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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/06/2018 10:24 AM	.	03/08/2018 01:54 PM
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Senator Hukill moved the following:

Senate Amendment

Delete lines 302 - 836
and insert:

SUSPICION TO THE CENTRAL ABUSE HOTLINE. I HAVE
REPORTED THE ALLEGATIONS IN THIS PETITION TO THE
CENTRAL ABUSE HOTLINE.

I HAVE READ EACH STATEMENT MADE IN THIS PETITION AND
EACH SUCH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND
THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING



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12 MADE UNDER PENALTY OF PERJURY PUNISHABLE AS PROVIDED
13 IN SECTION 837.02, FLORIDA STATUTES.

14
15 (c) Upon the filing of the petition, the court shall
16 schedule a hearing on the petition on the earliest possible
17 date.

18 (4) CLERK'S DUTIES, RESPONSIBILITIES, AND CHARGES.—

19 (a) The clerk of the circuit court shall assist the
20 petitioner in filing an injunction for protection against
21 exploitation of a vulnerable adult and any petition alleging a
22 violation thereof.

23 (b) The clerk of the circuit court shall provide simplified
24 petition forms for the injunction for protection against
25 exploitation of a vulnerable adult, and any modifications
26 thereto, and for the enforcement thereof, and instructions for
27 completion of such forms.

28 (c) The clerk of the circuit court shall, to the extent
29 practicable, ensure the petitioner's privacy while completing
30 such forms.

31 (d) The clerk of the circuit court shall provide the
32 petitioner with two certified copies of the petition for an
33 injunction without charge, and shall inform the petitioner of
34 the steps necessary for service of process and enforcement.

35 (e) If an injunction is entered, the clerk of the circuit
36 court shall provide, without charge, the petitioner with
37 certified copies of an order of injunction that may be served
38 upon any person holding property, upon any financial institution
39 holding property or accounts, or upon any financial institution
40 with an open line of credit that is subject to the freeze, and



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41 shall inform the petitioner of the service of process and
42 enforcement.

43 (f) The clerk of the circuit court and appropriate staff in
44 each county shall receive training in the effective assistance
45 of petitioners as provided or approved by the Florida
46 Association of Court Clerks.

47 (g) The clerk of the circuit court in each county shall
48 produce an informational brochure and provide it to the
49 petitioner at the time of filing for an injunction for
50 protection against exploitation of a vulnerable adult. The
51 brochure must include information about the exploitation of
52 vulnerable adults and the effect of providing false information
53 to the court. The clerk of the circuit court in each county
54 shall also make available informational brochures on the
55 exploitation of vulnerable adults to local senior centers, local
56 aging and disability resource centers, or appropriate state or
57 federal agencies.

58 (h) The clerk of the circuit court shall provide a copy of
59 all petitions filed pursuant to this section and all orders
60 entered on such petitions to the adult protective services
61 program. Within 72 hours after receipt of such orders or
62 petitions, the adult protective services program shall submit to
63 the court overseeing proceedings on the petition the results of
64 any relevant investigations relating to the vulnerable adult.

65 (i) Notwithstanding any other provision of law, the clerk
66 of the circuit court may not assess an initial filing fee or
67 service charge for petitions filed under this section. However,
68 subject to legislative appropriation, the clerk of the circuit
69 court may, on a quarterly basis, submit a certified request for



70 reimbursement to the Office of the State Courts Administrator
71 for the processing of such petitions, at the rate of \$40 per
72 petition. The request for reimbursement must be submitted in the
73 form and manner prescribed by the office. From each
74 reimbursement received, the clerk of the circuit court shall pay
75 any law enforcement agency serving the injunction for protection
76 against exploitation of a vulnerable adult the fee requested by
77 the law enforcement agency, to not exceed \$20.

78 (5) TEMPORARY INJUNCTION; SERVICE; HEARING.—

79 (a)1. The court may grant a temporary injunction ex parte,
80 pending a full hearing, and may grant such relief as the court
81 deems proper if the court finds that:

82 a. An immediate and present danger of exploitation of the
83 vulnerable adult exists.

84 b. There is a likelihood of irreparable harm and
85 nonavailability of an adequate remedy at law.

86 c. There is a substantial likelihood of success on the
87 merits.

88 d. The threatened injury to the vulnerable adult outweighs
89 possible harm to the respondent.

90 e. Granting a temporary injunction will not disserve the
91 public interest.

92 f. Such injunction provides for the vulnerable adult's
93 physical or financial safety.

94 2. Such relief the court deems proper may include, but is
95 not limited to, injunctions doing any of the following:

96 a. Restraining the respondent from committing any acts of
97 exploitation against the vulnerable adult.

98 b. Awarding to the vulnerable adult the temporary exclusive



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99 use and possession of the dwelling that the vulnerable adult and
100 the respondent share, or barring the respondent from the
101 residence of the vulnerable adult. The court shall confirm the
102 availability of any required services or alternative caregivers
103 that may be necessary to ensure the vulnerable adult's safety.

104 c. Freezing any assets of the vulnerable adult in any
105 depository or financial institution whether titled solely in the
106 vulnerable adult's name, solely in the respondent's name,
107 jointly with the respondent, in guardianship, in trust, or in a
108 Totten trust, provided that:

109 (I) Assets held by a guardian for the vulnerable adult may
110 be frozen only by an order entered by the court overseeing the
111 guardianship proceeding.

112 (II) Assets held by a trust may be frozen only by an order
113 of the court if all the trustees of the trust are served with
114 process and are given reasonable notice before any hearing on
115 the petition.

116 (III) Assets held solely in the name of the respondent may
117 only be frozen on an ex parte basis if the petition and
118 affidavit demonstrate to the court probable cause that such
119 assets are traceable to the unlawful exploitation of the
120 vulnerable adult, that such assets are likely to be returned to
121 the vulnerable adult after a final evidentiary hearing, and that
122 no other adequate remedy at law is reasonably available.

123 d. Freezing any line of credit of the vulnerable adult at
124 any depository or financial institution whether listed solely in
125 the vulnerable adult's name or jointly with the respondent.

126 (I) Lines of credit held by a guardian for the vulnerable
127 adult may be frozen only by an order entered by the court



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128 overseeing the guardianship proceeding.

129 (II) Lines of credit held by a trust may be frozen only by
130 an order of the court if all the trustees of the trust are
131 served with process and are given reasonable notice before any
132 hearing on the petition.

133 e. Prohibiting the respondent from having direct or
134 indirect contact with the vulnerable adult.

135 f. Providing directives to law enforcement agencies.

136 g. If the court has ordered an asset and credit freeze,
137 ordering that specified living expenses of the vulnerable adult
138 continue to be paid.

139 h. Ordering any financial institution holding assets of the
140 vulnerable adult to pay the clerk of the circuit court from
141 unencumbered assets of the vulnerable adult, if any, a fee of
142 \$75 if the assets of the petitioner are between \$1,500 and
143 \$5,000 or a fee of \$200 if the assets are in excess of \$5,000.
144 The court may rely on the estimate of the value of the assets in
145 the petition when assessing the fee. The fee shall be taxed as
146 costs against the respondent if the court enters an injunction.

147 (b) Except as provided in s. 90.204, in a hearing ex parte
148 for the purpose of obtaining an ex parte temporary injunction,
149 only verified pleadings or affidavits may be used as evidence
150 unless the respondent appears at the hearing or has received
151 reasonable notice of the hearing. A petition under this section
152 shall be considered a family case for purposes of s. 90.204(4).

153 (c) A denial of a petition for an ex parte injunction must
154 be by written order and must note the legal grounds for denial.
155 When the only ground for denial is failure to demonstrate
156 appearance of an immediate and present danger of exploitation of



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157 a vulnerable adult, the court must set a full hearing on the
158 petition for injunction at the earliest possible date. Nothing
159 in this paragraph affects a petitioner's right to promptly amend
160 any petition consistent with court rules.

161 (d) An ex parte temporary injunction may be effective for a
162 fixed period not to exceed 15 days. A full hearing, as provided
163 by this section, must be set for a date no later than the date
164 when the temporary injunction ceases to be effective. The court
165 may grant a continuance of the hearing, before or during the
166 hearing, for good cause shown by any party, which good cause may
167 include a continuance to obtain service of process. An ex parte
168 injunction is not extended beyond the initial 15 days as a
169 result of a continuance.

170 (6) REASONABLE CAUSE.-In determining whether a petitioner
171 has reasonable cause to believe that the vulnerable adult is, or
172 is in imminent danger of becoming, a victim of exploitation, the
173 court shall consider and evaluate all relevant factors,
174 including, but not limited to, any of the following:

175 (a) The existence of a verifiable order of protection
176 issued previously or from another jurisdiction.

177 (b) Any history of exploitation by the respondent upon the
178 vulnerable adult in the petition or any other vulnerable adult.

179 (c) Any history of the vulnerable adult being previously
180 exploited or unduly influenced.

181 (d) The capacity of the vulnerable adult to make decisions
182 related to his or her finances and property.

183 (e) Susceptibility of the vulnerable adult to undue
184 influence.

185 (f) Any criminal history of the respondent or previous



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186 probable cause findings by the adult protective services
187 program, if known.

188 (7) NOTICE OF PETITION AND INJUNCTION.—

189 (a) The respondent shall be personally served, pursuant to
190 chapter 48, with a copy of the petition, notice of hearing, and
191 temporary injunction, if any, before the final hearing.

192 (b) If the petitioner is acting in a representative
193 capacity, the vulnerable adult shall also be served with a copy
194 of the petition, notice of hearing, and temporary injunction, if
195 any, before the final hearing.

196 (c) If any assets or lines of credit are ordered to be
197 frozen, the depository or financial institution must be served
198 as provided in s. 655.0201.

199 (8) FINAL HEARING ON PETITION.—

200 (a)1. The court may grant such relief as the court deems
201 proper when, upon notice and hearing, it appears to the court
202 that:

203 a. The vulnerable adult is the victim of exploitation or
204 that the vulnerable adult is in imminent danger of becoming a
205 victim of exploitation.

206 b. There is a likelihood of irreparable harm and
207 nonavailability of an adequate remedy at law.

208 c. The threatened injury to the vulnerable adult outweighs
209 possible harm to the respondent.

210 d. Where the injunction freezes assets of the respondent,
211 the court finds probable cause that exploitation has occurred,
212 the freeze only affects the proceeds of such exploitation, and
213 there is a substantial likelihood that such assets will be
214 ordered to be returned to the vulnerable adult.



215 e. The relief provides for the vulnerable adult's physical
216 or financial safety.

217 2. Such relief may include, but need not be limited to,
218 injunctions doing any of the following:

219 a. Continuing the temporary injunction in part or in whole.

220 b. Restraining the respondent from committing any acts of
221 exploitation.

222 c. Awarding to the vulnerable adult the exclusive use and
223 possession of the dwelling that the vulnerable adult and the
224 respondent share or excluding the respondent from the residence
225 of the vulnerable adult. The court shall confirm the
226 availability of any required services or alternative caregivers
227 that may be necessary to ensure the vulnerable adult's safety.

228 d. Ordering the respondent to participate in treatment,
229 intervention, or counseling services to be paid for by the
230 respondent.

231 e. Directing that assets under temporary freeze by
232 injunction be returned to the vulnerable adult, or directing
233 that those assets remain frozen until ownership can be
234 determined; and directing that the temporary freeze on any line
235 of credit be lifted.

236 f. Where the court has found that the respondent has
237 engaged in exploitation of the vulnerable adult, entering a
238 final cost judgment against the respondent and in favor of the
239 petitioner for all taxable costs, and entering a final cost
240 judgment against the respondent and in favor of the clerk of the
241 circuit court for all the clerk's filing fees and service
242 charges that were waived by operation of this section.

243 g. Ordering such other relief as the court deems necessary



244 for the protection of a victim of exploitation, including
245 injunctions or directives to law enforcement agencies, as
246 provided in this section.

247 (b) The court must allow an advocate from a state
248 attorney's office, a law enforcement agency, or the adult
249 protective services program to be present with the petitioner or
250 the respondent during any court proceedings or hearings related
251 to the injunction, provided the petitioner or the respondent has
252 made such a request and the advocate is able to be present.

253 (c) The terms of an injunction restraining the respondent
254 as provided in paragraph (a) remain in effect until the
255 injunction is modified or dissolved.

256 (9) PROVISIONS REQUIRED IN ANY TEMPORARY OR PERMANENT
257 INJUNCTION.—A temporary or final judgment on an injunction must,
258 on its face, indicate:

259 (a) That the injunction is valid and enforceable in all
260 counties of this state.

261 (b) That law enforcement officers may use their arrest
262 powers under s. 901.15(6) to enforce the terms of the
263 injunction.

264 (c) That the court had jurisdiction over the parties and
265 subject matter under state law and that reasonable notice and
266 opportunity to be heard were given to the person against whom
267 the order was sought, in a manner that was sufficient to protect
268 that person's right to due process.

269 (d) If any assets or lines of credit are ordered to be
270 frozen, the date that the depository or financial institution
271 was served with the injunction as provided in s. 655.0201.

272 (e) The date the respondent was served with the petition



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273 for injunction.

274 (10) TRANSMITTAL TO SHERIFF; SERVICE.-

275 (a)1.a. The clerk of the circuit court shall furnish a copy
276 of the petition, the financial affidavit, the notice of hearing,
277 and any temporary injunction to the sheriff or a law enforcement
278 agency of the county in which the respondent resides or can be
279 found, who shall serve it upon the respondent as soon thereafter
280 as possible on any day of the week and at any time of the day or
281 night. At the request of the sheriff, the clerk of the circuit
282 court may transmit a facsimile copy of an injunction that has
283 been certified by the clerk of the circuit court pursuant to
284 subparagraph 4., and this facsimile copy may be served in the
285 same manner as a certified copy. The clerk of the circuit court
286 shall also furnish to the sheriff such information on the
287 respondent's physical description and location as is required by
288 the Department of Law Enforcement to comply with the
289 verification procedures set forth in sub-subparagraph b.

290 b. Upon receiving a facsimile copy, the sheriff must verify
291 receipt with the clerk of the circuit court before attempting to
292 serve it upon the respondent. If the sheriff is in possession of
293 an injunction that has been certified by the clerk of the
294 circuit court, the sheriff may transmit a facsimile copy of that
295 injunction to a law enforcement officer who shall serve it in
296 the same manner as a certified copy.

297 c. Notwithstanding any other provision of law, the chief
298 judge of each judicial circuit, in consultation with the
299 appropriate sheriff, may authorize a law enforcement agency
300 within the jurisdiction to effect service. A law enforcement
301 agency performing service pursuant to this section shall use



302 service and verification procedures consistent with those of the
303 sheriff.

304 2.a. Except where the vulnerable adult is the petitioner,
305 the clerk of the circuit court shall furnish a copy of the
306 petition, the financial affidavit, the notice of hearing, and
307 any temporary injunction to the sheriff or a law enforcement
308 agency of the county in which the vulnerable adult resides or
309 can be found, who shall serve it upon the vulnerable adult as
310 soon thereafter as possible on any day of the week and at any
311 time of the day or night. At the request of the sheriff, the
312 clerk of the circuit court may transmit a facsimile copy of an
313 injunction that has been certified by the clerk of the circuit
314 court pursuant to subparagraph 4., and this facsimile copy may
315 be served in the same manner as a certified copy. The clerk of
316 the circuit court shall also furnish to the sheriff such
317 information on the vulnerable adult's physical description and
318 location as is required by the Department of Law Enforcement to
319 comply with the verification procedures set forth in sub-
320 subparagraph b.

321 b. Upon receiving a facsimile copy, the sheriff must verify
322 receipt with the clerk of the circuit court before attempting to
323 serve it upon the vulnerable adult. If the sheriff is in
324 possession of an injunction that has been certified by the clerk
325 of the circuit court, the sheriff may transmit a facsimile copy
326 of that injunction to a law enforcement officer, who shall serve
327 it in the same manner as a certified copy.

328 c. Notwithstanding any other provision of law, the chief
329 judge of each judicial circuit, in consultation with the
330 appropriate sheriff, may authorize a law enforcement agency



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331 within the jurisdiction of the circuit to effect service. A law
332 enforcement agency performing service pursuant to this section
333 shall use service and verification procedures consistent with
334 those of the sheriff.

335 3. When an injunction for protection against exploitation
336 of a vulnerable adult is issued, if the petitioner requests that
337 a law enforcement agency assist the vulnerable adult, the court
338 may order that an officer from the appropriate law enforcement
339 agency accompany the vulnerable adult and assist in the service
340 or execution of the injunction, including returning possession
341 of a dwelling or residence to the vulnerable adult. A law
342 enforcement officer shall accept a copy of an injunction,
343 certified by the clerk of the circuit court pursuant to
344 subparagraph 4., from the petitioner and immediately serve it
345 upon a respondent who has been located but not yet served. The
346 law enforcement agency must also serve any injunction freezing
347 assets on a financial institution where assets subject to
348 dissipation are held, or where a credit line may be exploited.
349 Service upon the depository or financial institution must be
350 served as provided in s. 655.0201.

351 4. The clerk of the circuit court shall certify a copy of
352 all orders issued, changed, continued, extended, or vacated
353 subsequent to the original service of the original petition,
354 notice of hearing, or temporary injunction and deliver the
355 certified copy to the parties at the time of the entry of the
356 order. The parties may acknowledge receipt of a certified order
357 in writing on the face of the original order. If a party fails
358 or refuses to acknowledge the receipt of a certified copy of an
359 order, the clerk of the circuit court must note on the original



360 petition that service was effected. If delivery at the hearing
361 during which an order is issued is not possible, the clerk of
362 the circuit court shall mail certified copies of the order to
363 the parties at their respective last known mailing addresses;
364 except that service upon a depository or financial institution
365 must be served as provided in s. 655.0201. Service by mail is
366 complete upon mailing. When an order is served pursuant to this
367 subparagraph the clerk of the circuit court shall notify the
368 sheriff of the service and prepare a written certification to be
369 placed in the court file specifying the time, date, and method
370 of service.

371 5. If the respondent has been previously served with the
372 temporary injunction and has failed to appear at the initial
373 hearing on the temporary injunction, any subsequent petition for
374 an injunction seeking an extension of time may be served on the
375 respondent by the clerk of the court by certified mail in lieu
376 of personal service by a law enforcement officer.

377 (b)1. Within 24 hours after the court issues an injunction
378 for protection against exploitation of a vulnerable adult or
379 changes, continues, extends, or vacates such an injunction, the
380 clerk of the circuit court must forward a certified copy of the
381 order to the sheriff with jurisdiction over the residence of the
382 petitioner for service in accordance with this subsection.

383 2. Within 24 hours after service of an injunction for
384 protection against exploitation of a vulnerable adult upon a
385 respondent, the law enforcement officer who served the
386 injunction must forward the written proof of service to the
387 sheriff with jurisdiction over the residence of the petitioner.

388 3. Within 24 hours after the sheriff receives a certified



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389 copy of the injunction for protection against exploitation of a
390 vulnerable adult, the sheriff must make information related to
391 the injunction available to this state's law enforcement
392 agencies by electronically transmitting such information to the
393 Department of Law Enforcement.

394 4. Within 24 hours after the sheriff or other law
395 enforcement officer has made service upon the respondent and the
396 sheriff has been so notified, the sheriff must make information
397 relating to the service available to other law enforcement
398 agencies by electronically transmitting such information to the
399 Department of Law Enforcement.

400 5. Within 24 hours after an injunction for protection
401 against exploitation of a vulnerable adult is terminated or
402 otherwise rendered no longer effective by ruling of the court,
403 the clerk of the circuit court must notify the sheriff receiving
404 original notification of the injunction as provided in
405 subparagraph 1. The sheriff shall, within 24 hours after
406 receiving such notification from the clerk of the circuit court,
407 notify the Department of Law Enforcement of such court action.

408 (11) ENFORCEMENT.—

409 (a) As to the respondent, the court may enforce a violation
410 of an injunction for protection against exploitation of a
411 vulnerable adult through a civil or criminal contempt
412 proceeding, and the state attorney may prosecute it as a
413 criminal violation under s. 825.1036. Any assessment or fine
414 ordered by the court enforcing such injunction shall be
415 collected by the clerk of the circuit court and transferred on a
416 monthly basis to the Department of Revenue for deposit in the
417 Domestic Violence Trust Fund.



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418 (b) If the respondent is arrested by a law enforcement
419 officer under s. 901.15(6) or for a violation of s. 825.1036,
420 the respondent must be held in custody until he or she is
421 brought before the court, which must occur as expeditiously as
422 possible, for the purpose of enforcing the injunction for
423 protection against exploitation of a vulnerable adult and for
424 admittance to bail in accordance with chapter 903 and the
425 applicable rules of criminal procedure, pending a hearing.

426 (12) JUDGMENT FOR DAMAGES.—Actual damages may be assessed
427 against the petitioner in a proceeding under this section if the
428 court finds that the petition lacks substantial fact or legal
429 support.

430 (13) MODIFICATION OR DISSOLUTION OF INJUNCTION.—The
431 petitioner, respondent, or vulnerable adult may move at any time
432 to modify or dissolve the injunction in part or in whole. No
433 specific allegations are required for modification or
434 dissolution of the injunction, which may be granted in addition
435 to other civil or criminal penalties. The court shall promptly
436 hear a motion to modify or dissolve an injunction.

437 (14) LIMITATION.—Nothing in this section may affect title
438 to real property.

439 Section 3. Section 825.1036, Florida Statutes, is created
440 to read:

441 825.1036 Violation of an injunction for protection against
442 exploitation of a vulnerable adult.—

443 (1) In the event of a violation of an injunction for
444 protection against exploitation of a vulnerable adult when the
445 person who violated such injunction has not been arrested, the
446 petitioner may contact the clerk of the circuit court of the



447 county in which the violation is alleged to have occurred. The
448 clerk of the circuit court shall assist the petitioner in the
449 preparation of an affidavit in support of the violation or
450 direct the petitioner to the office operated by the court within
451 the circuit which has been designated by the chief judge of the
452 judicial circuit as the central intake point for injunction
453 violations and where the petitioner can receive assistance in
454 the preparation of the affidavit in support of the violation.

455 (2) The affidavit shall be immediately forwarded by the
456 clerk of the circuit court or the office assisting the
457 petitioner to the state attorney of the circuit and to the court
458 or judge as the chief judge of the circuit determines to be the
459 recipient of affidavits of violation. If the affidavit alleges
460 that a crime has been committed, the clerk of the circuit court
461 or the office assisting the petitioner shall also forward a copy
462 of the affidavit to the appropriate law enforcement agency for
463 investigation. Within 20 days after receipt of the affidavit,
464 the local law enforcement agency shall complete its
465 investigation and forward the affidavit and a report containing
466 the agency's findings to the state attorney. The state attorney
467 shall determine within 30 business days whether its office will
468 proceed to file criminal charges, prepare a motion for an order
469 to show cause as to why the respondent should not be held in
470 criminal contempt, prepare both as alternative findings, or file
471 notice that the case remains under investigation or is pending
472 subject to another action.

473 (3) If, based on its familiarity with the case, the court
474 has knowledge that the vulnerable adult is in immediate danger
475 if the court fails to act before the decision of the state



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476 attorney to prosecute, it should immediately issue an order of
477 appointment of the state attorney to file a motion for an order
478 to show cause as to why the respondent should not be held in
479 contempt. If the court does not issue an order of appointment of
480 the state attorney, it shall immediately notify the state
481 attorney that the court is proceeding to enforce the violation
482 through a ruling of criminal contempt.

483 (4) (a) Except as provided in paragraph (b), a person who
484 willfully violates an injunction for protection against
485 exploitation of a vulnerable adult commits a misdemeanor of the
486 first degree, punishable as provided in s. 775.082 or s.
487 775.083. A person may violate such injunction by:

488 1. Refusing to vacate the dwelling shared with the
489 vulnerable adult;

490 2. Going to or being within 500 feet of the vulnerable
491 adult's residence;

492 3. Exploiting or unduly influencing the vulnerable adult;

493 4. Committing any other violation of the injunction through
494 an intentional unlawful threat, word, or act to do violence to
495 the vulnerable adult;

496 5. Telephoning, contacting, or otherwise communicating with
497 the vulnerable adult directly or indirectly, unless the
498 injunction specifically allows indirect contact through a third
499 party;

500 6. Knowingly and intentionally coming within 100 feet of
501 the vulnerable adult's motor vehicle, regardless of whether that
502 vehicle is occupied; or

503 7. Defacing or destroying the vulnerable adult's personal
504 property.



505 (b) A person who has two or more prior convictions for
506 violation of an injunction or foreign protection order against
507 the same victim, and who subsequently commits a violation of any
508 injunction or foreign protection order against the same victim,
509 commits a felony of the third degree, punishable as provided in
510 s. 775.082, s. 775.083, or s. 775.084. For purposes of this
511 paragraph, the term "conviction" means a determination of guilt
512 which is the result of a plea or a trial, regardless of whether
513 adjudication is withheld or a plea of nolo contendere is
514 entered.

515 (5) A vulnerable adult who suffers an injury or loss as a
516 result of a violation of an injunction for protection against
517 exploitation of a vulnerable adult may be awarded economic
518 damages and attorney fees and costs for enforcement of such
519 injunction.

520 (6) A financial institution holding assets or having issued
521 a line of credit ordered to be frozen under s. 825.1035 is not
522 considered a party to the action and is not liable for damages
523 or penalty by reason of any action or inaction made in
524 accordance with s. 825.1035. No private cause of action may be
525 brought against a financial institution for any action or
526 inaction made pursuant to an injunction or any other court order
527 entered pursuant to s. 825.1035, unless such action was a
528 knowing and intentional violation of the injunction.

529 Section 4. Subsection (6) of section 901.15, Florida
530 Statutes, is amended to read:

531 901.15 When arrest by officer without warrant is lawful.—A
532 law enforcement officer may arrest a person without a warrant
533 when:



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534 (6) There is probable cause to believe that the person has
535 committed a criminal act according to s. 790.233 or according to
536 s. 741.31, ~~or~~ s. 784.047, or s. 825.1036 which violates an
537 injunction for protection entered pursuant to s. 741.30, ~~or~~ s.
538 784.046, or s. 825.1035 or a foreign protection order accorded
539 full faith and credit pursuant to s. 741.315, over the objection
540 of the petitioner, if necessary.

541 Section 5. Paragraph (e) of subsection (3) of section
542 415.107, Florida Statutes, is amended to read:

543 415.107 Confidentiality of reports and records.-

544 (3) Access to all records, excluding the name of the
545 reporter which shall be released only as provided in subsection
546 (6), shall be granted only to the following persons, officials,
547 and agencies:

548 (e) A court, pursuant to s. 825.1035(4)(h); or by