

1                   A bill to be entitled  
2           An act relating to exploitation of a vulnerable adult;  
3           amending s. 825.101, F.S.; defining terms; creating s.  
4           825.1035, F.S.; creating a cause of action for an  
5           injunction for protection against the exploitation of  
6           a vulnerable adult; providing for standing to bring a  
7           cause of action for an injunction; providing that an  
8           injunction may be sought regardless of any other  
9           action that may be pending between specified parties;  
10          specifying that the right to petition for an  
11          injunction is not affected by a person temporarily or  
12          permanently vacating a residence or household to avoid  
13          exploitation; providing that parties to an injunction  
14          may not be required to be represented by an attorney;  
15          providing for venue; providing that exploitation  
16          already having occurred is not required as a  
17          prerequisite for filing for or issuance of an  
18          injunction; requiring that a petition be filed in  
19          certain proceedings under ch. 744, F.S.; requiring  
20          that certain proceedings be recorded; requiring a  
21          sworn petition to contain certain allegations and  
22          statements; requiring the court to set a hearing  
23          within a certain time; requiring the clerk of the  
24          circuit court to assist the petitioner in filing an  
25          injunction or petition by providing certain forms and

26 | instructions; requiring the clerk of the court to  
27 | ensure the petitioner's privacy; requiring the clerk  
28 | of the court to provide the petitioner with certified  
29 | copies of the injunction order; requiring that the  
30 | clerks of the court and appropriate staff receive  
31 | certain training; requiring that the clerk of the  
32 | circuit court make available certain informational  
33 | brochures and create and distribute a specified  
34 | brochure containing specified information to the  
35 | petitioner at the time of filing for an injunction;  
36 | prohibiting the clerk of the circuit court from  
37 | assessing a filing fee; authorizing the clerk of the  
38 | circuit court to request a reimbursement for such  
39 | petitions, subject to the appropriation of funds for  
40 | that purpose; requiring the clerk of the circuit court  
41 | to pay from such reimbursement certain fees to a law  
42 | enforcement agency; authorizing the court to grant a  
43 | temporary injunction ex parte under certain  
44 | circumstances; prohibiting the use of evidence other  
45 | than verified pleadings or affidavits in an ex parte  
46 | hearing; providing an exception; authorizing the court  
47 | to grant specified relief under certain circumstances;  
48 | requiring the court to follow certain procedures when  
49 | issuing an order denying a petition for an ex parte  
50 | injunction; prohibiting an ex parte temporary

51 injunction from having a duration longer than a  
52 specified number of days; requiring that a full  
53 hearing be set for a date no later than the date the  
54 temporary injunction expires; authorizing the court to  
55 grant a continuance of the hearing for good cause;  
56 providing factors that a court must consider when  
57 determining whether petitioners have reasonable cause;  
58 requiring the respondent to be personally served with  
59 certain documents before the hearing; providing for  
60 the relief a court may grant after a final hearing on  
61 a petition; requiring that the court allow certain  
62 advocates to be present under certain circumstances;  
63 requiring that the terms of certain injunctions remain  
64 in effect until modified or dissolved; requiring that  
65 a temporary or final judgment on an injunction meet  
66 certain requirements; providing requirements and  
67 options for service of process; authorizing the court  
68 to waive the service of process requirement for a  
69 financial institution; requiring that the clerk of the  
70 circuit court deliver a certified copy of certain  
71 orders meeting certain criteria to the parties under  
72 certain circumstances; providing options for noting  
73 the service was effective; requiring that the clerk of  
74 the circuit court place a written certification in the  
75 court file and notify the sheriff under certain

76 | circumstances; authorizing the clerk of the circuit  
77 | court to serve certain respondents by certified mail;  
78 | requiring that the clerk of the circuit court, law  
79 | enforcement officers, and sheriffs follow certain  
80 | procedures within a certain timeframe after an  
81 | injunction has been issued or an injunction becomes  
82 | ineffective; requiring the clerk of the circuit court  
83 | to provide copies of certain petitions and orders to  
84 | the adult protective services program; requiring the  
85 | adult protective services program to treat petitions  
86 | in a certain manner; requiring the adult protective  
87 | services program to submit to the court the results of  
88 | any previous investigations relating to the vulnerable  
89 | adult within a specified timeframe; providing options  
90 | for enforcing and prosecuting a violation of an  
91 | injunction; requiring that the clerk of the circuit  
92 | court collect any assessment or fine; providing for  
93 | deposit of funds; requiring that a respondent held in  
94 | custody after an arrest for violating an injunction be  
95 | brought before the court as expeditiously as possible;  
96 | specifying that the petitioner is liable for actual  
97 | damages under certain circumstances; authorizing  
98 | either party to move at any time to modify or dissolve  
99 | an injunction; providing construction; creating s.  
100 | 825.1036, F.S.; requiring that a clerk of the circuit

101 court assist the petitioner in preparing an affidavit  
102 or direct the petitioner to a certain office, under  
103 certain circumstances; requiring the clerk of the  
104 circuit court or the office assisting the petitioner  
105 to immediately forward the affidavit to certain people  
106 and places depending on certain circumstances;  
107 requiring a law enforcement agency to complete its  
108 investigation and forward the affidavit along with a  
109 report of any information obtained through its  
110 investigation to the state attorney within a specified  
111 timeframe; requiring the state attorney to determine  
112 how it will proceed within a specified timeframe;  
113 authorizing the court to immediately issue an order of  
114 appointment of the state attorney in certain  
115 circumstances; requiring the court to immediately  
116 notify the state attorney that the court is proceeding  
117 to enforce the violation through a ruling of criminal  
118 contempt if the court does not issue an order of  
119 appointment; providing a penalty for a willful  
120 violation of an injunction; providing an exception;  
121 providing for how an injunction may be violated;  
122 providing that a person with two or more prior  
123 convictions for violation of an injunction or foreign  
124 protection order against the same victim who commits a  
125 subsequent violation against the same victim commits a

126 third degree felony; defining the term "conviction";  
127 authorizing the court to award economic damages to a  
128 person who suffers an injury or loss as a result of a  
129 violation of an injunction; amending s. 901.15, F.S.;  
130 conforming provisions to changes made by the act;  
131 amending s. 415.107, F.S.; granting the court access  
132 to records in protective injunction proceedings;  
133 providing an effective date.

134

135 Be It Enacted by the Legislature of the State of Florida:

136

137 Section 1. Present subsections (6) through (12) of section  
138 825.101, Florida Statutes, are renumbered as subsections (7)  
139 through (13), respectively, and a new subsection (6) and  
140 subsection (14) are added to that section, to read:

141 825.101 Definitions.—As used in this chapter:

142 (6) "Exploitation" has the same meaning as the term  
143 "exploitation of an elderly person or disabled adult" as defined  
144 in s. 825.103(1).

145 (14) "Vulnerable adult" has the same meaning as in s.  
146 415.102.

147 Section 2. Section 825.1035, Florida Statutes, is created  
148 to read:

149 825.1035 Injunction for protection against exploitation of  
150 a vulnerable adult.—

151 (1) INJUNCTION CREATED.—There is created a cause of action  
152 for an injunction for protection against the exploitation of a  
153 vulnerable adult.

154 (2) WHO MAY FILE; VENUE; RECORDING.—

155 (a) The cause of action for an injunction may be sought  
156 by:

157 1. A vulnerable adult in imminent danger of being  
158 exploited;

159 2. The guardian of a vulnerable adult in imminent danger  
160 of being exploited;

161 3. A person or organization acting on behalf of the  
162 vulnerable adult with the consent of the vulnerable adult or his  
163 or her guardian; or

164 4. A person who simultaneously files a petition for  
165 determination of incapacity and appointment of an emergency  
166 temporary guardian with respect to the vulnerable adult.

167 (b) A sworn petition for an injunction for protection  
168 against the exploitation of a vulnerable adult may be filed  
169 regardless of whether any other cause of action is currently  
170 pending between either the petitioner and the respondent or the  
171 vulnerable adult and the respondent. However, the pendency of  
172 any such cause of action must be noted in the petition.

173 (c) A person temporarily or permanently vacating a  
174 residence or household in an attempt to avoid exploitation does  
175 not affect his or her right to petition for an injunction.

176 (d) Parties to an injunction for protection against the  
177 exploitation of a vulnerable adult may not be required to be  
178 represented by an attorney.

179 (e) There is no minimum requirement of residency to  
180 petition for an injunction for protection against the  
181 exploitation of a vulnerable adult. It is not required as a  
182 prerequisite of filing a petition for or issuance of an  
183 injunction under this section for exploitation to have already  
184 occurred.

185 (f) If a proceeding concerning the vulnerable adult under  
186 chapter 744 is pending at the time of the filing, the petition  
187 must be filed in that proceeding. Otherwise, a petition for an  
188 injunction for protection against the exploitation of a  
189 vulnerable adult may only be filed in the circuit where the  
190 vulnerable adult resides.

191 (g) All proceedings conducted pursuant to this subsection  
192 must be recorded. Recording may be by electronic means as  
193 provided by court rule.

194 (3) FORM OF PETITION.—

195 (a) A sworn petition filed under this section must allege  
196 the existence of exploitation, or the imminent exploitation, of  
197 the vulnerable adult and must include the specific facts and  
198 circumstances for which relief is sought. The sworn petition  
199 must be in substantially the following form:  
200





226 and any previous or pending attempts by the petitioner to obtain  
 227 an injunction for protection against exploitation of the  
 228 vulnerable adult in this or any other circuit; related case  
 229 numbers, if available; and the results of any such attempts:  
 230 .....

231 8. The following describes the petitioner's knowledge of  
 232 any reports made to a government agency, including, but not  
 233 limited to, the Department of Elderly Affairs, the Department of  
 234 Children and Families, and the adult protective services program  
 235 relating to the abuse, neglect, or exploitation of the  
 236 vulnerable adult; any investigations performed by a government  
 237 agency relating to abuse, neglect, or exploitation of the  
 238 vulnerable adult; and the results of any such reports or  
 239 investigations:....

240 9. The petitioner knows the vulnerable adult is either a  
 241 victim of exploitation or the petitioner has reasonable cause to  
 242 believe the vulnerable adult is, or is in imminent danger of  
 243 becoming, a victim of exploitation because the respondent has:  
 244 ....(describe in the spaces below the incidents or threats of  
 245 exploitation) ....

246 10. The petitioner genuinely fears imminent exploitation  
 247 of the vulnerable adult by the respondent.

248 11. The petitioner seeks an injunction for the protection  
 249 of the vulnerable adult, including: ...(mark appropriate section  
 250 or sections)....

251 ....Prohibiting the respondent from having any direct or  
252 indirect contact with the vulnerable adult.

253 ....Immediately restraining the respondent from committing  
254 any acts of exploitation against the vulnerable adult.

255 ....Freezing the assets of the vulnerable adult held at  
256 ...(name and address of depository or financial institution)...  
257 even if titled jointly with the respondent, or in the  
258 respondent's name only, in the court's discretion.

259 ....Freezing the credit lines of the vulnerable adult at  
260 ...(name and address of financial institution)... even if  
261 jointly with the respondent, in the court's discretion.

262 ....Providing any terms the court deems necessary for the  
263 protection of the vulnerable adult or his or her assets,  
264 including any injunctions or directives to law enforcement  
265 agencies.

266 12. Should the court enter an injunction freezing assets  
267 and credit lines, the petitioner believes that the critical  
268 expenses of the vulnerable adult will be paid for or provided by  
269 the following persons or entities, or the petitioner requests  
270 that the following expenses be paid notwithstanding the freeze:

271 .....

272 (b) Each petition for an injunction for protection against  
273 the exploitation of a vulnerable adult must contain, directly  
274 above the signature line, a statement in all capital letters and  
275 bold type not smaller than the surrounding text, as follows:

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

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

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

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

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

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

(d) The clerk of the circuit court shall provide, without charge, the petitioner with two certified copies of the petition

301 for an injunction, and shall inform the petitioner of the steps  
302 necessary for service or process and enforcement.

303 (e) If an injunction is entered, the clerk of the circuit  
304 court shall provide, without charge, the petitioner with  
305 certified copies of an order of injunction that may be served  
306 upon any person holding property, or upon any financial  
307 institution with an open line of credit, that is subject to the  
308 freeze, and shall inform the petitioner of the process for  
309 service and enforcement.

310 (e) Clerks of the circuit court and appropriate staff in  
311 each county shall receive training in the effective assistance  
312 of petitioners as provided or approved by the Florida  
313 Association of Court Clerks.

314 (f) The clerk of the circuit court in each county shall  
315 produce an informational brochure and provide it to the  
316 petitioner at the time of filing for an injunction for  
317 protection against the exploitation of a vulnerable adult. The  
318 brochure must include information about the exploitation of  
319 vulnerable adults and the effect of providing false information  
320 to the court. The clerk of the circuit court in each county  
321 shall also make available informational brochures on the  
322 exploitation of vulnerable adults when such brochures are  
323 provided by local senior centers, local aging and disability  
324 resource centers, or appropriate state or federal agencies.

325 (g) The clerk of the court shall provide a copy of all

326 petitions filed pursuant to this section and all orders entered  
327 on such petitions to the adult protective services program.  
328 Within 72 hours after receipt of such orders or petitions, the  
329 adult protective services program shall submit to the court  
330 overseeing proceedings on the petition the results of any  
331 relevant investigations relating to the vulnerable adult.

332 (h) Notwithstanding any other provision of law, the clerk  
333 of the circuit court may not assess a filing fee or service  
334 charge for petitions filed under this section. However, subject  
335 to legislative appropriation for such purpose, the clerk of the  
336 circuit court may, on a quarterly basis, submit a certified  
337 request for reimbursement to the Office of the State Courts  
338 Administrator for the processing of such petitions, at the rate  
339 of \$40 per petition. The request for reimbursement must be  
340 submitted in the form and manner prescribed by the Office of the  
341 State Courts Administrator. From each reimbursement received,  
342 the clerk of the circuit court shall pay any law enforcement  
343 agency serving the injunction for protection against the  
344 exploitation of a vulnerable adult the fee requested by the law  
345 enforcement agency. However, the fee may not exceed \$20.

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

347 (a)1. The court may grant a temporary injunction ex parte,  
348 pending a full hearing, and may grant such relief as the court  
349 deems proper if it appears to the court that:

350 a. An immediate and present danger of exploitation of the

351 vulnerable adult exists.

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

354 c. There is a substantial likelihood of success on the  
355 merits.

356 d. The threatened injury to the vulnerable adult outweighs  
357 possible harm to the respondent.

358 e. Granting a temporary injunction will not disserve the  
359 public interest.

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

362 a. Restraining the respondent from committing any acts of  
363 exploitation against the vulnerable adult.

364 b. Awarding to the vulnerable adult the temporary  
365 exclusive use and possession of the dwelling that the vulnerable  
366 adult and the respondent share, or barring the respondent from  
367 the residence of the vulnerable adult.

368 c. Freezing any assets of the vulnerable adult in any  
369 depository or financial institution whether titled solely in the  
370 vulnerable adult's name, solely in the respondent's name,  
371 jointly with the respondent, in guardianship, in trust, or in a  
372 Totten trust, provided that:

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

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

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

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

390 e. Prohibiting the respondent from having any direct or  
391 indirect contact with the vulnerable adult.

392 f. Providing any injunctions or directives to law  
393 enforcement agencies.

394 g. If the court has ordered an asset and credit freeze,  
395 the court may order that specified living expenses of the  
396 vulnerable adult continue to be paid notwithstanding the freeze.

397 (b) Except as provided in s. 90.204, in a hearing ex parte  
398 for the purpose of obtaining an ex parte temporary injunction,  
399 only verified pleadings or affidavits may be used as evidence  
400 unless the respondent appears at the hearing or has received



401 reasonable notice of the hearing. A petition under this section  
402 shall be considered a family case for purposes of s. 90.204(4).

403 (c) A denial of a petition for an ex parte injunction must  
404 be by written order and must note the legal grounds for denial.  
405 When the only ground for denial is failure to demonstrate  
406 appearance of an immediate and present danger of exploitation of  
407 a vulnerable adult, the court must set a full hearing on the  
408 petition for injunction at the earliest possible date. Nothing  
409 in this paragraph affects a petitioner's right to promptly amend  
410 any petition consistent with court rules.

411 (d) An ex parte temporary injunction may be effective for  
412 a fixed period not to exceed 15 days. A full hearing, as  
413 provided by this section, must be set for a date no later than  
414 the date when the temporary injunction ceases to be effective.  
415 The court may grant a continuance of the hearing, before or  
416 during the hearing, for good cause shown by any party, which  
417 good cause may include a continuance to obtain service of  
418 process. An ex parte injunction is not extended beyond the  
419 initial 15 days as a result of a continuance.

420 (6) REASONABLE CAUSE.—In determining whether a petitioner  
421 has reasonable cause to believe that the vulnerable adult is, or  
422 is in imminent danger of becoming, a victim of exploitation, the  
423 court shall consider and evaluate all relevant factors,  
424 including, but not limited to, any of the following:

425 (a) The existence of a verifiable order of protection

426 issued previously or from another jurisdiction.

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

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

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

433 (e) Susceptibility of the vulnerable adult to undue  
434 influence.

435 (f) Any criminal history of the respondent or previous  
436 probable cause findings by the adult protective services  
437 program, if known.

438 (7) NOTICE OF PETITION AND INJUNCTION.—The respondent  
439 shall be personally served, pursuant to chapter 48, with a copy  
440 of the petition, notice of hearing, and temporary injunction, if  
441 any, before the final hearing. If the petitioner is acting in a  
442 representative capacity, the vulnerable adult shall also be  
443 served with a copy of the petition, notice of hearing, and  
444 temporary injunction, if any, before the final hearing.

445 (8) FINAL HEARING ON PETITION.—

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

449 a. The vulnerable adult is the victim of exploitation or  
450 that the vulnerable adult is in imminent danger of becoming a

451 victim of exploitation.

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

454 c. The threatened injury to the vulnerable adult outweighs  
455 possible harm to the respondent.

456 d. Where the injunction freezes assets of the respondent,  
457 the court finds probable cause that exploitation has occurred,  
458 the freeze only affects the proceeds of such exploitation, and  
459 there is a substantial likelihood that such assets will be  
460 ordered to be returned to the vulnerable adult.

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

463 a. Continuing the temporary injunction in part or in  
464 whole.

465 b. Restraining the respondent from committing any acts of  
466 exploitation.

467 c. Awarding to the vulnerable adult the exclusive use and  
468 possession of the dwelling that the vulnerable adult and the  
469 respondent share or excluding the respondent from the residence  
470 of the vulnerable adult, if the court finds that the vulnerable  
471 adult is able to reside safely without the respondent.

472 d. Ordering the respondent to participate in treatment,  
473 intervention, or counseling services to be paid for by the  
474 respondent.

475 e. Directing that assets under temporary freeze by

476 injunction be returned to the vulnerable adult, or directing  
477 that those assets remain frozen until ownership can be  
478 determined; and directing that the temporary freeze on any line  
479 of credit be lifted.

480 f. Where the court has found that the respondent has  
481 engaged in exploitation of the vulnerable adult, entering a  
482 final cost judgment against the respondent and in favor of the  
483 petitioner for all costs, and entering a final cost judgment  
484 against the respondent and in favor of the clerk of the circuit  
485 court for all the clerk's filing fees and service charges that  
486 were waived by operation of this section.

487 g. Ordering such other relief as the court deems necessary  
488 for the protection of a victim of exploitation, including  
489 injunctions or directives to law enforcement agencies, as  
490 provided in this section.

491 (b) The court must allow an advocate from a state  
492 attorney's office, a law enforcement agency, or the adult  
493 protective services program to be present with the petitioner or  
494 the respondent during any court proceedings or hearings related  
495 to the injunction, provided the petitioner or the respondent has  
496 made such a request and the advocate is able to be present.

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

500 (9) PROVISIONS REQUIRED IN ANY TEMPORARY OR PERMANENT

501 INJUNCTION.—A temporary or final judgment on an injunction must,  
502 on its face, indicate:

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

505 (b) That law enforcement officers may use their arrest  
506 powers pursuant to s. 901.15(6) to enforce the terms of the  
507 injunction.

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

513 (d) The date the respondent was served with the petition  
514 for injunction.

515 (10) TRANSMITTAL TO SHERIFF; SERVICE.—

516 (a)1.a. The clerk of the circuit court shall furnish a  
517 copy of the petition, the financial affidavit, the notice of  
518 hearing, and any temporary injunction to the sheriff or a law  
519 enforcement agency of the county in which the respondent resides  
520 or can be found, who shall serve it upon the respondent as soon  
521 thereafter as possible on any day of the week and at any time of  
522 the day or night. At the request of the sheriff, the clerk of  
523 the circuit court may transmit a facsimile copy of an injunction  
524 that has been certified by the clerk of the circuit court  
525 pursuant to subparagraph 4., and this facsimile copy may be

526 served in the same manner as a certified copy. The clerk of the  
527 circuit court shall also furnish to the sheriff such information  
528 on the respondent's physical description and location as is  
529 required by the Department of Law Enforcement to comply with the  
530 verification procedures set forth in sub-subparagraph b.

531 b. Upon receiving a facsimile copy, the sheriff must  
532 verify receipt with the clerk of the circuit court before  
533 attempting to serve it upon the respondent. If the sheriff is in  
534 possession of an injunction that has been certified by the clerk  
535 of the circuit court, the sheriff may transmit a facsimile copy  
536 of that injunction to a law enforcement officer who shall serve  
537 it in the same manner as a certified copy.

538 c. Notwithstanding any other provision of law, the chief  
539 judge of each circuit, in consultation with the appropriate  
540 sheriff, may authorize a law enforcement agency within the  
541 jurisdiction to effect service. A law enforcement agency  
542 performing service pursuant to this section shall use service  
543 and verification procedures consistent with those of the  
544 sheriff.

545 2.a. Except where the vulnerable adult is the petitioner,  
546 the clerk of the circuit court shall furnish a copy of the  
547 petition, the financial affidavit, the notice of hearing, and  
548 any temporary injunction to the sheriff or a law enforcement  
549 agency of the county in which the vulnerable adult resides or  
550 can be found, who shall serve it upon the vulnerable adult as

551 soon thereafter as possible on any day of the week and at any  
552 time of the day or night. At the request of the sheriff, the  
553 clerk of the circuit court may transmit a facsimile copy of an  
554 injunction that has been certified by the clerk of the circuit  
555 court pursuant to subparagraph 4., and this facsimile copy may  
556 be served in the same manner as a certified copy. The clerk of  
557 the circuit court shall also furnish to the sheriff such  
558 information on the vulnerable adult's physical description and  
559 location as is required by the Florida Department of Law  
560 Enforcement to comply with the verification procedures set forth  
561 in sub-subparagraph b.

562 b. Upon receiving a facsimile copy, the sheriff must  
563 verify receipt with the clerk of the circuit court before  
564 attempting to serve it upon the vulnerable adult. If the sheriff  
565 is in possession of an injunction that has been certified by the  
566 clerk of the circuit court, the sheriff may transmit a facsimile  
567 copy of that injunction to a law enforcement officer, who shall  
568 serve it in the same manner as a certified copy.

569 c. Notwithstanding any other provision of law, the chief  
570 judge of each circuit, in consultation with the appropriate  
571 sheriff, may authorize a law enforcement agency within the  
572 jurisdiction of the circuit to effect service. A law enforcement  
573 agency performing service pursuant to this section shall use  
574 service and verification procedures consistent with those of the  
575 sheriff.

576       3. When an injunction for protection against the  
577 exploitation of a vulnerable adult is issued, if the petitioner  
578 requests that a law enforcement agency assist the vulnerable  
579 adult, the court may order that an officer from the appropriate  
580 law enforcement agency accompany the vulnerable adult and assist  
581 in the service or execution of the injunction, including  
582 returning possession of a dwelling or residence to the  
583 vulnerable adult. A law enforcement officer shall accept a copy  
584 of an injunction, certified by the clerk of the circuit court  
585 pursuant to subparagraph 4., from the petitioner and immediately  
586 serve it upon a respondent who has been located but not yet  
587 served. The law enforcement agency must also serve any  
588 injunction freezing assets on a financial institution where  
589 assets subject to dissipation are held, or where a credit line  
590 may be exploited; the court may waive such service.

591       4. The clerk of the circuit court shall certify a copy of  
592 all orders issued, changed, continued, extended, or vacated  
593 subsequent to the original service of the original petition,  
594 notice of hearing, or temporary injunction and deliver the  
595 certified copy to the parties at the time of the entry of the  
596 order. The parties may acknowledge receipt of a certified order  
597 in writing on the face of the original order. If a party fails  
598 or refuses to acknowledge the receipt of a certified copy of an  
599 order, the clerk of the circuit court must note on the original  
600 petition that service was effected. If delivery at the hearing



601 during which an order is issued is not possible, the clerk of  
602 the circuit court shall mail certified copies of the order to  
603 the parties at their respective last known mailing addresses.  
604 Service by mail is complete upon mailing. When an order is  
605 served pursuant to this subparagraph the clerk of the circuit  
606 court shall notify the sheriff of the service and prepare a  
607 written certification to be placed in the court file specifying  
608 the time, date, and method of service.

609 5. If the respondent has been previously served with the  
610 temporary injunction and has failed to appear at the initial  
611 hearing on the temporary injunction, any subsequent petition for  
612 an injunction seeking an extension of time may be served on the  
613 respondent by the clerk of the court by certified mail in lieu  
614 of personal service by a law enforcement officer.

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

621 2. Within 24 hours after service of an injunction for  
622 protection against the exploitation of a vulnerable adult upon a  
623 respondent, the law enforcement officer who served the  
624 injunction must forward the written proof of service to the  
625 sheriff with jurisdiction over the residence of the petitioner.

626        3. Within 24 hours after the sheriff receives a certified  
627 copy of the injunction for protection against the exploitation  
628 of a vulnerable adult, the sheriff must make information related  
629 to the injunction available to this state's law enforcement  
630 agencies by electronically transmitting such information to the  
631 Florida Department of Law Enforcement.

632        4. Within 24 hours after the sheriff or other law  
633 enforcement officer has made service upon the respondent and the  
634 sheriff has been so notified, the sheriff must make information  
635 relating to the service available to other law enforcement  
636 agencies by electronically transmitting such information to the  
637 Department of Law Enforcement.

638        5. Within 24 hours after an injunction for protection  
639 against the exploitation of a vulnerable adult is terminated, or  
640 otherwise rendered no longer effective by ruling of the court,  
641 the clerk of the circuit court must notify the sheriff receiving  
642 original notification of the injunction as provided in  
643 subparagraph 1. The sheriff's agency shall, within 24 hours  
644 after receiving such notification from the clerk of the circuit  
645 court, notify the Department of Law Enforcement of such action  
646 of the court.

647        (11) ENFORCEMENT.—

648        (a) The court may enforce a violation of an injunction for  
649 protection against the exploitation of a vulnerable adult  
650 through a civil or criminal contempt proceeding, and the state

651 attorney may prosecute it as a criminal violation under s.  
652 825.1036. Any assessment or fine ordered by the court enforcing  
653 such injunction shall be collected by the clerk of the circuit  
654 court and transferred on a monthly basis to the Department of  
655 Revenue for deposit in the Domestic Violence Trust Fund.

656 (b) If the respondent is arrested by a law enforcement  
657 officer under s. 901.15(6) or for a violation of s. 825.1036,  
658 the respondent must be held in custody until he or she is  
659 brought before the court, which must occur as expeditiously as  
660 possible, for the purpose of enforcing the injunction for  
661 protection against the exploitation of a vulnerable adult and  
662 for admittance to bail in accordance with chapter 903 and the  
663 applicable rules of criminal procedure, pending a hearing.

664 (12) JUDGMENT FOR DAMAGES.—Actual damages may be assessed  
665 in a proceeding under this section if the court finds that the  
666 petition was without substantial fact or legal support.

667 (13) MODIFICATION OR DISSOLUTION OF INJUNCTION.—The  
668 petitioner, respondent, or vulnerable adult may move at any time  
669 to modify or dissolve the injunction in part or in whole. No  
670 specific allegations are required for modification or  
671 dissolution of the injunction, which may be granted in addition  
672 to other civil or criminal penalties. The court shall promptly  
673 hear a motion to modify or dissolve an injunction.

674 (14) LIMITATION.—Nothing in this section may affect the  
675 title to real property.

676 Section 3. Section 825.1036, Florida Statutes, is created  
677 to read:

678 825.1036 Violation of an injunction for protection against  
679 the exploitation of a vulnerable adult.—

680 (1) In the event of a violation of an injunction for  
681 protection against the exploitation of a vulnerable adult when  
682 the person who violated such injunction has not been arrested,  
683 the petitioner may contact the clerk of the circuit court of the  
684 county in which the violation is alleged to have occurred. The  
685 clerk of the circuit court shall assist the petitioner in the  
686 preparation of an affidavit in support of the violation or  
687 direct the petitioner to the office operated by the court within  
688 the circuit which has been designated by the chief judge of that  
689 circuit as the central intake point for injunction violations  
690 and where the petitioner can receive assistance in the  
691 preparation of the affidavit in support of the violation.

692 (2) The affidavit shall be immediately forwarded by the  
693 clerk of the circuit court or the office assisting the  
694 petitioner to the state attorney of that circuit and to such  
695 court or judge as the chief judge of that circuit determines to  
696 be the recipient of affidavits of violation. If the affidavit  
697 alleges that a crime has been committed, the clerk of the  
698 circuit court or the office assisting the petitioner shall also  
699 forward a copy of the petitioner's affidavit to the appropriate  
700 law enforcement agency for investigation. Within 20 days after

701 receipt of the affidavit, the local law enforcement agency shall  
702 complete its investigation and forward the affidavit and a  
703 report containing the agency's findings to the state attorney.

704 The state attorney shall determine within 30 working days  
705 whether its office will proceed to file criminal charges,  
706 prepare a motion for an order to show cause as to why the  
707 respondent should not be held in criminal contempt, prepare both  
708 as alternative findings, or file notice that the case remains  
709 under investigation or is pending subject to another action.

710 (3) If, based on its familiarity with the case, the court  
711 has knowledge that the vulnerable adult is in immediate danger  
712 if the court fails to act before the decision of the state  
713 attorney to prosecute, it should immediately issue an order of  
714 appointment of the state attorney to file a motion for an order  
715 to show cause as to why the respondent should not be held in  
716 contempt. If the court does not issue an order of appointment of  
717 the state attorney, it shall immediately notify the state  
718 attorney that the court is proceeding to enforce the violation  
719 through a ruling of criminal contempt.

720 (4) (a) Except as provided in paragraph (b), a person who  
721 willfully violates an injunction for protection against the  
722 exploitation of a vulnerable adult commits a misdemeanor of the  
723 first degree, punishable as provided in s. 775.082 or s.  
724 775.083. A person may violate such injunction by:

725 1. Refusing to vacate the dwelling shared with the

726 vulnerable adult;  
727 2. Going to, or being within 500 feet of, the vulnerable  
728 adult's residence;  
729 3. Exploiting or unduly influencing the vulnerable adult;  
730 4. Committing any other violation of the injunction  
731 through an intentional unlawful threat, word, or act to do  
732 violence to the vulnerable adult;  
733 5. Telephoning, contacting, or otherwise communicating  
734 with the vulnerable adult directly or indirectly, unless the  
735 injunction specifically allows indirect contact through a third  
736 party;  
737 6. Knowingly and intentionally coming within 100 feet of  
738 the vulnerable adult's motor vehicle, regardless of whether that  
739 vehicle is occupied; or  
740 7. Defacing or destroying the vulnerable adult's personal  
741 property.  
742 (b) A person who has two or more prior convictions for  
743 violation of an injunction or foreign protection order against  
744 the same victim, and who subsequently commits a violation of any  
745 injunction or foreign protection order against the same victim,  
746 commits a felony of the third degree, punishable as provided in  
747 s. 775.082, s. 775.083, or s. 775.084. For purposes of this  
748 paragraph, the term "conviction" means a determination of guilt  
749 which is the result of a plea or a trial, regardless of whether  
750 adjudication is withheld or a plea of nolo contendere is

751 entered.

752 (5) A vulnerable adult who suffers an injury or loss as a  
 753 result of a violation of an injunction for protection against  
 754 the exploitation of a vulnerable adult may be awarded economic  
 755 damages for that injury or loss. Damages include costs and  
 756 attorney fees for enforcement of such injunction.

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

759 901.15 When arrest by officer without warrant is lawful.—A  
 760 law enforcement officer may arrest a person without a warrant  
 761 when:

762 (6) There is probable cause to believe that the person has  
 763 committed a criminal act according to s. 790.233 or according to  
 764 s. 741.31, ~~or~~ s. 784.047, or s. 825.1036 which violates an  
 765 injunction for protection entered pursuant to s. 741.30, ~~or~~ s.  
 766 784.046, or s. 825.1035 or a foreign protection order accorded  
 767 full faith and credit pursuant to s. 741.315, over the objection  
 768 of the petitioner, if necessary.

769 Section 5. Paragraph (e) of subsection (3) of section  
 770 415.107, Florida Statutes, is amended to read:

771 415.107 Confidentiality of reports and records.—

772 (3) Access to all records, excluding the name of the  
 773 reporter which shall be released only as provided in subsection  
 774 (6), shall be granted only to the following persons, officials,  
 775 and agencies:

776 (e) A court, pursuant to s. 825.1035(4)(g); or by  
777 subpoena, upon its finding that access to such records may be  
778 necessary for the determination of an issue before the court;  
779 however, such access must be limited to inspection in camera,  
780 unless the court determines that public disclosure of the  
781 information contained in such records is necessary for the  
782 resolution of an issue then pending before it.

783 Section 6. This act shall take effect July 1, 2018.