

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2018-58-PRC

**ADMINISTRATIVE ORDER GOVERNING
PETITIONS FOR INJUNCTION FOR PROTECTION AGAINST
EXPLOITATION OF A VULNERABLE ADULT**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) The Florida Legislature enacted section 825.1036, Florida Statutes, which is effective July 1, 2018 and which creates a cause of action for an injunction for protection against the exploitation of a vulnerable adult.

(d) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

(1) A petition for injunction against exploitation of a vulnerable adult may be filed by:

- a. A vulnerable adult in imminent danger of being exploited;
- b. The guardian of a vulnerable adult in imminent danger of being exploited;
- c. A person or organization acting on behalf of the vulnerable adult with the consent of the vulnerable adult or his or her guardian; or
- d. A person who simultaneously files a petition for determination of incapacity and appointment of an emergency temporary guardian with respect to the vulnerable adult.

A petition for injunction against exploitation of a vulnerable adult must be sworn, and 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. The form petition attached hereto as Attachment “A” is approved for use in the Seventeenth Judicial Circuit. The petitioning party shall also submit as an exhibit to the petition information on the respondent’s physical description and location, and the petitioner may utilize the form attached hereto as Attachment “B.”

(2) All petitions for injunction against exploitation of a vulnerable adult shall be assigned by the Clerk of the Court to a probate division. If there is a proceeding pertaining to the vulnerable adult under Chapter 744, Florida Statutes pending at the time of filing, the petition **must** be filed in that proceeding.

(3) When a petition for an injunction against exploitation of a vulnerable adult is filed, the Clerk of the Court shall notify the assigned division judge or the judge’s designee of the filing no later than one (1) business day after the date of filing. If filed through the e-portal, the filing should be designated by the filing party as an “emergency,” so that the Clerk and judge may be aware of the need for review and entry of a written order.

(4) Upon notification of the filing, the assigned division judge shall immediately review the petition and shall enter either: (1) a temporary ex parte injunction for protection against exploitation of a vulnerable adult pending a full hearing; or (2) a written order denying the petition on an ex parte basis, with the specific legal grounds stated therein, and setting a full hearing. When reviewing an ex parte petition, the court may consider all relevant factors, including those expressly set forth in section 825.1035(6), Florida Statutes. In all instances in which a full hearing is required under section 825.1035, Florida Statutes, the presiding judge shall strive to schedule such hearing on the earliest possible date, but in no event more than fifteen (15) days from the date the petition is filed. An ex parte temporary injunction entered pursuant to section 825.1035, Florida Statutes, is valid for a fixed period not to exceed fifteen (15) days.

(5) The Clerk of the Court shall comply with the obligations set forth section 825.1035(4), Florida Statutes, including providing simplified petition forms and instructions for completion thereof, assisting petitioners in filing petitions pursuant to section 825.1035, Florida Statutes, and providing a copies of all petitions filed and orders entered pursuant to section 825.1035, Florida Statutes to the adult protective services program.

(6) The Clerk of the Court shall furnish a copy of the petition, financial affidavit, notice of hearing, and any temporary injunction to the Sheriff of the county in which the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The Clerk of the Court shall also furnish to the Sheriff such information on the respondent's physical description and location as is required by the Florida Department of Law Enforcement.

(7) If the vulnerable adult is not the petitioner, the Clerk of the Court shall furnish a copy of the petition, financial affidavit, notice of hearing, and any temporary injunction to the Sheriff of the county in which the vulnerable adult resides or can be found, who shall serve it upon the vulnerable adult as soon thereafter as possible on any day of the week and at any time of the day or night. The Clerk of the Court shall also furnish to the Sheriff such information on the respondent's physical description and location as is required by the Florida Department of Law Enforcement and as provided by the petitioner.

(8) At the request of the Sheriff, the Clerk of the Court may transmit an injunction that has been certified by the Clerk of the Court via facsimile or other electronic means as contemplated and permitted by the Florida Rules of Judicial Administration, which electronic copy may be served in the same manner as a certified copy.

(9) Within twenty-four (24) hours after the court issues an injunction pursuant to section 825.1035, Florida Statutes, the Clerk of the Court must forward a certified copy of the order to the Sheriff with jurisdiction over the residence of the petitioner for service in accordance with section 825.1035, Florida Statutes.

(10) Within twenty-four (24) hours after service of an injunction issued under section 825.1035, Florida Statutes, the law enforcement officer who served the injunction must forward the written proof of service to the sheriff with jurisdiction over the residence of the petitioner.

(11) Within twenty-four (24) hours of receiving a certified copy of an injunction issued under section 825.1035, Florida Statutes, the Sheriff must make information related to the injunction available statewide by electronically transmitting such information to the Florida Department of Law Enforcement.

(12) Within twenty-four (24) hours after the Sheriff or other law enforcement officer has made service upon the respondent and the Sheriff has been so notified, the Sheriff must make information relating to the service available to other law enforcement agencies by electronically transmitting such information to the Florida Department of Law Enforcement.

(13) Within twenty-four (24) hours of the termination, expiration, or court order rendering an injunction issued under section 825.1035, Florida Statutes no longer effective, the Clerk of the Court must notify the Sheriff receiving original notification of the injunction, and the Sheriff, within twenty-four (24) hours of receiving such notification from the Clerk of the Court, shall notify the Florida Department of Law Enforcement of such court action.

(14) A permanent injunction issued pursuant to section 825.1035, Florida Statutes may be modified or dissolved by the court upon proper application by the petitioner, respondent, or vulnerable adult. The court shall promptly hear a motion to modify or dissolve an injunction issued under section 825.1035, Florida Statutes.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 3rd day of July, 2018.

/s/ Jack Tuter
Jack Tuter, Chief Judge

Attachment "A"

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

_____,
Petitioner,

v.

Case No.: _____

_____,
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: _____

2. The respondent resides at: _____

3. The respondent's last known place of employment is: _____

4. The physical description of the respondent is:
Race: _____
Sex: _____
Date of Birth: _____
Height: _____
Weight: _____
Eye Color: _____
Hair Color: _____
Distinguishing marks or scars: _____
5. Aliases of the respondent are: _____
6. The respondent is associated with the vulnerable adult as follows: _____

7. The following describes (1) 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, (2) related case numbers, if available, and (3) the results of any such attempts: _____

8. The following describe the petitioner's knowledge of any reports made to (1) 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, (2) any investigations performed by a government agency relating to abuse, neglect, or exploitation of the vulnerable adult, and (3) 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 caused the following incidents or caused the following threats of exploitation: _____

10. The following describes (1) the petitioner's knowledge of the vulnerable adult's dependence on the respondent for care, (2) alternative provisions for the vulnerable adult's care in the absence of the respondent, if necessary, (3) available resources the vulnerable adult has in order to access such alternative provisions, and (4) the vulnerable adult's willingness to use such alternative provisions: _____

11. The petitioner knows the vulnerable adult maintains assets, accounts, or lines of credit at the following financial institutions (provide name, address, and account number of each):

Name	Address	Account Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

12. The petitioner believes that the vulnerable adult's assets to be frozen are (check one):

- a. Worth less than \$1500 _____
- b. Worth between \$1500 and \$5000 _____
- c. 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):

- a. _____ Prohibiting the respondent from having any direct or indirect contact with the vulnerable adult
- b. _____ Immediately restraining the respondent from committing any acts of exploitation against the vulnerable adult
- c. _____ 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 _____

- d. _____ 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 _____

e. ____ 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. If the court enters 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: _____

16. The petitioner requests that the following expenses be paid notwithstanding the freeze (for each expense, list the name of the payee, address, account number if known, amount to be paid, and a brief explanation of 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.

Dated: _____

Signature of Party
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
Designated E-mail Address(es): _____

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: _____

ATTACHMENT "B"

RESPONDENT DESCRIPTION INFORMATION

ATTENTION LAW ENFORCEMENT OFFICERS, PLEASE REMOVE THIS SHEET PRIOR TO SERVICE. PLEASE DO NOT GIVE THIS SHEET TO THE RESPONDENT.

SECTION I: RESPONDENT'S NAME

Respondent's Full Name: _____

Nickname/Alias: _____

SECTION II: PHYSICAL DESCRIPTION:

Race: _____ Sex: _____ Date of Birth: _____ Age: _____

Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

Other Marks/Scars/Tattoos: _____

SECTION III: RESPONDENTS CURRENT ADDRESS

Address: _____ City: _____ State: _____ Zip: _____

Phone No: _____

Work Address: _____ City: _____ State: _____ Zip: _____

Hangouts: _____

SECTION IV: RESPONDENT'S CLOSE RELATIVES

Name: _____ Relationship: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone No: _____

SECTION V: LICENSE/VEHICLE INFORMATION DRIVER LICENSE

State: _____ Number: _____

SECTION VI: LETHALITY ASSESSMENT (Indicate yes, no, or unknown. If yes, add details.)

Does Respondent have any weapons? _____

Does Respondent have a drug problem? _____

Does Respondent have an alcohol problem? _____

Does Respondent have children in his/her care? _____

Is the Respondent wanted by police? _____

Does Respondent have a criminal record? _____

Is the Respondent expecting this Order? _____

PLEASE ATTACH A PHOTOGRAPH OF RESPONDENT IF YOU HAVE ONE