

By the Committee on Rules; and Senator Martin

595-02620-25

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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.

17  
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 or sets a final hearing.

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) In accordance with a written final order of injunction,  
84 if using substitute service in accordance with this subsection,  
85 a proposed transfer of funds or property in dispute must be held  
86 for 30 days, beginning on the date of the issuance of the final  
87 order of injunction, before such funds or property may be

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88 distributed for the benefit of the vulnerable adult.

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

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