

By Senator Martin

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1 A bill to be entitled
2 An act relating to exploitation of vulnerable adults;
3 amending s. 825.1035, F.S.; authorizing the use of
4 substitute service on unascertainable respondents;
5 defining the term "unascertainable respondent";
6 requiring a petitioner to file with the court a sworn
7 affidavit to effectuate substitute service; providing
8 requirements for the affidavit; requiring the court to
9 enter an order providing for specified service when a
10 petitioner files the sworn affidavit; requiring the
11 petitioner to file with the court proof that the
12 petitioner attempted to serve the unascertainable
13 respondent; requiring that any proposed transfer of
14 funds or property in dispute be held for a specified
15 time period; providing construction; providing an
16 effective date.

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

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20 Section 1. Present subsections (8) through (14) of section
21 825.1035, Florida Statutes, are redesignated as subsections (9)
22 through (15), respectively, a new subsection (8) is added to
23 that section, and subsection (7) of that section is amended, to
24 read:

25 825.1035 Injunction for protection against exploitation of
26 a vulnerable adult.—

27 (7) NOTICE OF PETITION AND INJUNCTION.—

28 (a) Except as provided in subsection (8), the respondent
29 must ~~shall~~ be personally served, pursuant to chapter 48, with a

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30 copy of the petition, notice of hearing, and temporary
31 injunction, if any, before the final hearing.

32 (b) If the petitioner is acting in a representative
33 capacity, the vulnerable adult must ~~shall~~ also be served with a
34 copy of the petition, notice of hearing, and temporary
35 injunction, if any, before the final hearing.

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

39 (8) SUBSTITUTE SERVICE ON UNASCERTAINABLE RESPONDENT.-

40 (a) In lieu of service pursuant to chapter 48 as required
41 pursuant to subsection (7), substitute service in accordance
42 with this subsection may be made on an unascertainable
43 respondent. As used in this subsection, the term
44 "unascertainable respondent" means a person whose identity
45 cannot be ascertained or whose identity is unknown, and who has
46 communicated with the vulnerable adult through any means that
47 make tracing the person's identity impractical.

48 (b) To effectuate substitute service pursuant to this
49 subsection, a petitioner must file with the court a sworn
50 affidavit based on the petitioner's information and belief. The
51 affidavit must include:

52 1. The facts leading the petitioner to believe that the
53 respondent is an unascertainable respondent;

54 2. Information regarding how the unascertainable respondent
55 and the vulnerable adult have been in contact;

56 3. All identifying information for the unascertainable
57 respondent which is known to the petitioner or the vulnerable
58 adult, including, but not limited to, pseudonyms, tax

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59 identification numbers, e-mail addresses, telephone or cellular
60 numbers, software application programs used, social media
61 usernames and handles, or other similar information;

62 4. The facts leading the petitioner to believe that a
63 proposed or initiated transfer of funds or property by the
64 vulnerable adult is a response to a fraudulent request by the
65 unascertainable respondent; and

66 5. A description of the petitioner's attempts to identify
67 the unascertainable respondent, including, but not limited to,
68 using the same method of communication that the unascertainable
69 respondent used to communicate with the vulnerable adult.

70 (c) When a petitioner files the sworn affidavit required
71 under paragraph (b), the court must enter an order requiring the
72 petitioner to serve the unascertainable respondent, through the
73 same means of communication that the unascertainable respondent
74 used to communicate with the vulnerable adult, within 2 business
75 days after the date the court issues the temporary injunction
76 order.

77 (d) The petitioner must file with the court proof,
78 including, but not limited to, a sworn affidavit with
79 screenshots, that the petitioner has attempted to serve the
80 unascertainable respondent in accordance with paragraph (c).
81 This constitutes substitute service on the unascertainable
82 respondent.

83 (e) When substitute service is made upon an unascertainable
84 respondent in accordance with this subsection, any proposed
85 transfer of funds or property in dispute must be held for 30
86 days before such funds or property may be distributed in
87 accordance with a written court order.

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88 (f) This subsection shall be construed for the benefit and
89 protection of a vulnerable adult.

90 Section 2. This act shall take effect July 1, 2025.