

## CHAPTER 2025-158

### Committee Substitute for Senate Bill No. 106

An act relating to exploitation of vulnerable adults; amending s. 825.1035, F.S.; authorizing the use of substitute service on unascertainable respondents; defining the term “unascertainable respondent”; requiring a petitioner to file with the court a sworn affidavit to effectuate substitute service; providing requirements for the affidavit; requiring the court to enter an order providing for specified service when a petitioner files the sworn affidavit; requiring the petitioner to file with the court proof that the petitioner attempted to serve the unascertainable respondent; requiring that any proposed transfer of funds or property in dispute be held for a specified time period; providing construction; providing an effective date.

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

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

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

#### (7) NOTICE OF PETITION AND INJUNCTION.—

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

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

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

#### (8) SUBSTITUTE SERVICE ON UNASCERTAINABLE RESPONDENT.—

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

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

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

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

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

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

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

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

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

(e) In accordance with a written final order of injunction, if using substitute service in accordance with this subsection, a proposed transfer of funds or property in dispute must be held for 30 days, beginning on the date of the issuance of the final order of injunction, before such funds or property may be distributed for the benefit of the vulnerable adult.

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

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

Approved by the Governor June 20, 2025.

Filed in Office Secretary of State June 20, 2025.