

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT

Administrative Order: A-2018-21-A

AMENDED ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES  
CONCERNING INJUNCTIONS FOR PROTECTION AGAINST  
EXPLOITATION OF VULNERABLE ADULTS IN THE FIFTH CIRCUIT

THIS AMENDED ORDER SUPERSEDES AND REPLACES THE  
ADMINISTRATIVE ORDER A-2018-21 DATED JUNE 18, 2018

WHEREAS the Florida Legislature has enacted Fla. Stat. 825.1035 which creates the Injunction for Protection Against Exploitation of a Vulnerable Adult (“IPEVA”) with an effective date of July 1, 2018, and procedures are needed locally to implement that law and to make the procedures available for the purposes outlined in the statute;


NOW THEREFORE the Court enters this administrative order concerning IPEVAs in the Fifth Circuit. Effective July 1, 2018, the following procedures will be followed in all cases in which a party seeks issuance, enforcement, or modification of a temporary or final IPEVA.

1. When a petition is filed seeking entry of an IPEVA, it will be filed in the probate division and will be assigned a “GA” designation. If there is a pending, or a contemporaneously filed, guardianship case in which the vulnerable adult is the ward or alleged incapacitated person, the petition seeking entry of an IPEVA must be filed in the guardianship case.
2. Pending approval of final or revised interim forms, the attached forms are approved for use in the Fifth Circuit.
3. When a petition for IPEVA is filed, it will be reviewed no later than one business day after the date of filing by the presiding judge or by that person’s designee (“the judge”). If filed through the e-portal, the filing should be designated as an “emergency,” so that the clerk and the judge may be made aware of the need for review and entry of a written order no later than one business day after the date of filing. No later than one business day after the date of filing, the judge will either enter a temporary ex parte IPEVA pending a full hearing, a written order setting hearing without entry of a temporary ex parte IPEVA, or a written order denying.

The written order denying a temporary ex parte IPEVA must note the legal grounds for denial. When the only ground for denial is failure to demonstrate the appearance of an immediate and present danger of exploitation of a vulnerable adult, the court shall set a full hearing on the petition for injunction at the earliest possible date.

4. An ex parte temporary injunction will be made effective for a fixed period not to exceed 15 days. A full hearing must be set for a date no later than the date when the temporary injunction ceases to be effective. The court may grant a continuance of the hearing, before or during the hearing, for good cause shown by any party, which good cause may include a continuance to obtain service of process. As required by Sec. 825.1035(5)(d), an ex parte IPEVA is not extended beyond the initial 15 days as a result of a continuance.
5. Duties of the clerk, of the court, and of the sheriff or other law enforcement agency are defined by Sec. 825.1035.
6. The Sheriff of the county in which a petition for IPEVA is filed is authorized and empowered to accept and serve, or to forward for service to another law enforcement agency within that same county to effect service of any notice of hearing and petition for IPEVA, temporary ex parte IPEVA, (final) IPEVA, or other motion, notice or order required to be served relative to a proceeding for IPEVA. Nothing herein prevents a judge who enters a temporary ex parte IPEVA, (final) IPEVA, or other order from using an electronic signature. Likewise, the judge may fax, email, or otherwise electronically transmit the signed temporary ex parte IPEVA, (final) IPEVA, or other order, to the Sheriff who may forward the same by fax, email, or other electronic transmission for service by another law enforcement agency within the same county.

DONE AND ORDERED at Ocala, Marion County, Florida this 20th day of June 2018.

  
S. Sue Robbins, Chief Judge  
Fifth Judicial Circuit

**INSTRUCTIONS FOR  
PETITION FOR INJUNCTION FOR PROTECTION  
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

**When should this form be used?**

This form should be used to obtain an order that will protect a vulnerable adult from exploitation.

A vulnerable adult is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

Exploitation is knowingly obtaining or using, or endeavoring to obtain or use, a vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive him or her of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the vulnerable adult, by a person who stands in a position of trust and confidence with the vulnerable adult or has a business relationship with him or her.

**Who may file this form?**

A petition may be filed by a vulnerable adult in imminent danger of being exploited, the guardian of any such vulnerable adult, a person or organization acting on behalf of a vulnerable adult with the consent of the vulnerable adult or his or her guardian, or a person who simultaneously files a petition for determination of incapacity and appointment of an emergency temporary guardian with respect to the vulnerable adult.

**Where should this form be filed?**

A petition must be filed in the circuit where the vulnerable adult resides. If a guardianship proceeding concerning the vulnerable adult is pending at the time of the filing, the petition must be filed in that proceeding.

**What must be shown?**

The sworn petition must allege the existence of exploitation, or the imminent exploitation, of the vulnerable adult and must include the specific facts and circumstances for which relief is sought.

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

\_\_\_\_\_,  
Petitioner

v.

Case No.: \_\_\_\_\_  
Division: PROBATE

\_\_\_\_\_,  
Respondent  
\_\_\_\_\_ /

**PETITION FOR INJUNCTION FOR PROTECTION  
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

Before me, the undersigned authority, personally appeared Petitioner, \_\_\_\_\_,  
who has been sworn and says that the following statements are true:

1. The vulnerable adult resides at: \_\_\_\_\_  
\_\_\_\_\_  
(address)
2. The respondent resides at: \_\_\_\_\_  
\_\_\_\_\_  
(last known address)
3. The respondent's last known place of employment is:  
\_\_\_\_\_  
\_\_\_\_\_  
(name of business and address)
4. Physical description of the respondent:  
Race: \_\_\_\_\_  
Sex: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Height: \_\_\_\_\_  
Weight: \_\_\_\_\_  
Eye color: \_\_\_\_\_  
Hair color: \_\_\_\_\_  
Distinguishing marks or scars: \_\_\_\_\_  
\_\_\_\_\_

5. Aliases of the respondent: \_\_\_\_\_

6. The respondent is associated with the vulnerable adult as follows: \_\_\_\_\_

7. The following describes any other cause of action currently pending between the petitioner and the respondent, any proceeding under chapter 744 concerning the vulnerable adult, and any previous or pending attempts by the petitioner to obtain an injunction for protection against exploitation of the vulnerable adult in this or any other circuit; related case numbers, if available; and the results of any such attempts: \_\_\_\_\_

8. The following describes the petitioner's knowledge of any reports made to a government agency, including, but not limited to, the Department of Elderly Affairs, the Department of Children and Families, and the adult protective services program relating to the abuse, neglect, or exploitation of the vulnerable adult; any investigations performed by a government agency relating to abuse, neglect, or exploitation of the vulnerable adult; and the results of any such reports or investigations: \_\_\_\_\_

9. The petitioner knows the vulnerable adult is either a victim of exploitation or the petitioner has reasonable cause to believe the vulnerable adult is, or is in imminent danger of becoming, a victim of exploitation because the respondent has (describe in the spaces below the incidents or threats of exploitation): \_\_\_\_\_

10. The following describes the petitioner's knowledge of the vulnerable adult's dependence on the respondent for care; alternative provisions for the vulnerable adult's care in the absence of the respondent, if necessary; available resources the vulnerable adult has to access such alternative provisions; and the vulnerable adult's willingness to use such alternative provisions: \_\_\_\_\_

11. The petitioner knows the vulnerable adult maintains assets, account, or lines of credit at the following financial institution(s):

Name of Financial Institution	Address	Account Number

12. The petitioner believes that the vulnerable adult's assets to be frozen are (mark one):  
 Worth less than \$1500;  
 Worth between \$1500 and \$5000; or  
 Worth more than \$5000.

13. The petitioner genuinely fears imminent exploitation of the vulnerable adult by the respondent.

14. The petitioner seeks an injunction for the protection of the vulnerable adult, including (mark appropriate section or sections):

- Prohibiting the respondent from having any direct or indirect contact with the vulnerable adult.
- Immediately restraining the respondent from committing any acts of exploitation against the vulnerable adult.
- Freezing the assets of the vulnerable adult held at \_\_\_\_\_ (name and address of depository or financial institution) even if titled jointly with the respondent, or in the respondent's name only, in the court's discretion.
- Freezing the credit lines of the vulnerable adult at \_\_\_\_\_ (name and address of financial institution) even if jointly with the respondent, in the court's discretion.
- Providing any terms the court deems necessary for the protection of the vulnerable adult or his or her assets, including any injunctions or directives to law enforcement agencies.

15. Should the court enter an injunction freezing assets and credit lines, the petitioner believes that the critical expenses of the vulnerable adult will be paid for or provided by the following persons or entities, or the petitioner requests that the following expenses be paid notwithstanding the freeze:

Expense	Payee	Address	Account Number	Amount	Why Payment is Critical

I ACKNOWLEDGE THAT, PURSUANT TO SECTION 415.1034, FLORIDA STATUTES, ANY PERSON WHO KNOWS, OR HAS REASONABLE CAUSE TO SUSPECT, THAT A VULNERABLE ADULT HAS BEEN OR IS BEING ABUSED, NEGLECTED, OR EXPLOITED HAS A DUTY TO IMMEDIATELY REPORT SUCH KNOWLEDGE OR SUSPICION TO THE CENTRAL ABUSE HOTLINE. I HAVE REPORTED THE ALLEGATIONS IN THIS PETITION TO THE CENTRAL ABUSE HOTLINE.

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

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**Signature of Petitioner**

Printed Name: \_\_\_\_\_

Service Address: \_\_\_\_\_

\_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

Printed Name: \_\_\_\_\_

Personally known  
 Produced identification

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_

Division: PROBATE

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

**ORDER SETTING HEARING ON PETITION FOR INJUNCTION  
FOR PROTECTION AGAINST EXPLOITATION OF A VULNERABLE ADULT  
WITHOUT ISSUANCE OF AN INTERIM TEMPORARY INJUNCTION**

A Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult has been reviewed. This Court has jurisdiction of the parties and of the subject matter. Upon review of the Petition, this Court concludes that a Temporary Injunction NOT be entered at this time but that an Injunction may be entered after the hearing, depending on the findings made by the Court at that time.

**FINDINGS**

The Court finds that based upon the facts, as stated in the Petition alone and without a hearing on the matter, there is no appearance of an immediate and danger of exploitation of a vulnerable adult. Therefore, there is not a sufficient factual basis upon which the court can enter a Temporary Injunction prior to a hearing. A hearing is scheduled on the Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult in the following section of this Order. Petitioner may amend or supplement the Petition at any time to state further reasons why a Temporary Injunction should be ordered which would be in effect until the hearing scheduled below.

**NOTICE OF HEARING**

Petitioner and Respondent are ordered to appear and testify at a hearing on the Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult on: *{date}* \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., at which time the Court will consider whether a Final Judgment of Injunction for Protection Against Exploitation of a Vulnerable Adult should be entered. If entered, the injunction will remain in effect until vacated or modified by the Court. At the hearing, the Court will determine whether other relief should be granted as may be requested in the Petition. The hearing will be before The Honorable \_\_\_\_\_, Circuit Judge, Courtroom \_\_\_\_, of the \_\_\_\_\_ County Judicial Center, (address) \_\_\_\_\_, (city) \_\_\_\_\_, Florida.



If Petitioner and/or Respondent do not appear, orders may be entered, including entry of a permanent injunction and the imposition of court costs. Petitioner and Respondent will be bound by the terms of any injunction or order issued at the final hearing.

**IF EITHER PETITIONER OR RESPONDENT DO NOT APPEAR AT THE FINAL HEARING, HE OR SHE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THIS MATTER.**

All witnesses and evidence, if any, must be presented at this time.

NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense.

YOU ARE ADVISED THAT IN THIS COURT electronic recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at that party's expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED

**REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES.** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at the Office of the Trial Court Administrator, \_\_\_\_\_ County Judicial Center, (address) \_\_\_\_\_, (city) \_\_\_\_\_, Florida, telephone (352) \_\_\_\_\_, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Nothing in this order limits Petitioner's rights to dismiss the petition.

DONE AND ORDERED in (city) \_\_\_\_\_, (county) \_\_\_\_\_ County, Florida on \_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

COPIES TO:

Sheriff of \_\_\_\_\_ County

**Petitioner:**

by U. S. Mail  
 by hand delivery in open court  
 by e-mail to designated e-mail address(es)

**Vulnerable Adult (if other than Petitioner):**

by U. S. Mail  
 by hand delivery in open court  
 by e-mail to designated e-mail address(es)

**Respondent:**

forwarded to sheriff for service  
 State Attorney's Office  
 Other: \_\_\_\_\_

I CERTIFY the foregoing is a true copy of the original **Order Setting Hearing on Petition for Injunction** as it appears on file in the office of the Clerk of the Circuit Court of \_\_\_\_\_ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

{SEAL}

By: \_\_\_\_\_  
*{Deputy Clerk or Judicial Assistant}*

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: PROBATE

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

**ORDER OF DISMISSAL OF PETITION FOR INJUNCTION FOR PROTECTION  
AGAINST EXPLOITATION OF VULNERABLE ADULT  
(After Hearing)**

THIS CAUSE came before the Court for hearing on {date} \_\_\_\_\_ upon  
Petitioner's action for an Injunction for Protection against Exploitation of Vulnerable Adult, the Court  
dismisses the Petition:

*{Indicate all that apply}*

- a. \_\_\_\_\_ Petitioner failed to appear at the hearing scheduled in this cause.
- b. \_\_\_\_\_ Petitioner appeared at the hearing but desires to voluntarily dismiss this action and  
represents that the concerns for exploitation of the Vulnerable Adult have been  
alleviated without the need for the injunction.
- c. \_\_\_\_\_ The evidence presented is insufficient under Florida Statutes, Section 825.1035, to allow  
the Court to issue an injunction for protection against exploitation of Vulnerable Adult.  
Specifically: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, the case is dismissed without prejudice.

\_\_\_\_\_, a financial institution holding assets of the  
Vulnerable Adult, shall pay the clerk of the circuit court from unencumbered assets of  
the Vulnerable Adult, if any, a fee of \$75 if the assets of the vulnerable adult are  
between \$1,500 and \$5,000 or a fee of \$200 if the assets are in excess of \$5,000. As  
allowed by the statute, the Court may be relying on the estimate of the value of the  
assets in the petition when assessing the fee.

DONE AND ORDERED in (city) \_\_\_\_\_, (county) \_\_\_\_\_ County, Florida on \_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

**COPIES TO:**

Sheriff of \_\_\_\_\_ County

**Petitioner:**

\_\_\_\_ by U.S. Mail  
\_\_\_\_ by hand delivery in open court  
\_\_\_\_ by e-mail to designated e-mail address(es)

**Vulnerable Adult:**

\_\_\_\_ by U.S. Mail  
\_\_\_\_ by hand delivery in open court  
\_\_\_\_ by e-mail to designated e-mail address(es)

**Respondent:**

\_\_\_\_ by U.S. Mail  
\_\_\_\_ by hand delivery in open court  
\_\_\_\_ by e-mail to designated e-mail address(es)  
\_\_\_\_ State's Attorney's Office

\_\_\_\_ Other: \_\_\_\_\_

I CERTIFY the foregoing is a true copy of the original **Order of Dismissal** as it appears on file in the office of the Clerk of the Circuit Court of \_\_\_\_\_ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: \_\_\_\_\_  
{Deputy Clerk or Judicial Assistant}

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: PROBATE

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

**ORDER OF DENIAL OF EX PARTE TEMPORARY INJUNCTION FOR  
PROTECTION AGAINST EXPLOITATION OF VULNERABLE ADULT,  
AND OF DISMISSAL**

THIS CAUSE came before the Court on {date} \_\_\_\_\_, upon consideration of Petitioner's request for an ex parte temporary injunction for protection against exploitation of vulnerable adult. The petition is insufficient as a matter of law to support the issuance of an injunction. However, this denial is not based solely on a failure to demonstrate an immediate and present danger of exploitation of a vulnerable adult. Specific legal grounds for denial include (but may not be limited to) the following:

*{Indicate all that apply}*

- a. \_\_\_\_\_ The petition does not appear to have been filed in the circuit where the vulnerable adult resides -OR- a proceeding under chapter 744 is pending, and the petition does not appear to have been filed in the chapter 744 proceeding as required.
- b. \_\_\_\_\_ The petition is not sworn -OR- does not allege the existence of exploitation or imminent exploitation of the vulnerable adult -OR- fails to include specific facts and circumstances for which relief is sought.
- c. \_\_\_\_\_ The petition fails to include allegations sufficient for the Court to find, pending a full hearing that there is a likelihood of irreparable harm and nonavailability of an adequate remedy at law, there is a substantial likelihood of success on the merits, the threatened injury to the vulnerable adult outweighs possible harm to the respondent, granting a temporary injunction will not disserve the public interest, or such injunction provides for the vulnerable adult's physical or financial safety.

Accordingly, the ex parte injunction is denied, and the case is dismissed without prejudice.

DONE AND ORDERED in (city) \_\_\_\_\_, (county) \_\_\_\_\_ County, Florida on \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

**COPIES TO:**

Sheriff of \_\_\_\_\_ County

**Petitioner:**

\_\_\_\_\_ by U.S. Mail

\_\_\_\_\_ by hand delivery in open court

\_\_\_\_\_ by e-mail to designated e-mail address(es)

**Vulnerable Adult (if other than Petitioner):**

\_\_\_\_\_ by U.S. Mail

\_\_\_\_\_ by hand delivery in open court

\_\_\_\_\_ by e-mail to designated e-mail address(es)

**Respondent:**

\_\_\_\_\_ by U.S. Mail

\_\_\_\_\_ by hand delivery in open court

\_\_\_\_\_ by e-mail to designated e-mail address(es)

\_\_\_\_\_ Other: \_\_\_\_\_

I CERTIFY the foregoing is a true copy of the original Order as it appears on file in the office of the Clerk of the Circuit Court of \_\_\_\_\_ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: \_\_\_\_\_  
{Deputy Clerk or Judicial Assistant}

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

\_\_\_\_\_  
Petitioner

v.

Case Number: \_\_\_\_\_

Division: PROBATE

\_\_\_\_\_  
Respondent

\_\_\_\_\_ /

**NOTICE OF HEARING**

To:

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Petitioner's Address

\_\_\_\_\_  
Respondent's Address

YOU ARE HEREBY NOTIFIED THAT, PURSUANT TO s. 825.1035, FLORIDA STATUTES, A HEARING ON A PETITION FOR INJUNCTION AGAINST EXPLOITATION OF A VULNERABLE ADULT HAS BEEN SCHEDULED BEFORE THIS COURT ON: \_\_\_\_\_, at \_\_\_\_\_ A.M./P.M., in Courtroom \_\_\_\_, located the \_\_\_\_\_ County Judicial Center, (address) \_\_\_\_\_, (city) \_\_\_\_\_, Florida.

DONE AND ORDERED in (county) \_\_\_\_\_, County, Florida this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Court Judge

**REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES.** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at the Office of the Trial Court Administrator, \_\_\_\_\_ County Judicial Center, (address) \_\_\_\_\_, (city) \_\_\_\_\_, Florida, telephone (352) \_\_\_\_\_, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

**INSTRUCTIONS FOR MOTION TO MODIFY  
AN INJUNCTION FOR PROTECTION AGAINST  
EXPLOITATION OF A VULNERABLE ADULT**

**When should this form be used?**

This form may be used to modify an injunction for protection against exploitation of a vulnerable adult. No specific allegations are required for modification of the injunction.

**Who may file this form?**

This form may be filed by:

- The petitioner who obtained an injunction for protection against exploitation of a vulnerable adult;
- The respondent against whom an injunction for protection against exploitation of a vulnerable adult was entered; or
- The vulnerable adult about whom an injunction for protection against exploitation of a vulnerable adult was entered.



**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

\_\_\_\_\_,  
Petitioner

v.

Case No.: \_\_\_\_\_  
Division: PROBATE

\_\_\_\_\_,  
Respondent

\_\_\_\_\_ /

**MOTION TO MODIFY INJUNCTION AGAINST  
EXPLOITATION OF A VULNERABLE ADULT**

I, \_\_\_\_\_, being sworn, certify that the following statements are true:

1. I am the \_\_\_ Petitioner / \_\_\_ Respondent / \_\_\_ Vulnerable Adult in this case.
2. I currently live at the following address: \_\_\_\_\_  
\_\_\_\_\_

And my telephone number is: ( ) \_\_\_\_\_

3. This is a request to modify the Injunction Against Exploitation of a Vulnerable Adult entered on \_\_\_\_\_, 20\_\_.

5. I am asking the court to modify the injunction because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. I am asking the court to modify the injunction in the following way(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. I understand that the court may hold a hearing on this motion and, if so, that I must appear at the hearing.

For the foregoing reasons, I ask the court to modify the Injunction Against Exploitation of a Vulnerable Adult entered on \_\_\_\_\_, 20\_\_.

**I understand that I am swearing or affirming under oath to the truthfulness of the factual claims made in this motion and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

Printed Name: \_\_\_\_\_

Personally known  
 Produced identification

**INSTRUCTIONS FOR MOTION TO DISSOLVE  
AN INJUNCTION FOR PROTECTION AGAINST  
EXPLOITATION OF A VULNERABLE ADULT**

**When should this form be used?**

This form may be used to dissolve an injunction for protection against exploitation of a vulnerable adult. No specific allegations are required for dissolution of the injunction.

**Who may file this form?**

This form may be filed by:

- The petitioner who obtained an injunction for protection against exploitation of a vulnerable adult;
- The respondent against whom an injunction for protection against exploitation of a vulnerable adult was entered; or
- The vulnerable adult about whom an injunction for protection against exploitation of a vulnerable adult was entered.

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

\_\_\_\_\_,  
Petitioner

v.

Case No.: \_\_\_\_\_

Division: PROBATE

\_\_\_\_\_,  
Respondent

\_\_\_\_\_ /

**MOTION TO DISSOLVE INJUNCTION AGAINST  
EXPLOITATION OF A VULNERABLE ADULT**

I, \_\_\_\_\_, being sworn, certify that the following statements are true:

1. I am the \_\_\_ Petitioner / \_\_\_ Respondent / \_\_\_ Vulnerable Adult in this case.

2. I currently live at the following address: \_\_\_\_\_  
\_\_\_\_\_

And my telephone number is: ( ) \_\_\_\_\_

3. This is a request to dissolve the Injunction Against Exploitation of a Vulnerable Adult entered on \_\_\_\_\_, 20\_\_.

5. I am asking the court to dissolve the injunction because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. I understand that the court may hold a hearing on this motion and, if so, that I must appear at the hearing.

For the foregoing reasons, I ask the court to dissolve the Injunction Against Exploitation of a Vulnerable Adult entered on \_\_\_\_\_, 20\_\_.

**I understand that I am swearing or affirming under oath to the truthfulness of the factual claims made in this motion and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

Printed Name: \_\_\_\_\_

Personally known  
 Produced identification

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: PROBATE

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

**FINAL JUDGMENT OF INJUNCTION FOR PROTECTION AGAINST EXPLOITATION  
OF A VULNERABLE ADULT**

\_\_\_\_\_ has filed a Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult under Section 825.1035, Florida Statutes, seeking an injunction to protect \_\_\_\_\_ who has been identified as a "Vulnerable Adult." References to the "Vulnerable Adult" herein are to \_\_\_\_\_. If the Petition was filed by the Vulnerable Adult, then references herein to "the Petitioner" are also to the Vulnerable Adult. If the Petition was filed by someone other than the Vulnerable Adult, as permitted under the statute, then references to "the Petitioner" are to the person who signed and filed the Petition seeking an injunction to protect the Vulnerable Adult.

The Petition and other papers filed in this Court have been reviewed. Under the laws of Florida, the Court has jurisdiction over the Vulnerable Adult, the Petitioner, the subject matter, and has jurisdiction over the Respondent upon service of the temporary injunction.

**SECTION I. HEARING**

This cause came before the Court for a hearing to determine whether an Injunction for Protection Against Domestic Violence in this case should be:

\_\_\_\_\_ issued \_\_\_\_\_ modified \_\_\_\_\_ extended.

The hearing was attended by:

\_\_\_\_\_ Petitioner  
\_\_\_\_\_ Petitioner's Counsel  
\_\_\_\_\_ Respondent  
\_\_\_\_\_ Respondent's Counsel

**SECTION II. FINDINGS**

On {date} \_\_\_\_\_, a notice of this hearing was served on Respondent together with a copy of Petitioner's petition to this Court and the temporary injunction, if issued. If any assets or lines of credit are ordered to be frozen, the depository or financial institution was served with notice of

hearing and with the temporary injunction, if issued, as provided in Sec. 655.0201, on

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Service was within the time required by Florida law, and Respondent was afforded an opportunity to be heard. The court had jurisdiction over the parties and subject matter under state law and that reasonable notice and opportunity to be heard were given to the person against whom the order was sought, in a manner that was sufficient to protect that person's right to due process.

After hearing the testimony of each party present and of any witnesses, or upon consent of Respondent, the Court finds, based on the specific facts of this case:

- a. The vulnerable adult is the victim of exploitation or that the vulnerable adult is in imminent danger of becoming a victim of exploitation.
- b. There is a likelihood of irreparable harm and nonavailability of an adequate remedy at law.
- c. The threatened injury to the vulnerable adult outweighs possible harm to the respondent.
- d. Where the injunction freezes assets of the respondent, the court finds probable cause that exploitation has occurred, the freeze only affects the proceeds of such exploitation, and there is a substantial likelihood that such assets will be ordered to be returned to the vulnerable adult.
- e. The relief provides for the vulnerable adult's physical or financial safety.

### **SECTION III. INJUNCTION AND TERMS**

**This injunction shall be effective until modified or dissolved. The injunction is valid and enforceable in all counties of this state. Law enforcement officers may use their arrest powers under Sec. 901.15(6) to enforce the terms of the injunction. Any violation of this injunction, whether or not at the invitation of Petitioner, the Vulnerable Adult, or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the imposition of a fine or imprisonment, and may also result in an award of economic damages and attorney's fees and courts costs as provided by Section 825.0135. Furthermore:**

**(a) Except as provided in paragraph (b), a person who willfully violates an injunction for protection against exploitation of a Vulnerable Adult commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083. A person may violate such injunction by:**

- 1. Refusing to vacate the dwelling shared with the Vulnerable Adult if ordered to do so by the injunction;**
- 2. Going to or being within 500 feet of the Vulnerable Adult's residence if ordered to stay away;**
- 3. Exploiting or unduly influencing the Vulnerable Adult;**
- 4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the Vulnerable Adult;**
- 5. Telephoning, contacting, or otherwise communicating with the Vulnerable Adult directly or indirectly, unless the injunction specifically allows indirect contact through a third party;**

6. Knowingly and intentionally coming within 100 feet of the Vulnerable Adult's motor vehicle, regardless of whether that vehicle is occupied if ordered to stay away; or

7. Defacing or destroying the Vulnerable Adult's personal property.

(b) A person who has two or more prior convictions for violation of an injunction or foreign protection order against the same victim, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in Section 775.082, Section 775.083, or Section 775.084. As used herein, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

**ORDERED and ADJUDGED:** This is an Injunction for Protection Against Exploitation of a Vulnerable Adult. The person identified as a Vulnerable Adult herein is \_\_\_\_\_, and references herein to the Vulnerable Adult are to \_\_\_\_\_.

1. **Exploitation Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of Exploitation, as defined in Section 825.103(1), Fla. Stat., of the Vulnerable Adult. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act against the Vulnerable Adult.

2. **Provisions concerning the home.** (Initial the following paragraphs if they apply)

\_\_\_\_\_ **Possession of the Home.** The Vulnerable Adult and NOT the Respondent shall have temporary possession of the home or other dwelling (hereafter "home") located at: \_\_\_\_\_

\_\_\_\_\_ **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home shall place the Vulnerable Adult in possession of the home, accompanying the Vulnerable Adult to the home for that purpose, if requested.

\_\_\_\_\_ **Personal Items.** Respondent, in the presence of a law enforcement officer, may return to the home at a time arranged with the law enforcement department with jurisdiction over the home, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the home from which these items are to be retrieved shall accompany Respondent to the home and stand by to ensure that he/she vacates the home with only his/her personal clothing, toiletries, tools of the trade, and any items listed in the following paragraph. The law enforcement agency shall not be responsible for storing or transporting any property. **IF TEMPORARY POSSESSION OF THE HOME IS AWARDED TO THE VULNERABLE ADULT AND NOT TO THE RESPONDENT, AND THE RESPONDENT GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS INJUNCTION.**

\_\_\_\_\_ **Damage or removal:** Respondent shall not damage or remove any furnishings or fixtures from the parties' former shared premises.



\_\_\_\_\_ Other tangible personal property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**3. Other provisions concerning contact. (Initial the following paragraphs if they apply)**

\_\_\_\_\_ Unless otherwise provided herein, Respondent shall have no contact with the Vulnerable Adult. Respondent shall not directly or indirectly contact the Vulnerable Adult in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third-party contact with anyone connected with the Vulnerable Adult's employment or school to inquire about the Vulnerable Adult or to send any messages to the Vulnerable Adult. Unless otherwise provided herein, Respondent shall not go to, in, or within 500 feet of the home of the Vulnerable Adult, the current or any subsequent place of employment of the Vulnerable Adult or the following other places (if requested in the Petition) where the Vulnerable Adult goes often:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Respondent may not knowingly come within 100 feet of the Vulnerable Adult's automobile at any time whether or not it is occupied.

**4. Provisions concerning assets. (Initial the following paragraphs if they apply)**

\_\_\_\_\_ The Respondent will have no access to the following described assets of the Vulnerable Adult held at \_\_\_\_\_ (name and address of depository or financial institution) even if titled jointly with the Respondent, or in the Respondent's name only.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The following described assets of the Vulnerable Adult held at \_\_\_\_\_ (name and address of depository or financial institution) even if titled jointly with the Respondent, or in the Respondent's name only, are hereby frozen.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The following described credit lines of the Vulnerable Adult at \_\_\_\_\_ (name and address of financial institution) even if jointly with the Respondent, are hereby frozen.

\_\_\_\_\_

\_\_\_\_\_ Pending further order of the Court, the following specified living expenses of the vulnerable adult will continue to be paid as follows:

\_\_\_\_\_ Respondent will continue to pay \_\_\_\_\_

\_\_\_\_\_ Petitioner (if other than the Vulnerable Adult) will continue to pay \_\_\_\_\_

\_\_\_\_\_ The respondent is ordered to pay the clerk of the circuit court a fee of \$75 if the assets of the vulnerable adult are between \$1,500 and \$5,000 or a fee of \$200 if the assets are in excess of \$5,000. As allowed by the statute, the Court may be relying on the estimate of the value of the assets in the petition when assessing the fee.

\_\_\_\_\_ Additional terms concerning assets: \_\_\_\_\_

5. **Mailing Address or Designated E-Mail Address(es).** Respondent shall notify the Clerk of the Court of any change in either his or her mailing address, or designated e-mail address(es), within 10 days of the change. All further papers (excluding the final injunction, if entered without Respondent being present at the hearing, and pleadings requiring personal service) shall be served either by mail to Respondent's last known mailing address or by e-mail to Respondent's designated e-mail address(es). Service shall be complete upon mailing or e-mailing.

6. **Additional order(s) necessary to protect the Vulnerable Adult from Exploitation:**

**SECTION IV. DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION**

*{Unless ordered otherwise by the judge, all provisions in this injunction are considered mandatory provisions and should be interpreted as part of this injunction.}*

1. The Sheriff of \_\_\_\_\_ County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance.
2. **This injunction is valid in all counties of the State of Florida. Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to Section 901.15, Florida Statutes, for any violation of its provisions which constitutes a criminal act under Florida Statutes.**
3. **THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES. The arresting agent shall notify the State Attorney's Office immediately after arrest.**
4. **Reporting alleged violations. (1) In the event of a violation of an injunction for protection against exploitation of a Vulnerable Adult when the person who violated such Injunction has not been arrested, the Petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk of the circuit court shall assist the Petitioner in the preparation of an affidavit in support of the violation or direct the Petitioner to the office operated by the court within the circuit which has been designated by the chief judge of the judicial circuit as the central intake point for injunction violations and where the Petitioner can receive assistance in the preparation of the affidavit in support of the violation. (2) The affidavit shall be immediately forwarded by the clerk of the circuit court or the office assisting the Petitioner to the state attorney of the circuit and to the court or Judge as the chief judge of the circuit determines to be the recipient of affidavits of violation. If the affidavit alleges that a crime has been committed, the clerk of the circuit court or the office assisting the Petitioner shall also forward a copy of the affidavit to the appropriate law enforcement agency for investigation. Within 20 days after receipt of the affidavit, the local law enforcement agency shall complete its investigation and forward the affidavit and a report containing the agency's findings to the state attorney. The state attorney shall determine within 30 business days whether its office will proceed to file criminal charges, prepare a motion for an order to show cause as to why the Respondent should not be held in criminal contempt, prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to another action. (3) If, based on its familiarity with the case, the court has knowledge that the Vulnerable Adult is in immediate danger if the court fails to act before the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the Respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through a ruling of criminal contempt.**

DONE AND ORDERED in (city) \_\_\_\_\_, (county) \_\_\_\_\_ County, Florida on

\_\_\_\_\_

\_\_\_\_\_  
CIRCUIT JUDGE

COPIES TO:

Sheriff of \_\_\_\_\_ County

Petitioner: (or his or her attorney)

\_\_\_\_\_ by U.S. Mail

\_\_\_\_\_ by hand-delivery in open court

\_\_\_\_\_ by e-mail to designated e-mail address(es)

Vulnerable Adult (if other than Petitioner):

\_\_\_\_\_ by U.S. Mail

\_\_\_\_\_ by hand delivery in open court

\_\_\_\_\_ by e-mail to designated e-mail address(es)

Respondent:

\_\_\_\_\_ forwarded to the sheriff for service

\_\_\_\_\_ State's Attorney's Office

\_\_\_\_\_ other: \_\_\_\_\_

I CERTIFY the foregoing is a true copy of the original Final Judgment of Injunction for Protection Against Exploitation of a Vulnerable Adult as it appears on file in the office of the Clerk of the Circuit Court of \_\_\_\_\_ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: \_\_\_\_\_  
{Deputy Clerk or Judicial Assistant}

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: PROBATE

\_\_\_\_\_  
Petitioner,

and

\_\_\_\_\_  
Respondent.

**TEMPORARY INJUNCTION FOR PROTECTION AGAINST EXPLOITATION  
OF A VULNERABLE ADULT**

\_\_\_\_\_ has filed a Petition for Injunction for Protection Against Exploitation of a Vulnerable Adult under Section 825.1035, Florida Statutes, seeking an Injunction to protect \_\_\_\_\_ who has been identified as a "Vulnerable Adult." References to the "Vulnerable Adult" herein are to \_\_\_\_\_. If the Petition was filed by the Vulnerable Adult, then references herein to "the Petitioner" are also to the Vulnerable Adult. If the Petition was filed by someone other than the Vulnerable Adult, as permitted under the statute, then references to "the Petitioner" are to the person who signed and filed the Petition seeking an injunction to protect the Vulnerable Adult.

The Petition and other papers filed in this Court have been reviewed. Under the laws of Florida, the Court has jurisdiction over the Vulnerable Adult, the Petitioner, the subject matter, and has jurisdiction over the Respondent upon service of the temporary Injunction.

**SECTION I. NOTICE OF HEARING**

Because this Temporary Injunction for Protection Against Exploitation of a Vulnerable Adult has been issued without prior notice to Respondent, the Petitioner and Respondent are instructed that they are scheduled to appear and testify at a hearing regarding this matter on *{date}* \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., when the Court will consider whether to issue a Final Judgment of Injunction for Protection Against Exploitation of a Vulnerable Adult, which would remain in effect until modified or dissolved by the Court. The hearing will be before The Honorable \_\_\_\_\_, Courtroom \_\_\_\_, of the \_\_\_\_\_ County Judicial Center, (address) \_\_\_\_\_, (city) \_\_\_\_\_, Florida. If Petitioner, Vulnerable Adult, and/or Respondent do not appear, this temporary injunction may be continued in force, extended, dismissed, and/or additional orders may be granted, including entry of a permanent injunction and the imposition of court costs. Petitioner and Respondent will be bound by the terms of any injunction or order issued at the final hearing.

**IF ANY PARTY DOES NOT APPEAR AT THE FINAL HEARING, HE OR SHE WILL BE BOUND BY THE TERMS OF ANY INJUNCTION OR ORDER ISSUED IN THIS MATTER.**

All witnesses and evidence, if any, must be presented at the time of the hearing scheduled above.

NOTICE: Because this is a civil case, there is no requirement that these proceedings be transcribed at public expense.

YOU ARE ADVISED THAT IN THIS COURT: An electronic recording only is provided by the court. A party may arrange in advance for the services of and provide for a court reporter to prepare a written transcript of the proceedings at that party's expense.

A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT AN APPEAL. THE PARTY SEEKING THE APPEAL IS RESPONSIBLE FOR HAVING THE TRANSCRIPT PREPARED BY A COURT REPORTER. THE TRANSCRIPT MUST BE FILED WITH THE REVIEWING COURT OR THE APPEAL MAY BE DENIED.

**REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES.** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at the Office of the Trial Court Administrator, \_\_\_\_\_ County Judicial Center, (address) \_\_\_\_\_, (city) \_\_\_\_\_, Florida, telephone (352) \_\_\_\_\_, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

## **SECTION II. FINDINGS**

The statements made under oath by Petitioner make it appear that Section 825.1035, Florida Statutes, applies. It also appears that an immediate and present danger of exploitation of the Vulnerable Adult exists. There is a likelihood of irreparable harm and nonavailability of an adequate remedy at law. There is a substantial likelihood of success on the merits. The threatened injury to the Vulnerable Adult outweighs possible harm to the Respondent. Granting a temporary injunction will not disserve the public interest. This temporary Injunction provides for the Vulnerable Adult's physical or financial safety.

## **SECTION III. TEMPORARY INJUNCTION AND TERMS**

This injunction shall be effective until the hearing set above and in no event for longer than 15 days, unless extended by court order. If a final order of injunction is issued, the terms of this temporary injunction will be extended until service of the final injunction is effected upon Respondent. This injunction is valid and enforceable in all counties of the State of Florida. The terms of this injunction may not be changed by either party alone or by both parties together. Only the Court may modify the terms of this injunction. Either party may ask the Court to change or end this injunction.

Any violation of this injunction, whether or not at the invitation of Petitioner, the Vulnerable Adult, or anyone else, may subject Respondent to civil or indirect criminal contempt proceedings, including the

imposition of a fine or imprisonment, and may also result in an award of economic damages and attorney's fees and courts costs as provided by Section 825.1035. Furthermore:

(a) Except as provided in paragraph (b), a person who willfully violates an injunction for protection against exploitation of a Vulnerable Adult commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083. A person may violate such injunction by:

1. Refusing to vacate the dwelling shared with the Vulnerable Adult if ordered to do so by the injunction;
2. Going to or being within 500 feet of the Vulnerable Adult's residence if ordered to stay away;
3. Exploiting or unduly influencing the Vulnerable Adult;
4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the Vulnerable Adult;
5. Telephoning, contacting, or otherwise communicating with the Vulnerable Adult directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
6. Knowingly and intentionally coming within 100 feet of the Vulnerable Adult's motor vehicle, regardless of whether that vehicle is occupied if ordered to stay away; or
7. Defacing or destroying the Vulnerable Adult's personal property.

(b) A person who has two or more prior convictions for violation of an injunction or foreign protection order against the same victim, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in Section 775.082, Section 775.083, or Section 775.084. As used herein, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

As permitted by statute, the Court may order any financial institution holding assets of the vulnerable adult to pay the clerk of the circuit court from unencumbered assets of the vulnerable adult, if any, a fee of \$75 if the assets of the petitioner are between \$1,500 and \$5,000 or a fee of \$200 if the assets are in excess of \$5,000. The court may rely on the estimate of the value of the assets in the petition when assessing the fee. The fee shall be taxed as costs against the respondent if the court enters an injunction.

**ORDERED and ADJUDGED:** This is an Injunction for Protection Against Exploitation of a Vulnerable Adult. The person identified as a Vulnerable Adult herein is \_\_\_\_\_, and references herein to the Vulnerable Adult are to \_\_\_\_\_.

1. **Exploitation Prohibited.** Respondent shall not commit, or cause any other person to commit, any acts of Exploitation, as defined in Section 825.103(1), Fla. Stat., of the Vulnerable Adult. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act against the Vulnerable Adult.

2. **Provisions concerning the home. (Initial the following paragraphs if they apply)**

\_\_\_\_\_ **Possession of the Home.** The Vulnerable Adult and NOT the Respondent shall have temporary possession of the home or other dwelling (hereafter "home") located at: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ **Transfer of Possession of the Home.** A law enforcement officer with jurisdiction over the home shall place the Vulnerable Adult in possession of the home, accompanying the Vulnerable Adult to the home for that purpose, if requested.

\_\_\_\_\_ **Personal Items.** Respondent, in the presence of a law enforcement officer, may return to the home at a time arranged with the law enforcement department with jurisdiction over the home, for the purpose of obtaining his or her clothing and items of personal health and hygiene and tools of the trade. A law enforcement officer with jurisdiction over the home from which these items are to be retrieved shall accompany Respondent to the home and stand by to ensure that he/she vacates the home with only his/her personal clothing, toiletries, tools of the trade, and any items listed in the following paragraph. The law enforcement agency shall not be responsible for storing or transporting any property. **IF TEMPORARY POSSESSION OF THE HOME IS AWARDED TO THE VULNERABLE ADULT AND NOT TO THE RESPONDENT, AND THE RESPONDENT GOES TO THE HOME WITHOUT A LAW ENFORCEMENT OFFICER, IT IS A VIOLATION OF THIS INJUNCTION.**

\_\_\_\_\_ **Damage or removal:** Respondent shall not damage or remove any furnishings or fixtures from the parties' former shared premises.

\_\_\_\_\_ **Other tangible personal property:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. **Other provisions concerning contact. (Initial the following paragraphs if they apply)**

\_\_\_\_\_ Unless otherwise provided herein, Respondent shall have no contact with the Vulnerable Adult. Respondent shall not directly or indirectly contact the Vulnerable Adult in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third-party contact with anyone connected with the Vulnerable Adult's employment or school to inquire about the Vulnerable Adult or to send any messages to the Vulnerable Adult. Unless otherwise provided herein, Respondent shall not go to, in, or within 500 feet of the home of the Vulnerable Adult, the current or any subsequent place of employment of the Vulnerable Adult or the following other places (if requested in the Petition) where the Vulnerable Adult goes often:

\_\_\_\_\_

\_\_\_\_\_



\_\_\_\_\_ Respondent may not knowingly come within 100 feet of the Vulnerable Adult's automobile at any time whether or not it is occupied.

**4. Provisions concerning assets. (Initial the following paragraphs if they apply)**

\_\_\_\_\_ The Respondent will have no access to the following described assets of the Vulnerable Adult held at \_\_\_\_\_ (name and address of depository or financial institution) even if titled jointly with the Respondent, or in the Respondent's name only.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The following described assets of the Vulnerable Adult held at \_\_\_\_\_ (name and address of depository or financial institution) even if titled jointly with the Respondent, or in the Respondent's name only, are hereby frozen.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The following described credit lines of the Vulnerable Adult at \_\_\_\_\_ (name and address of financial institution) even if jointly with the Respondent, are hereby frozen.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Pending the hearing scheduled above or further order of the Court, the following specified living expenses of the vulnerable adult will continue to be paid as follows:

\_\_\_\_\_ Respondent will continue to pay \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Petitioner (if other than the Vulnerable Adult) will continue to pay \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Additional terms concerning assets: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. **Mailing Address or Designated E-Mail Address(es).** Respondent shall notify the Clerk of the Court of any change in either his or her mailing address, or designated e-mail address(es), within 10 days of the change. All further papers (excluding the final injunction, if entered without Respondent being present at the hearing, and pleadings requiring personal service) shall be served either by mail to Respondent's last known mailing address or by e-mail to Respondent's designated e-mail address(es). Service shall be complete upon mailing or e-mailing.
6. **Additional order(s) necessary to protect the Vulnerable Adult from Exploitation:**

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**SECTION IV. DIRECTIONS TO LAW ENFORCEMENT OFFICER IN ENFORCING THIS INJUNCTION**

*Unless ordered otherwise by the judge, all provisions in this injunction are considered mandatory provisions and should be interpreted as part of this injunction.*

1. The Sheriff of \_\_\_\_\_ County, or any other authorized law enforcement officer, is ordered to serve this temporary injunction upon Respondent as soon as possible after its issuance.
2. **This injunction is valid in all counties of the State of Florida.** Violation of this injunction should be reported to the appropriate law enforcement agency. Law enforcement officers of the jurisdiction in which a violation of this injunction occurs shall enforce the provisions of this injunction and are authorized to arrest without warrant pursuant to Section 901.15, Florida Statutes, for any violation of its provisions which constitutes a criminal act under Florida Statutes.
3. **THIS INJUNCTION IS ENFORCEABLE IN ALL COUNTIES OF FLORIDA AND LAW ENFORCEMENT OFFICERS MAY EFFECT ARRESTS PURSUANT TO SECTION 901.15(6), FLORIDA STATUTES.** The arresting agent shall notify the State Attorney's Office immediately after arrest.
4. **Reporting alleged violations.** (1) In the event of a violation of an injunction for protection against exploitation of a Vulnerable Adult when the person who violated such injunction has not been arrested, the Petitioner may contact the clerk of the circuit court of the county in which the violation is alleged to have occurred. The clerk of the circuit court shall assist the Petitioner in the preparation of an affidavit in support of the violation or direct the Petitioner to the office operated by the court within the circuit which has been designated by the chief judge of the judicial circuit as the central intake point for injunction violations and where the Petitioner can receive assistance in the preparation of the affidavit in support of the violation. (2) The affidavit shall be immediately forwarded by the clerk of the circuit court or the office assisting the Petitioner to the state attorney of the circuit and to the court or judge as the chief judge of the circuit determines to be the recipient of affidavits of violation. If the affidavit alleges that a crime has been committed, the clerk of the circuit court or the office assisting the Petitioner

shall also forward a copy of the affidavit to the appropriate law enforcement agency for investigation. Within 20 days after receipt of the affidavit, the local law enforcement agency shall complete its investigation and forward the affidavit and a report containing the agency's findings to the state attorney. The state attorney shall determine within 30 business days whether its office will proceed to file criminal charges, prepare a motion for an order to show cause as to why the Respondent should not be held in criminal contempt, prepare both as alternative findings, or file notice that the case remains under investigation or is pending subject to another action. (3) If, based on its familiarity with the case, the court has knowledge that the Vulnerable Adult is in immediate danger if the court fails to act before the decision of the state attorney to prosecute, it should immediately issue an order of appointment of the state attorney to file a motion for an order to show cause as to why the Respondent should not be held in contempt. If the court does not issue an order of appointment of the state attorney, it shall immediately notify the state attorney that the court is proceeding to enforce the violation through a ruling of criminal contempt.

DONE AND ORDERED in (city) \_\_\_\_\_, (county) \_\_\_\_\_, Florida on \_\_\_\_\_

\_\_\_\_\_:

\_\_\_\_\_  
CIRCUIT JUDGE

**COPIES TO:**

Sheriff of \_\_\_\_\_ County

Petitioner: (or his or her attorney)

\_\_\_\_\_ by U.S. Mail

\_\_\_\_\_ by hand-delivery in open court

\_\_\_\_\_ by e-mail to designated e-mail address(es)

Vulnerable Adult (if other than Petitioner):

\_\_\_\_\_ by U.S. Mail

\_\_\_\_\_ by hand delivery in open court

\_\_\_\_\_ by e-mail to designated e-mail address(es)

Respondent:

\_\_\_\_\_ forwarded to the sheriff for service

\_\_\_\_\_ State's Attorney's Office

\_\_\_\_\_ other: \_\_\_\_\_

I CERTIFY the foregoing is a true copy of the original **Temporary Injunction for Protection Against Exploitation of a Vulnerable Adult** as it appears on file in the office of the Clerk of the Circuit Court of \_\_\_\_\_ County, Florida, and that I have furnished copies of this order as indicated above.

CLERK OF THE CIRCUIT COURT

(SEAL)

By: \_\_\_\_\_  
*{Deputy Clerk or Judicial Assistant}*

**INSTRUCTIONS FOR FILING AN AFFIDAVIT OF VIOLATION  
OF INJUNCTION FOR PROTECTION AGAINST  
EXPLOITATION OF A VULNERABLE ADULT**

**When should this form be used?**

This form may be used to notify the court, state attorney, and law enforcement of a violation of an injunction for protection against exploitation of a vulnerable adult. A respondent may violate such an injunction by:

- Refusing to vacate the dwelling respondent shares with the vulnerable adult;
- Going to or being within 500 feet of the vulnerable adult's residence;
- Exploiting or unduly influencing the vulnerable adult;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the vulnerable adult;
- Telephoning, contacting, or otherwise communicating with the vulnerable adult directly or indirectly where the injunction does not specifically allow indirect contact through a third party;
- Knowingly and intentionally coming within 100 feet of the vulnerable adult's motor vehicle, regardless of whether that vehicle is occupied; or
- Defacing or destroying the vulnerable adult's personal property.

**Who may file this form?**

This form may be filed by the petitioner who obtained an injunction for protection against exploitation of a vulnerable adult.

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

\_\_\_\_\_  
Petitioner

v.

Case No.: \_\_\_\_\_  
Division: PROBATE

\_\_\_\_\_  
Respondent  
\_\_\_\_\_ /

**AFFIDAVIT OF VIOLATION OF INJUNCTION  
AGAINST EXPLOITATION OF A VULNERABLE ADULT**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, swear and affirm that the following facts are true and correct:

Respondent has violated the Injunction Against Exploitation of a Vulnerable Adult entered on \_\_\_\_\_, 20 \_\_, in the above-styled action, by (check all that apply):

- Refusing to vacate the dwelling respondent shares with the vulnerable adult;
- Going to or being within 500 feet of the vulnerable adult's residence;
- Exploiting or unduly influencing the vulnerable adult;
- Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the vulnerable adult;
- Telephoning, contacting, or otherwise communicating with the vulnerable adult directly or indirectly where the injunction does not specifically allow indirect contact through a third party;
- Knowingly and intentionally coming within 100 feet of the vulnerable adult's motor vehicle, regardless of whether that vehicle is occupied; or
- Defacing or destroying the vulnerable adult's personal property.

The following lines may be used to explain any alleged violation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

Printed Name: \_\_\_\_\_

Personally known  
 Produced identification