

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 or sets a final hearing.

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) In accordance with a written final order of
85 injunction, when using substitute service as provided in this
86 subsection, any proposed transfer of funds or property in
87 dispute must be held for 30 days, beginning on the date the
88 final order of injunction was issued, before such funds or
89 property may be distributed for the benefit of the vulnerable
90 adult.

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

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