



FMA 2025 Securities Compliance Seminar

Elder/Vulnerable Adult Financial Exploitation
April 2025



Overview

- Explore Florida Office of Financial Regulation's Protection of Specified Adults Statute
- Discuss Dealer or Investment Adviser Delay of Disbursement
- Examine Financial Exploitation Type Criteria
- Discover Delay Reports Statistics
- Reconcile Florida Mandatory Reporting



Meet Your Panelist

- Anna Dennis, Bureau Chief, Florida Office of Financial Regulation, Division of Securities, Bureau of Enforcement

Anna Dennis is the Bureau Chief with the Florida Office of Financial Regulation, Division of Securities, Bureau of Enforcement since February 2025. She joined the Bureau of Enforcement in June 2018. The Division of Securities administers and enforces compliance with the Florida Securities and Investor Protection Act, designed to protect the investing public and promote economic growth. The Bureau of Enforcement is responsible for conducting examinations of registered entities, processing complaints, and receiving notification of disbursement or transaction delays from an account of a specified adult. Her areas of responsibility include the supervision of examinations, complaints, and surveillance.



FLORIDA STATUTE CHAPTER 517.34 PROTECTION OF SPECIFIED ADULTS



Chapter 517, F.S. – Securities and Investor Protection Act

■ Chapter 517.34, F.S. - Protection of specified adults adopted in 2020 states, in part:

The Legislature finds that many persons in this state, because of age or disability, are at increased risk of financial exploitation and loss of their assets, funds, investments, and investment accounts. The Legislature therefore intends to provide for the prevention of financial exploitation of such persons. *The Legislature intends to encourage the constructive involvement of securities dealers, investment advisers, and associated persons who take action based upon the reasonable belief that specified adults with investment accounts have been or are the subject of financial exploitation, and to provide securities dealers, investment advisers, and associated persons immunity from liability for taking actions as authorized herein.* The Legislature intends to balance the rights of specified adults to direct and control their assets, funds, and investments and exercise their constitutional rights consistent with due process with the need to provide securities dealers, investment advisers, and associated persons the ability to place narrow, time-limited restrictions on these rights in an effort to decrease specified adults' risk of loss due to abuse, neglect, or financial exploitation.



Delay Disbursement or Transaction Requirements in Summary

- Reasonable belief that financial exploitation has occurred, is occurring, has been attempted, or will be attempted.
- Within 3 days after delay placed, notify in writing all parties authorized to transact business on the account.
- Not later than 3 business days after the delay was first placed, notify the Florida Office of Financial Regulation of the delay electronically on Form OFR-DLY.
- Immediately initiate an internal review of the facts and circumstances that caused the reasonable belief.



Delay Disbursement or Transaction Requirements in Summary (cont.)

- A delay expires 15 days after the date on which the delay was first placed.
- A delay may be extended for up to 10 days, must notify the Office within 3 days of extension.
- Upon request, all records relating to the delay must be made available to the Office.
- Before placing a delay, a dealer or investment adviser must do all of the following:
 - Develop training to educate associated persons on issues pertaining to financial exploitation.
 - Conduct annual training.
 - Develop, maintain and enforce written procedures regarding the manner in which suspected financial exploitation is reviewed internally.



DEALER OR INVESTMENT ADVISER DELAY OF DISBURSEMENT

FORM OFR-DLY



Form OFR-DLY

Section 1 – Information on Firm Placing Delay

- Identify the date you are submitting this form to the Office.
- Indicate, by checking the appropriate box, whether the form is being submitted is notifying the Office of an initial delay or that an extension has been applied to a delay.
- Identify the firm placing the delay.
- Identify the date the delay was first made and the date a delay extension was first applied, if applicable.
- Identify the individual at the firm with the authority to make the delay. Use the name as it appears on the individual's Social Security card. Do not use nicknames or initials.
- Provide the title of the individual at the firm with the authority to make the delay.
- Under Business Address, provide the business address for the individual at the firm with the authority to make the delay.



Form OFR-DLY

Section II – Information about the Specified Adult Section III - Questions

Section II – Information about the Specified Adult

- Identify the gender, age, and residential zip code of the specified adult.
- NOTE: **DO NOT** include other information on this form which would identify the specified adult, including but not limited to, the specified adult's name, social security number, address, contact information, or account number. **THIS FORM IS NOT EXEMPT FROM PRODUCTION UNDER FLORIDA'S PUBLIC RECORD LAWS.**

Section III – Questions

- Indicate the proper “yes” or “no” response by placing an “X” in the appropriate box.
- Is financial exploitation of a specified adult suspected in connection with a disbursement or transaction?
- Are funds currently at risk of being lost?



FINANCIAL EXPLOITATION TYPE CRITERIA



Financial Exploitation Type Criteria*

Financial Abuse, in which a relationship of trust has been violated by family members, friends, or others.

- Stealing an older adult's cash
- Withdrawing money from the victim's bank/securities account
- Cashing the victim's checks or using credit cards without authorization
- Transferring property deeds
- Misusing a power of attorney
- Identity theft

*SEC Elder Financial Exploitation June 2018, Introduction: What is Elder Financial Exploitation Section



Financial Exploitation Type Criteria* (cont.)

- Elder Fraud, such as scams perpetrated by strangers, a “promise of goods, services or financial benefits that do not exist.”
 - IRS Impersonation scams
 - Sweepstake scams
 - Computer scams
 - Romance scams
 - Grandparent scams
- Diminished Capacity
 - Cognitive decline concerns

*SEC Elder Financial Exploitation June 2018, Introduction: What is Elder Financial Exploitation Section

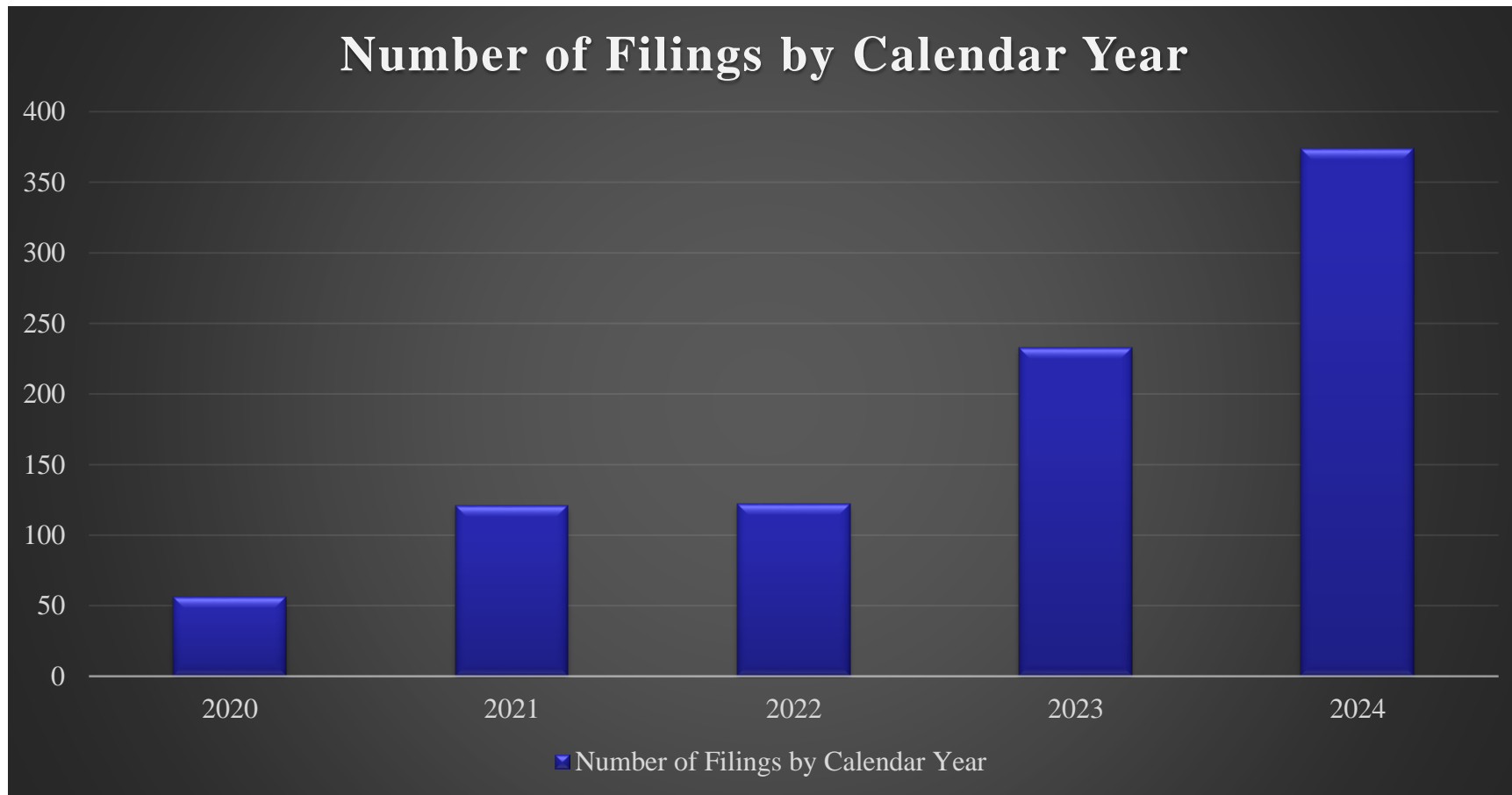


FLORIDA'S SECURITIES DIVISION DELAY REPORT STATISTICS

Adoption through December 31, 2024

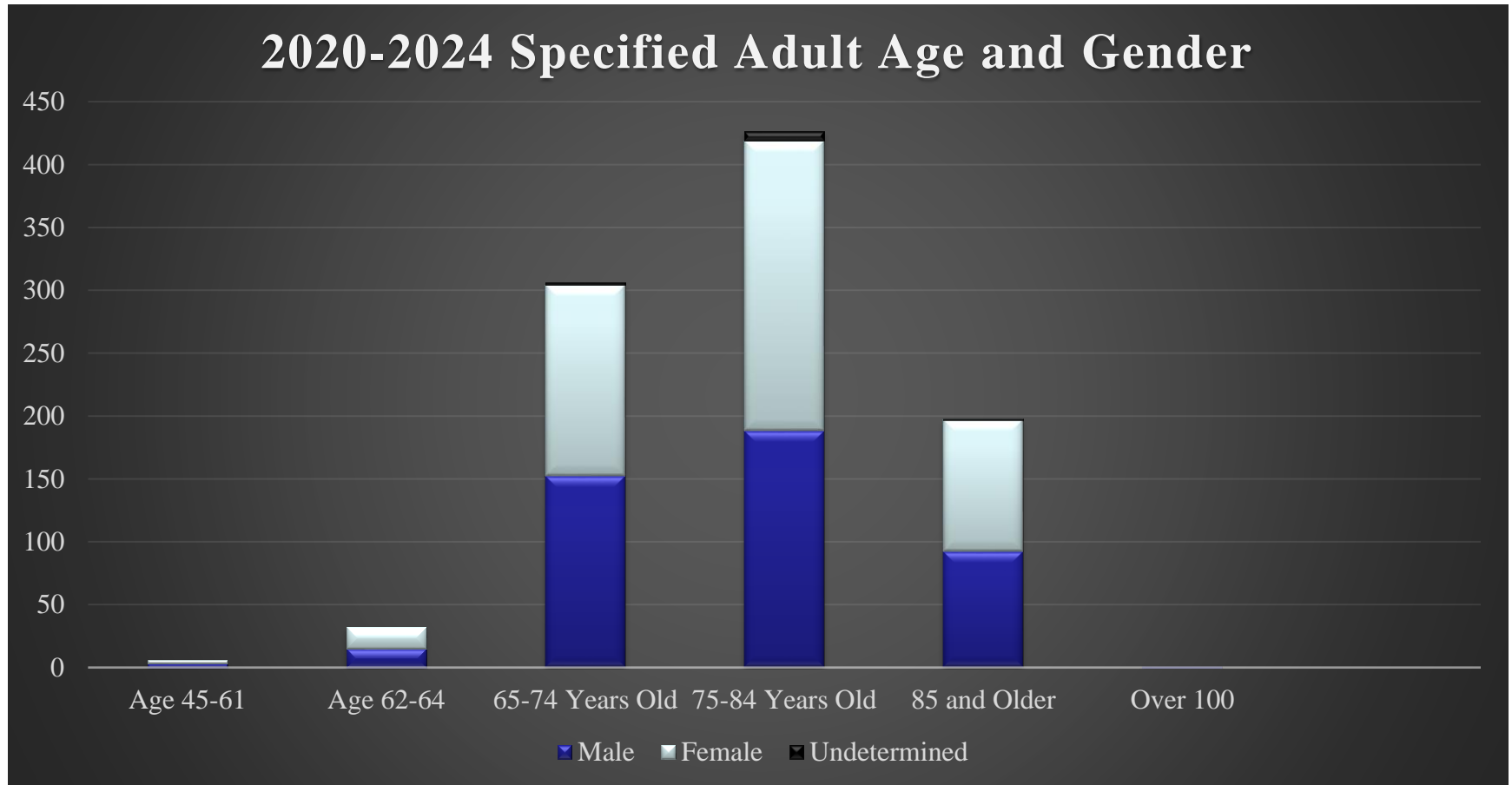


Total Form OFR-DLY Filings Received Per Year



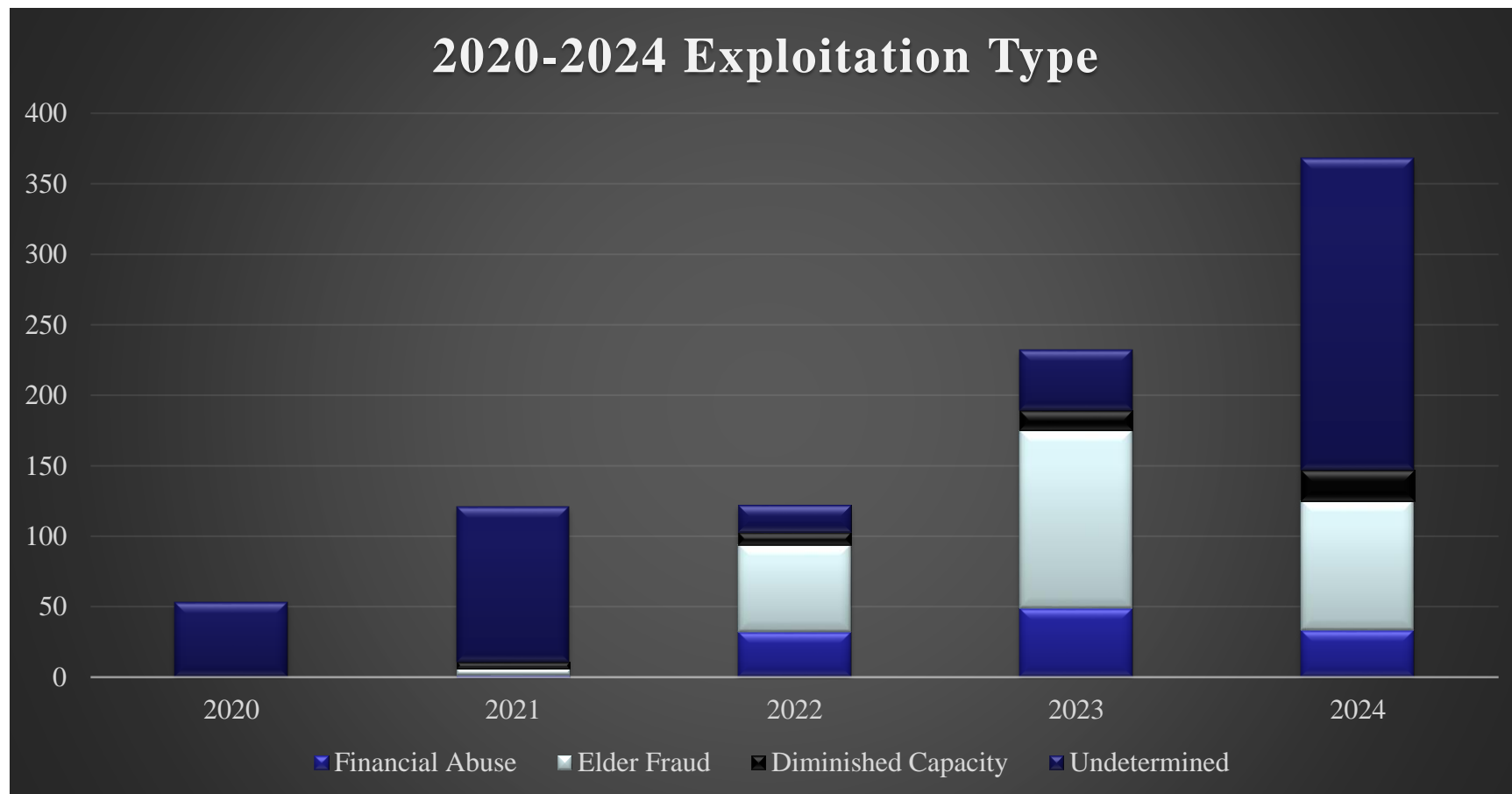


Delay by Age and Gender





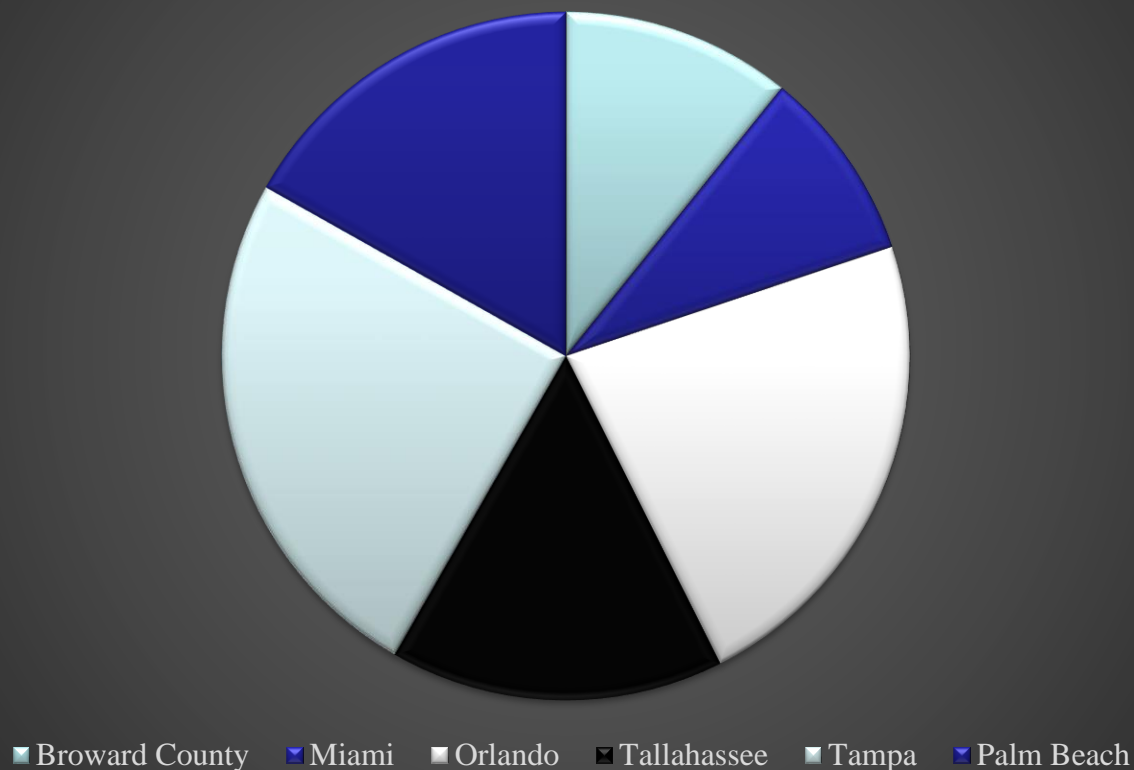
Delay Exploitation Type





Delay by Region

2020-2024 Filings by Region





FLORIDA STATUTE MANDATORY REPORTING OF EXPLOITATION OF VULNERABLE ADULTS



Chapter 415, F.S. – Adult Protective Services

- Chapter 415.1034, F.S. - Mandatory reporting of abuse, neglect, or exploitation of vulnerable adults, states in part:

(1)(a) Any person, including, but not limited to, any: 8. Bank, savings and loan, or credit union officer, trustee, or employee; or 9. Dealer, investment adviser, or associated person under Chapter 517, F.S., who knows, or has reasonable cause to suspect, that a vulnerable adult has been or is being abused, neglected, or exploited must immediately report such knowledge or suspicion to the central abuse hotline.



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