

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

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

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

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

28 (7) NOTICE OF PETITION AND INJUNCTION.—

29 (a) Except as provided in subsection (8), the respondent
30 must ~~shall~~ be personally served, pursuant to chapter 48, with a
31 copy of the petition, notice of hearing, and temporary
32 injunction, if any, before the final hearing.

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

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

40 (8) SUBSTITUTE SERVICE ON UNASCERTAINABLE RESPONDENT.—

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

49 (b) To effectuate substitute service pursuant to this
50 subsection, a petitioner must file with the court a sworn

51 affidavit based on the petitioner's information and belief. The
52 affidavit must include:

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

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

57 3. All identifying information for the unascertainable
58 respondent which is known to the petitioner or the vulnerable
59 adult, including, but not limited to, pseudonyms, tax
60 identification numbers, e-mail addresses, telephone or cellular
61 numbers, software application programs used, social media
62 usernames and handles, or other similar information;

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

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

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

76 days after the date the court issues the temporary injunction
77 order.

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

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

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.