



Rick Scott, Governor
Mike Carroll, Secretary

Florida Bank Compliance with National Protocol

06/06/18

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency.



APS in Florida

- State administered social service system.
- Part of FL Department of Children and Families. Headquarters governs administrative policy and Regional offices handle operations.
- Chapter 415, F.S., outlines APS system of protection and includes guidelines on mandated reporting.



Form aa1137 “Official Request for Customer Records”



ADULT PROTECTIVE SERVICES
MYFLFAMILIES.COM

OFFICIAL REQUEST FOR CUSTOMER RECORDS

Pursuant to Gramm-Leach-Bliley Act (GLBA)(15U.S.C.§6802(e)(8); and 15U.S.C. §6802(e)(3)(B)) and Florida Statutes 415.1045(4)(a):

I, _____, an Adult Protective Services Investigator operating under the laws of the _____, am conducting an authorized investigation of alleged financial exploitation of an older person (vulnerable/dependent adult).

I hereby request records from _____ for all accounts relating to _____ for the period of _____ to _____, including but not limited to:

- Bank statements for ALL accounts, including checking, savings, money market, certificates of deposit
- Copies of all checks and withdrawals from the account(s) (front and back) including offsets



Form aa1137 “Official Request for Customer Records” (cont.)

- Copies of all deposits and deposit items
- Customer Profile showing all accounts, including opening and/or closing dates All Power of Attorney documents and signature cards
- Statements for any loans, lines of credit, or credit cards and copies of any cash advances
- Other: _____

Please provide these records on or before _____.

Signature

Phone

Title

Email

Agency

Address

Other Agency ID (if applicable)



Form aa1137 “Official Request for Customer Records” (cont.)

Gramm-Leach-Bliley Act

15U.S.C.§6802-Obligations with respect to disclosures of personal information

(e) General exceptions

Subsections (a) and (b) of this section shall not prohibit the disclosure of nonpublic personal information—

(3)(B) to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability;

(8) to comply with Federal, State, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities; or to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes as authorized by law.



Form aa1137 “Official Request for Customer Records” (cont.)

415.1045(4)(a), Florida Statutes – Medical, Social, or Financial Records or Documents

The protective investigator, while investigating a report of abuse, neglect, or exploitation, must have access to, inspect, and copy all medical, social, or financial records or documents in the possession of any person, caregiver, guardian, or facility which are relevant to the allegations under investigation, unless specifically prohibited by the vulnerable adult who has capacity to consent.



Financial Exploitation Data

Fiscal Year	# Reports Alleging Exploitation	Total Reports for FY	% Reports Alleging Exploitation	# Verified Reports	Verified Rate
16-17	11,738	55,890	21.00%	881	7.51%
15-16	11,278	52,858	21.34%	961	8.52%
14-15	10,368	49,606	20.90%	1039	10.02%
13-14	9,602	47,032	20.42%	1021	10.63%
12-13	8,063	43,517	18.53%	625	7.75%



APS Survey Questions & Responses

In May 2018 Region APS Supervisors were surveyed to provide a brief snapshot on what the current status is regarding the cooperation they have with their local financial institutions related to access to APS client records as part of an active APS investigation.

As time has passed since the implementation of the uniform document, Florida is experiencing mixed results on this issue; from cooperation with no issues, to banks refusing to honor the form, to requesting a subpoena, and at times putting in barriers to circumvent honoring a court order.



Operations Level Responses

Across the board, the responses we received for smaller local or regional banks were very positive

- In a small number of counties, the larger banks are cooperative, likely due to an established professional relationship.
- On average, APS workers found it difficult obtaining records or working with National Banks.



Responses - Continued

National Banks frequently requires a subpoena before they release any client information.

- In counties where there are not any branches it is even more difficult to get records.
- In one example, a National Bank requested APS to use a central unit for all record requests. When our investigators contacted them, they were informed that they had reached a private company which represents the financial institution for civil litigation issues.



Responses - Continued

National Banks, at times, are not honoring the court order. Florida banks have varying policies on the release financial information and funds.

Example: “The language does not say all accounts associated with the customer or only provides one account and the institution can not tell you if there are more as the court order does not stipulate this.”



In General

- Small or local branches are more helpful than larger or national financial institutions where red tape hinders our ability to serve our clients.
- National bank chains are generally helpful but inconsistent, as some areas report no issues. Educational outreach might mitigate this trend.