

Committee on Children, Families, And Elder Affairs

CS/CS/CS/HB 1059 — Exploitation of a Vulnerable Adult

by Judiciary Committee, Children, Families, and Seniors Subcommittee, Civil Justice and Claims Subcommittee, and Rep. Burton and others (SB 1562 by Senator Passidomo and Young)

CS/CS/CS/HB 1059 (Chapter 2018-100, L.O.F.) creates a civil cause of action for an injunction to prohibit a person from exploiting a vulnerable adult. The bill allows courts to grant a temporary injunction if the following conditions are met:

- The vulnerable adult is a victim of exploitation or the court believes that the vulnerable adult is in imminent danger of becoming a victim of exploitation;
- There is a likelihood of irreparable harm and there is not an adequate remedy in law;
- There is a substantial likelihood of success, based on the merits of the case;
- The threatened injury to the vulnerable adult outweighs possible harm to the respondent; and
- Granting of a temporary injunction will not harm the public interest.

The bill also creates standards for the court to follow when issuing an injunction, identifies individuals who may petition the court for an injunction, provides for a choice of venue specifying where the petition may be filed, and provides a procedural framework for the parties and court.

The bill provides several remedies for vulnerable adults following the issuance of an injunction. These include awarding to the vulnerable adult the temporary exclusive use and possession of any dwelling that the vulnerable adult and the respondent share, or barring the respondent from the residence of the vulnerable adult, and freezing the assets of both the vulnerable adult and an individual accused of exploiting them. The bill also imposes criminal penalties for violating an injunction.

These provisions were approved by the Governor and take effect July 1, 2018.

Vote: Senate 35-0; House 113-0