuser, the risk of further domestic violence would be increased. The applicant must also designate the Attorney General as his or her agent for purposes of service of process and receipt of mail. Completed applications are then forwarded to the ACP office in Tallahassee for processing.

Applicants meeting program acceptance criteria will be certified by the Attorney General as a program participant for a four-year period, subject to renewal. The Office of the Attorney General will then forward all first class mail to the appropriate program participants at no charge.

The Attorney General will issue program participants authorization cards to certify them as program participants.

**STATE OF FLORIDA
ADDRESS CONFIDENTIALITY PROGRAM**

Signature of participant or parent/guardian is authorized to participate in the Address Confidentiality Program.

Authorization	Birthdate	Expires
0000	00-00-00	00-00-00

This program participant is authorized to use the following substitute address:

Jane Doe
P.O. Box 6298
723 Truman Avenue
Tallahassee, Florida 32314-6298

Authorization code, name, post office box and zip code shall be used on all correspondence to this participant.

**If you have any questions regarding the Address Confidentiality Program, or the valid use of this authorization card, please call:
1-800-226-6667 or 850/414-3300**

III. FLORIDA GOVERNMENT AGENCIES MUST ACCEPT THE SUBSTITUTE ADDRESS.

A program participant may request that state and local governmental entities use the address designated by the Attorney General as his or her address. When creating a new public record, state and local agencies must accept the address designated by the Attorney General as a program participant's substitute address. Federal agencies and state and local agencies in other states are not required to accept designated substitute addresses of ACP clients. However, it is expected that many of these agencies will use the ACP substitute address and adjust their records on ACP participants without difficulty.

A state or local agency may only reject the substitute address if the Attorney General finds that the agency has a bona fide legal requirement for use of the true address and the agency will use the information only for that purpose. In the event of such a waiver, the agency must maintain the confidentiality of the program participant's address information and limit the use of and access to that address.

Program participants choose when to use their ACP substitute address to keep their actual location secret. When an ACP participant chooses to reveal actual address information to an agency, the agency will not be legally obligated to keep that information confidential.

IV. ACP IS NOT A VICTIM/WITNESS PROTECTION PROGRAM.

It is important to note that the Address Confidentiality Program is not a victim/witness protection program. Consequently, the program does not provide emergency resources, legal advice or counseling services.

The program does not assist participants in obtaining new names, new social security numbers, or in relocation. However, the Attorney General does direct victims to state and local agencies and nonprofit agencies that provide counseling and shelter services. The program works by effectively using a substitute address and other program services as an important part of an overall, long-term safety strategy for victims of domestic violence.

If a program participant obtains a name change, he or she loses certification as a program participant. In addition, the Attorney General may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the Attorney General with notice of the change of address. The Attorney General may also cancel a program participant's certification if mail forwarded to the program participant's address is returned, undeliverable or if service of process documents are returned.

Persons providing false information to apply to the program will be rejected. Should ACP staff learn of such falsification after a person has been accepted into the program, his or her certification will be cancelled.

V. WHEN MAY THE ATTORNEY GENERAL DISCLOSE THE TRUE ADDRESS?

The Attorney General will maintain a record of each program participant's true residence, work and, if applicable, school address. In addition, the Attorney General will keep records of each participant's telephone and social security numbers. However, these records are exempt by law from public records disclosure and may not be released by the Attorney General or any other

government agency. Exceptions to this rule apply if:

- a law enforcement agency requires the information in order to execute an arrest warrant upon a program participant;
- a court issues an order to disclose to a specific person identified in the order; or
- the participant's certification has been canceled by the Attorney General under circumstances specified by law.

A request from a law enforcement agency for release of records in a program participant's file must be made to the ACP in writing, and contain the request date, the name of the program participant and a copy of the active arrest warrant. Although a program participant would not be notified of a disclosure to law enforcement in the case of an arrest warrant, the Attorney General is required to provide immediate written notification of disclosure to a program participant when that office makes any other address disclosure. Law enforcement agencies are encouraged to call the ACP any time there is a question about a participant or the program.

Note To Readers from Agencies Other Than FDLE:

Your agency's legal counsel should be consulted for assistance in determining what policies and procedures will be implemented by your agency to comply with the law concerning the Address Confidentiality Program.

For further information, you may contact the ACP office during regular business hours at 850-414-3330 or 1-800-226-6667. TDD/TTY users can contact the ACP via the Florida Relay Service at 1-800-955-8771. The office fax number is 850-487-3013. Contact the Address Confidentiality Program by mail at Post Office Box 6298, Tallahassee, Florida 32314-6298.

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SPECIAL ANNOUNCEMENT:

FDLE's "1999 Legislative Summary- Laws Of Interest To Florida Law Enforcement" is NOW AVAILABLE on FDLE's website (www.fdle.state.fl.us) at the General Counsel's page, as Legal Bulletin 99-01.