

1 A bill to be entitled
2 An act relating to elder abuse; amending s. 825.101,
3 F.S.; providing definitions; creating s. 825.1035,
4 F.S.; creating a cause of action for an injunction for
5 protection of a vulnerable adult from exploitation;
6 providing for standing to file a petition for an
7 injunction; providing that an injunction may be sought
8 regardless of any other action that may be pending
9 between specified parties; specifying that the right
10 to petition for an injunction is not affected by the
11 vulnerable adult's vacation of his or her residence or
12 household for certain purposes; providing that parties
13 to an injunction may not be required to be represented
14 by an attorney; providing for award of damages;
15 providing for the submission of evidence or
16 recommendations to the court; providing construction;
17 providing for venue; prohibiting the clerk of the
18 circuit court from assessing a filing fee under
19 certain circumstances; subject to the appropriation of
20 funds, authorizing the clerk of the circuit court to
21 request a reimbursement for such petitions; requiring
22 the clerk of the circuit court to reimburse law
23 enforcement agency up to a specified amount from such
24 reimbursement; prohibiting the court from requiring a

25 bond for the entry of the injunction; requiring the
26 clerk of the circuit court to assist the petitioner in
27 filing an injunction or petition by providing certain
28 forms and instructions; requiring the clerk of court
29 to ensure the petitioner's privacy; requiring the
30 clerk of court to provide the petitioners with
31 certified copies of the injunction order; requiring
32 that the clerks of the court and appropriate staff
33 receive certain training; requiring that the clerk of
34 the circuit court make available certain informational
35 brochures and create and distribute a specified
36 brochure containing specified information to the
37 petitioner at the time of filing for an injunction;
38 requiring a sworn petition to contain certain
39 allegations and statements; requiring the court to set
40 a hearing at a certain time; requiring the respondent
41 to be personally served with certain documents before
42 the hearing; 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; requiring the court
47 to follow certain procedures when issuing an order
48 denying a petition for an ex parte injunction;

49 prohibiting an ex parte temporary injunction from
50 having a duration longer than a specified number of
51 days; requiring that a full hearing be set for a date
52 no later than the date the temporary injunction
53 expires; authorizing continuance for good cause;
54 requiring that an injunction be extended under certain
55 circumstances; authorizing the court to grant
56 specified relief under certain circumstances;
57 providing factors that a court must consider when
58 determining reasonable cause; requiring that the terms
59 of certain injunctions remain in effect until modified
60 or dissolved; authorizing motions to modify or
61 dissolve an injunction; requiring that a temporary or
62 final judgment on an injunction meet certain
63 requirements; requiring that certain proceedings be
64 recorded; requiring that the court allow certain
65 advocates to be present under certain circumstances;
66 providing requirements and options for service of
67 process; requiring that the clerk of the circuit court
68 deliver a certified copy of certain orders meeting
69 certain criteria to the parties under certain
70 circumstances; providing options for noting the
71 service was effective; requiring that the clerk of the
72 circuit court place a written certification in the

73 court file and notify the sheriff under certain
74 circumstances; requiring that the clerk of the circuit
75 court, law enforcement officers, and sheriffs follow
76 certain procedures within a certain timeframe after an
77 injunction has been issued or an injunction becomes
78 ineffective; providing options for enforcing and
79 prosecuting a violation of an injunction; requiring
80 that the clerk of the circuit court collect any
81 assessment or fine for deposit into a specified trust
82 fund; requiring that a respondent held in custody
83 after an arrest for violating an injunction be brought
84 before the court as expeditiously as possible;
85 authorizing motions to modify or dissolve an
86 injunction; amending ss. 741.31 and 901.15, F.S.;
87 conforming provisions to changes made by the act;
88 providing an effective date.

89
90 Be It Enacted by the Legislature of the State of Florida:

91
92 Section 1. Present subsections (6) through (12) of
93 section 825.101, Florida Statutes, are renumbered as subsections
94 (7) through (13), respectively, and a new subsection (6) and
95 subsection (14) are added to that section, to read:

96 825.101 Definitions.—As used in this chapter:

97 (6) "Exploitation" has the same meaning as the term
98 "exploitation of an elderly person or disabled adult" as
99 provided in s. 825.103(1).

100 (14) "Vulnerable adult" has the same meaning as provided
101 in s. 415.102.

102 Section 2. Section 825.1035, Florida Statutes, is created
103 to read:

104 825.1035 Injunction for protection against the
105 exploitation of vulnerable adults.—

106 (1) There is created a cause of action for an injunction
107 for protection against the exploitation of a vulnerable adult.

108 (a) Any person described in paragraph (d) has standing in
109 the circuit court to file a sworn petition for an injunction for
110 protection against exploitation of a vulnerable adult.

111 (b) This cause of action for an injunction may be sought
112 whether any other cause of action is currently pending between
113 the parties. However, the pendency of any such cause of action
114 shall be alleged in the petition.

115 (c) A person's right to petition for an injunction may
116 not be affected by the person having left a residence or
117 household to avoid exploitation of the vulnerable adult.

118 (d) This cause of action for an injunction against
119 exploitation of a vulnerable adult may be brought by a
120 vulnerable adult in imminent danger of being exploited, or by

121 that person's guardian, by a person or organization acting on
122 behalf of the vulnerable adult with the consent of that person
123 or that person's guardian, or by a person who simultaneously
124 files a petition for determination of incapacity and appointment
125 of an emergency temporary guardian with respect to the
126 vulnerable adult.

127 (e) This cause of action for an injunction does not
128 require that any party be represented by an attorney.

129 (f) Notwithstanding any other law, actual damages may be
130 assessed in a proceeding under this section, if found that the
131 petition was without substantial fact or legal support.

132 (g) Any person who offers evidence relating to the cause
133 of action must either present the evidence under oath at a
134 hearing at which all parties are given reasonable notice or must
135 rely only on the sworn petition filed in the proceeding and
136 affidavits attached to the petition.

137 (h) Nothing in this section shall affect the title to any
138 real estate.

139 (i) Notwithstanding chapter 47, a petition for an
140 injunction for protection against exploitation of a vulnerable
141 adult may be filed in the circuit in which the petitioner
142 currently resides, the vulnerable adult resides, the respondent
143 resides, or the exploitation occurred. There is no minimum
144 requirement of residency to petition for an injunction for

145 protection. There is no requirement for actual conversion to
146 have occurred for an injunction to be issued. If a proceeding
147 under chapter 744 is pending at the time of filing concerning
148 the vulnerable adult, the petition must be filed in that
149 proceeding.

150 (2) (a) Notwithstanding any other provision of law, the
151 clerk of the circuit court may not assess a filing fee for
152 petitions filed under this section. Subject to legislative
153 appropriation, the clerk of the circuit court may, on a
154 quarterly basis, submit to the Office of the State Courts
155 Administrator a certified request for reimbursement for the
156 processing of such petitions, at the rate of \$40 per petition.
157 The request for reimbursement must be submitted in the form and
158 manner prescribed by the Office of the State Courts
159 Administrator. From this reimbursement, the clerk of the circuit
160 court shall pay any law enforcement agency that served the
161 injunction for protection against the exploitation of a
162 vulnerable adult a fee of up to \$20, as determined by the
163 agency.

164 (b) The court may require a bond for the entry of an
165 injunction.

166 (c)1. The clerk of the court shall assist petitioners in
167 seeking injunctions for protection against exploitation of
168 vulnerable adults and enforcement of a violation thereof as

169 specified in this section.

170 2. All offices of the clerk of the court shall provide
171 simplified petition forms for the injunction, any modifications,
172 and the enforcement thereof, including instructions for
173 completion.

174 3. There is no filing fee for the filing, as provided in
175 paragraph (a).

176 4. The clerk of the court shall ensure the petitioner's
177 privacy to the extent practical while completing the forms for
178 injunctions for protections against exploitation of a vulnerable
179 adult.

180 5. The clerk of the court shall provide petitioners with
181 a minimum of two certified copies of the order of injunction,
182 one of which is serviceable and will inform the petitioner of
183 the process for service and enforcement.

184 6. Clerks of court and appropriate staff in each county
185 shall receive training in the effective assistance of
186 petitioners as provided or approved by the Florida Association
187 of Court Clerks.

188 7. The clerk of the court in each county shall make
189 available informational brochures on exploitation of vulnerable
190 adults when such brochures are provided by local senior centers,
191 local aging and disability resource centers, or other state or
192 federal agencies related to the exploitation or protection of

193 elders or vulnerable adults.

194 8. The clerk of the court in each county shall distribute
 195 a statewide uniform informational brochure to petitioners at the
 196 time of filing for an injunction for protection against
 197 exploitation of vulnerable adults when such brochures become
 198 available. The brochure must include information about the
 199 effect of giving the court false information about exploitation.

200 (3) (a) A sworn petition must allege the existence of
 201 exploitation of the vulnerable adult and must include the
 202 specific facts and circumstances for which relief is sought.

203 (b) The sworn petition must be in substantially the
 204 following form:

205
 206 PETITION FOR INJUNCTION

207 FOR PROTECTION AGAINST EXPLOITATION OF A VULNERABLE ADULT

208
 209 Before me, the undersigned authority, personally appeared
 210 Petitioner ...(Name)..., who has been sworn and says that the
 211 following statements are true:

212 1. The vulnerable adult resides at: ...(address)...

213 (The petitioner may furnish the address to the court in a
 214 separate confidential filing if, for safety reasons, the
 215 petitioner requires that the location of the current residence
 216 be confidential.)

217 2. The respondent resides at: ...(last known address)...
 218 3. The respondent's last known place of employment is:
 219 ...(name of business and address)...
 220 4. Physical description of the respondent:....
 221 Race....
 222 Sex....
 223 Date of birth....
 224 Height....
 225 Weight....
 226 Eye color....
 227 Hair color....
 228 Distinguishing marks or scars....
 229 5. Aliases of the respondent:....
 230 6. The respondent is associated with the vulnerable adult
 231 as follows:....
 232 7. The following describes any other cause of action
 233 currently pending between the petitioner and the respondent,
 234 including any proceeding under chapter 744, Florida Statutes,
 235 concerning the vulnerable adult and any previous or pending
 236 attempts by the petitioner to obtain an injunction for
 237 protection against the exploitation of the vulnerable adult in
 238 this or any other circuit; related case numbers, if available;
 239 and the results of any such attempts:
 240 8. 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 in imminent danger of becoming a
 243 victim of exploitation because the respondent has:....(describe
 244 in the spaces below the incidents of undue influence or
 245 exploitation)

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

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

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

253Immediately restraining the respondent from committing
 254 any acts of exploitation or exercising undue influence against
 255 the vulnerable adult.

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

260Providing any terms the court deems necessary for the
 261 protection of the vulnerable adult or his or her assets,
 262 including any injunctions or directives to law enforcement
 263 agencies.

264

265 (c) Each petition for an injunction for protection
 266 against the exploitation of a vulnerable adult must contain,
 267 directly above the signature line, a statement in all capital
 268 letters and bold type not smaller than the surrounding text, as
 269 follows:

270
 271 I HAVE READ EVERY STATEMENT MADE IN
 272 THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT.
 273 I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION
 274 ARE BEING MADE UNDER PENALTY OF PERJURY PUNISHABLE AS
 275 PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

276 ...(initials)...
 277

278 (4) Upon the filing of the petition, the court shall set
 279 a hearing to be held at the earliest possible time. The
 280 respondent shall be personally served with a copy of the
 281 petition, notice of hearing, and temporary injunction, if any,
 282 before the hearing.

283 (5) (a) If it appears to the court that an immediate and
 284 present danger of exploitation of the vulnerable adult exists;
 285 there is a likelihood of irreparable harm and non-availability
 286 of an adequate remedy at law; a substantial likelihood of
 287 success on the merits; the threatened injury to the vulnerable
 288 adult outweighs possible harm to respondent; and the granting of

289 a temporary injunction will not disserve the public interest;
290 the court may grant a temporary injunction ex parte, pending a
291 full hearing, and may grant such relief as the court deems
292 proper, including injunctions doing any of the following:

293 1. Restraining the respondent from committing any acts of
294 exploitation.

295 2. If the Court finds that the vulnerable adult is able
296 to reside safely without the respondent, awarding to the
297 vulnerable adult the temporary exclusive use and possession of
298 the dwelling that the vulnerable adult and the respondent share,
299 or barring the respondent from the residence of the vulnerable
300 adult.

301 3. Freezing any assets of the vulnerable adult in any
302 depository or financial institution, if titled in the vulnerable
303 adult's name only, jointly with the respondent, in guardianship
304 in a Totten trust, in trust, or in respondent's name only.

305 a. Assets held by a guardian for the vulnerable adult may
306 only be frozen by an order entered by the court overseeing the
307 guardianship proceeding.

308 b. Assets held by a trust may only be frozen by an order
309 of the court if the trustees of the trust are served with
310 process in compliance with Florida Rule of Civil Procedure 1.070
311 and are given reasonable notice before any hearing on the
312 petition.

313 4. Restraining the respondent from committing any acts of
314 undue influence against the vulnerable adult.

315 5. Prohibiting the respondent from having any direct or
316 indirect contact with the vulnerable adult.

317 6. Providing any other relief the court determines for
318 the vulnerable adult's protection, and any injunctions or
319 directives to law enforcement agencies.

320 (b) Except as provided in s. 90.204, in a hearing ex
321 parte for the purpose of obtaining an ex parte temporary
322 injunction, no evidence other than verified pleadings or
323 affidavits may be used as evidence. A denial of a petition for
324 an ex parte injunction must be by written order noting the legal
325 grounds for denial. When the only ground for denial is no
326 appearance of an immediate and present danger of exploitation of
327 a vulnerable adult, the court must set a full hearing on the
328 petition for injunction at the earliest possible time. Nothing
329 in this paragraph affects a petitioner's right to promptly amend
330 any petition, or otherwise be heard in person on any petition
331 consistent with the Florida Rules of Civil Procedure.

332 (c) An ex parte temporary injunction may be effective for
333 a fixed period not to exceed 15 days. A full hearing, as
334 provided by this section, must be set for a date no later than
335 the date when the temporary injunction ceases to be effective.
336 The court may grant a continuance of the hearing before or

337 during the hearing for good cause shown by any party, which must
338 include a continuance to obtain service of process.

339 (6)(a)1. Upon notice and hearing, when it appears to the
340 court that:

341 a. The vulnerable adult is a victim of exploitation or
342 the court has reasonable cause to believe that the vulnerable
343 adult is in imminent danger of becoming a victim of
344 exploitation;

345 b. There is a likelihood of irreparable harm and non-
346 availability of an adequate remedy at law;

347 c. There is a substantial likelihood of success on the
348 merits;

349 d. The threatened injury to the vulnerable adult
350 outweighs possible harm to the respondent; and

351 e. Granting of a temporary injunction will not disserve
352 the public interest,

353
354 the court may grant such relief as the court deems proper.

355 2. Proper relief under paragraph (a) may include an
356 injunction:

357 a. Restraining the respondent from committing any acts of
358 exploitation.

359 b. If the court finds that the vulnerable adult is able
360 to reside safely without the respondent, awarding to the

361 vulnerable adult the exclusive use and possession of the
362 dwelling that the parties share or excluding the respondent from
363 the residence of the vulnerable adult.

364 c. Ordering the respondent to participate in treatment,
365 intervention, or counseling services to be paid for by the
366 respondent.

367 d. Directing that assets under temporary freeze by
368 injunction be returned to the vulnerable adult, or directing
369 assets remain frozen until ownership can be determined.

370 e. Restraining respondent from exploiting the vulnerable
371 adult.

372 f. Ordering such other relief as the court deems
373 necessary for the protection of a vulnerable adult from
374 exploitation, including injunctions or directives to law
375 enforcement agencies, as provided in this section.

376 (b) In determining whether a petitioner has reasonable
377 cause to believe that the vulnerable adult is in imminent danger
378 of becoming a victim of exploitation, the court shall consider
379 and evaluate all relevant factors, including, but not limited
380 to, any of the following:

381 1. The existence of a verifiable order of protection
382 issued previously or from another jurisdiction.

383 2. History of undue influence or exploitation by the
384 respondent upon the vulnerable adult in the petition or any

385 other vulnerable adult.

386 3. History of the vulnerable adult being previously
387 exploited or unduly influenced.

388 4. The capacity of the vulnerable adult to make decisions
389 related to his or her finances and property.

390 5. Susceptibility of the vulnerable adult to undue
391 influence.

392 6. Criminal history of the respondent or previous
393 probable cause findings by the adult protective services
394 program, if known.

395
396 In making its determination under this paragraph, the court is
397 not limited to those factors enumerated in subparagraphs 1.-6.

398 (c) The terms of an injunction restraining the respondent
399 as provided in paragraph (a) remain in effect until the
400 injunction is modified or dissolved. Either party may move at
401 any time to modify or dissolve the injunction. No specific
402 allegations are required for modification or dissolution of the
403 injunction, which may be granted in addition to other civil or
404 criminal penalties.

405 (d) A temporary or final judgment on an injunction must,
406 on its face, indicate:

407 1. That the injunction is valid and enforceable in all
408 counties of this state.

409 2. That law enforcement officers may use their arrest
410 powers pursuant to s. 901.15(6) to enforce the terms of the
411 injunction.

412 3. That the court had jurisdiction over the parties and
413 subject matter under state law and that reasonable notice and
414 opportunity to be heard were given to the person against whom
415 the order was sought, in a manner that was sufficient to protect
416 that person's right to due process.

417 4. The date the respondent was served with the temporary
418 or final order, if obtainable.

419 (e) The fact that a separate order of protection is
420 granted to each opposing party shall not be legally sufficient
421 to deny any remedy to either party or to prove that the parties
422 are equally at fault or equally endangered.

423 (f) All proceedings conducted pursuant to this subsection
424 must be recorded. Recording may be by electronic means as
425 provided by the Rules of Judicial Administration.

426 (7) The court must allow an advocate from a state
427 attorney's office, law enforcement agency, or adult protective
428 services to be present with the petitioner or the respondent
429 during any court proceedings or hearings related to the
430 injunction, provided the petitioner or the respondent has made
431 such a request and the advocate is able to be present.

432 (8) (a) 1. The clerk of the circuit court shall furnish a

433 copy of the petition, financial affidavit, the notice of
434 hearing, and any temporary injunction, if any, to the sheriff or
435 a law enforcement agency of the county where the respondent
436 resides or can be found, who shall serve it upon the respondent
437 as soon thereafter as possible on any day of the week and at any
438 time of the day or night. At the request of the sheriff, the
439 clerk of the circuit court may transmit a facsimile copy of an
440 injunction that has been certified by the clerk of the circuit
441 court, and this facsimile copy may be served in the same manner
442 as a certified copy.

443 2. The clerk of the court shall furnish a copy of the
444 petition, financial affidavit, notice of hearing, and temporary
445 injunction, if any, to the sheriff or a law enforcement agency
446 of the county where the alleged victim resides or can be found,
447 who shall serve it upon the alleged victim as soon thereafter as
448 possible on any day of the week and at any time of the day or
449 night. When requested by the sheriff, the clerk of the court may
450 transmit a facsimile copy of an injunction that has been
451 certified by the clerk of the court, and this facsimile copy may
452 be served in the same manner as a certified copy. Upon receiving
453 a facsimile copy, the sheriff must verify receipt with the
454 sender before attempting to serve it upon the alleged victim. In
455 addition, if the sheriff is in possession of an injunction for
456 protection that has been certified by the clerk of the court,

457 the sheriff may transmit a facsimile copy of that injunction to
458 a law enforcement officer who shall serve it in the same manner
459 as a certified copy.

460 3. When an injunction is issued, the court may order that
461 an officer from the appropriate law enforcement agency accompany
462 the vulnerable adult and assist in placing the vulnerable adult
463 in possession of the dwelling or residence, or otherwise assist
464 in the execution or service of the injunction. A law enforcement
465 officer shall accept a copy of an injunction for protection
466 against exploitation of a vulnerable adult, certified by the
467 clerk of the court, from the petitioner and immediately serve it
468 upon a respondent who has been located but not yet served. Law
469 enforcement shall also serve any injunction freezing assets on
470 the financial institution where the assets subject to
471 dissipation are held unless the court waives such requirement.

472 4. Upon receiving a facsimile copy, the sheriff must
473 verify receipt with the sender before attempting to serve it
474 upon the respondent. If the sheriff is in possession of an
475 injunction that has been certified by the clerk of the circuit
476 court, the sheriff may transmit a facsimile copy of that
477 injunction to a law enforcement officer who shall serve it in
478 the same manner as a certified copy.

479 5. The clerk of the court shall be responsible for
480 furnishing to the sheriff such information on the respondent's

481 or alleged victim's, as appropriate, physical description and
482 location as is required by the Department of Law Enforcement to
483 comply with the verification procedures of this section for
484 service under subparagraph 1. or subparagraph 2.

485 6. Notwithstanding any other provision of law, the chief
486 judge of each circuit, in consultation with the appropriate
487 sheriff, may authorize a law enforcement agency within the
488 jurisdiction to effect service. A law enforcement agency serving
489 injunctions pursuant to this section shall use service and
490 verification procedures consistent with those of the sheriff.

491 7. If the alleged victim is an alleged incapacitated
492 person or incapacitated person in a guardianship matter, the
493 sheriff shall serve the guardian for the alleged victim, if any,
494 with a copy of the petition, financial affidavit, notice of
495 hearing, and temporary injunction, if any. If there is no
496 guardian appointed for the alleged incapacitated person or
497 incapacitated person in a guardianship matter, or if the
498 guardian is a respondent to the petition, the sheriff shall
499 serve the alleged incapacitated person as provided in this
500 paragraph.

501 8. All orders issued, changed, continued, extended, or
502 vacated subsequent to the original service of documents
503 enumerated under subparagraph 1., shall be certified by the
504 clerk of the court and delivered to the parties at the time of

505 the entry of the order. The parties may acknowledge receipt of
506 such an order in writing on the face of the original order. In
507 the event the a party fails or refuses to acknowledge the
508 receipt of a certified copy of an order, the clerk of the
509 circuit court must note on the original petition that service
510 was effected. If delivery at the hearing is not possible, the
511 clerk of the circuit court shall mail certified copies of the
512 order to the parties at the last known address of each party.
513 Service by mail is complete upon mailing. When an order is
514 served pursuant to this subparagraph the clerk of the circuit
515 court shall prepare a written certification to be placed in the
516 court file specifying the time, date, and method of service.

517 (b)1. Within 24 hours after the court issues an
518 injunction for protection against exploitation of a vulnerable
519 adult or changes, continues, extends, or vacates such an
520 injunction, the clerk of the circuit court must forward a
521 certified copy of the injunction to the sheriff with
522 jurisdiction over the residence of the vulnerable adult for
523 service.

524 2. Within 24 hours after service of an injunction for
525 protection against exploitation of a vulnerable adult upon a
526 respondent, the person who served the injunction must forward
527 the written proof of service to the sheriff with jurisdiction
528 over the residence of the vulnerable adult.

529 3. Within 24 hours after the sheriff receives a certified
530 copy of the injunction for protection against exploitation of a
531 vulnerable adult, the sheriff must make information related to
532 the injunction available to other law enforcement agencies by
533 electronically transmitting such information to the Department
534 of Law Enforcement.

535 4. Within 24 hours after the sheriff or other law
536 enforcement officer has made service upon the respondent and the
537 sheriff has been so notified, the sheriff must make information
538 relating to the service available to other law enforcement
539 agencies by electronically transmitting such information to the
540 Department of Law Enforcement.

541 5. Within 24 hours after an injunction for protection
542 against the exploitation of a vulnerable adult is terminated, or
543 otherwise rendered no longer effective by ruling of the court,
544 the clerk of the circuit court must notify the sheriff receiving
545 original notification of the injunction as provided in
546 subparagraph 2. That agency shall, within 24 hours after
547 receiving such notification from the clerk of the circuit court,
548 notify the Department of Law Enforcement of such action of the
549 court.

550 (c) The clerk of the court shall provide a copy of all
551 petitions filed pursuant to this section and all orders entered
552 thereon to adult protective services who shall treat such

553 petitions and orders in the same manner as a report of abuse,
554 neglect, or exploitation of a vulnerable adult. Adult protective
555 services shall submit to the court overseeing the proceedings on
556 the petition, within 24 hours, the results of any previous
557 investigations relating to the alleged victim.

558 (9) (a) The court may enforce a violation of an injunction
559 for protection against the exploitation of a vulnerable adult
560 through a civil or criminal contempt proceeding, or the state
561 attorney may prosecute it as a criminal violation under s.
562 741.31. The court may enforce the respondent's compliance with
563 the injunction through any appropriate civil and criminal
564 remedies, including, but not limited to, a monetary assessment
565 or a fine. The clerk of the court shall collect and receive such
566 assessment or fine. On a monthly basis, the clerk shall transfer
567 the moneys collected pursuant to this paragraph to the
568 Department of Revenue for deposit in the Domestic Violence Trust
569 Fund established in s. 741.01.

570 (b) If the respondent is arrested by a law enforcement
571 officer under s. 901.15(6) or for a violation of s. 741.31, the
572 respondent must be held in custody until brought before the
573 court as expeditiously as possible, to enforce the injunction
574 for protection against the exploitation of a vulnerable adult
575 and for admittance to bail in accordance with chapter 903 and
576 the applicable rules of criminal procedure, pending a hearing.

577 (10) The petitioner, vulnerable adult, or the respondent
 578 may move the court to modify or dissolve an injunction at any
 579 time.

580 Section 3. Paragraphs (a) and (c) of subsection (4) of
 581 section 741.31, Florida Statutes, are amended to read:

582 741.31 Violation of an injunction for protection against
 583 domestic violence.—

584 (4) (a) A person who willfully violates an injunction for
 585 protection against domestic violence issued pursuant to s.
 586 741.30, ~~or~~ a foreign protection order accorded full faith and
 587 credit pursuant to s. 741.315, or an injunction for protection
 588 against the exploitation of vulnerable adults under s. 825.1035,
 589 by:

590 1. Refusing to vacate the dwelling that the parties
 591 share;

592 2. Going to, or being within 500 feet of, the
 593 petitioner's residence, school, place of employment, or a
 594 specified place frequented regularly by the petitioner and any
 595 named family or household member;

596 3. Committing an act of domestic violence against the
 597 petitioner;

598 4. Committing any other violation of the injunction
 599 through an intentional unlawful threat, word, or act to do
 600 violence to the petitioner;

601 5. Telephoning, contacting, or otherwise communicating
 602 with the petitioner directly or indirectly, unless the
 603 injunction specifically allows indirect contact through a third
 604 party;

605 6. Knowingly and intentionally coming within 100 feet of
 606 the petitioner's motor vehicle, whether or not that vehicle is
 607 occupied;

608 7. Defacing or destroying the petitioner's personal
 609 property, including the petitioner's motor vehicle; ~~or~~

610 8. Refusing to surrender firearms or ammunition if
 611 ordered to do so by the court, or

612 9. Violating the terms of an injunction for protection
 613 against the exploitation of a vulnerable adult

614
 615 commits a misdemeanor of the first degree, punishable as
 616 provided in s. 775.082 or s. 775.083, except as provided in
 617 paragraph (c).

618 (c) A person who has two or more prior convictions for
 619 violation of an injunction, ~~or~~ foreign protection order, or an
 620 injunction for protection against the exploitation of a
 621 vulnerable adult, and who subsequently commits a violation of
 622 any such injunction or ~~foreign protection~~ order against the same
 623 victim, commits a felony of the third degree, punishable as
 624 provided in s. 775.082, s. 775.083 or s. 775.084. For purposes

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625 of this paragraph, the term "conviction" means a determination
626 of guilt which is the result of a plea or a trial, regardless of
627 whether adjudication is withheld or a plea of nolo contendere is
628 entered.

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

631 901.15 When arrest by officer without warrant is lawful.—
632 A law enforcement officer may arrest a person without a warrant
633 when:

634 (6) There is probable cause to believe that the person
635 has committed a criminal act according to s. 790.233 or
636 according to s. 741.31 or s. 784.047 which violates an
637 injunction for protection entered pursuant to s. 741.30, ~~or~~ s.
638 784.046, or s. 825.1035 or a foreign protection order accorded
639 full faith and credit pursuant to s. 741.315, over the objection
640 of the petitioner, if necessary.

641 Section 5. This act shall take effect July 1, 2018.