



Testimony of the Honorable Florida Attorney General Ashley Moody
Submitted to the
United States Senate Special Committee on Aging
On
“Issues Facing Seniors: Retirement Security, Healthcare, & Fiscal Health”
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Thank you, Chairman Bob Casey, Ranking Member Senator Tim Scott, and members of the Committee. A special thank you as well to my home state senator, Senator Rick Scott, for this invitation to speak to you. My name is Ashley Moody, and I am the Attorney General for the State of Florida.

You have invited me today to discuss consumer scams that are affecting our seniors. I welcome this opportunity to share consumer scam trends that are targeting our seniors in Florida, and it is my privilege to highlight the steps that I have implemented to shut down these scammers.

Today, more than five million seniors call Florida home. Seniors remain one of the fastest growing population segments in our state. Many of these great Americans have served our country and contributed to our economy in countless ways. We owe them nothing less than to ensure they can enjoy their golden years free from the threat of scams. Unfortunately, scammers recognize our booming senior population and often seek to turn their dream retirement into a financial nightmare.

Government enforcers need effective intake systems for receiving and analyzing senior complaints, and to have the necessary enforcement expertise for acting on those complaints at the ready.

When I took office in 2019, I immediately assembled a Senior Protection Team. The intra-agency team is comprised of leading members from the Attorney General’s Office of Statewide Prosecution, Consumer Protection Division, Medicaid Fraud Control Unit, and Office of Citizen Services. These specialized professionals fight civil, criminal and health care fraud, and work together to develop strategies to protect Floridians 60 and older.

The Senior Protection Team also works with Seniors vs. Crime (a group of Florida senior volunteers), as well as the Florida Department of Law Enforcement, to assist with investigations and outreach efforts. The team consults with outside senior protection experts from local law enforcement, other state agencies, and private advocates and stakeholders to focus on senior abuse; neglect; fraud; service-related issues; long-term care; guardianship; law enforcement training; and educational outreach.

The team identifies emerging scams, spots trends and tries to stay ahead of changes in technology used to prey on seniors.

21st Century Scams: Identity Theft, Robotexts, Robocalls and Fraudulent Technical Support

As seniors increasingly rely on technology such as smartphones and the internet for daily activities, scammers are setting traps to interfere with these activities.

Cyberspace is the new frontier of criminal activity, and criminals are increasingly targeting seniors. Florida is fighting identity theft, robotexts, malware attacks and other online schemes, in addition to sophisticated robocall scams.

Identity Theft

Recent data suggests that Florida continues to experience the second most identity theft reports in the country. Identity theft occurs when someone uses or attempts to use the private personal information of another person to commit fraud. A wide range of information constitutes personal private information, including a person's name, address, Social Security number, date of birth, driver's license number, credit and bank account numbers, and even biometric data like fingerprints.

In Florida, we have seen cases where the personal information of seniors is stolen or misused by someone close to the senior, such as a caregiver, guardian, loved one or even employees of rehabilitation centers or nursing homes. Our state has adopted enhanced criminal penalties for this kind of abusive conduct.¹

My office puts those enhanced penalties to use and takes swift action against identity theft. Earlier this year, my Office of Statewide Prosecution secured a 25-year prison sentence for a woman who ripped off eight Florida seniors, including a retired police officer.² A jury found the defendant guilty of conducting identity theft and fraudulent schemes, stealing nearly \$2 million from family and friends. The defendant lied about having terminal cancer and forced her family to beg for money from friends to help pay

¹ § 817.568(6)-(7), Fla. Stat. (2022).

² <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/EF88543FB342314F852588C6006645C4>

for treatment she did not need and never received. Her lies convinced eight Florida seniors to deplete their life savings to help her.

In August, I announced the arrest of a Florida couple for stealing money and the personal identification of a Florida senior.³ The two criminals used the victim's debit card to spend more than \$8,000, purchasing an inflatable swimming pool, gourmet barbeque and other frivolous items.

In July, my Statewide Prosecutors worked with law enforcement to arrest a live-in caretaker charged with stealing thousands of dollars from a Florida senior. The caretaker used the victim's credit card while the senior spent time in the hospital due to a life-threatening illness. During a four-month period, the caregiver charged more than \$47,000 to the victim's card. The transactions ranged from gift-card purchases to expensive, radio-controlled cars.⁴

Earlier that month,⁵ my Statewide Prosecutors secured a multiyear prison sentence for a defendant who used stolen personal information to defraud a senior out of nearly \$62,000.

In February, my office worked with law enforcement to arrest a former employee from a skilled rehabilitation center for exploiting a disabled senior.⁶ According to the investigation, the defendant obtained the credit card of a vulnerable adult under her care and used the funds for personal benefit.

Robocalls and Unsolicited Calls

By far, the most prolific scams are perpetrated by telemarketers and robocallers seeking to obtain sensitive personal information either to steal identities or gain access to consumers' bank accounts or other assets.⁷ According to a recent report, spam robotexts outnumbered spam robocalls last year, with Americans receiving more than 87 billion of these texts compared to 72 billion calls. Losses from scams related to automated messages totaled more than \$40 billion in 2021.⁸ In many ways these scam messages are more concerning, as they can contain links with malware—leading to hacking, identity theft and financial loss.

Florida serves on the executive committee of a new Anti-Robocall Litigation Task Force that consists of 50 attorneys general focusing on telecommunications companies responsible for bringing the majority of foreign robocalls into the United States.⁹ The new task force has one goal: to cut down on illegal robocalls.

³ <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/4BEEB3C354D2D6B5852588AD006648BF>

⁴ <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/EE2EE9D1898444598525888D0051CC6B>

⁵ <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/57742A80B20FD85E85258877004FC012>

⁶ http://myfloridalegal.com/_852562220065EE67.nsf/0/98DAC3091A275271852587F30050058F

⁷ https://myfloridalegal.com/_852562220065EE67.nsf/0/116F6D5A58C26014852585880054D23E

⁸ https://myfloridalegal.com/_852562220065EE67.nsf/0/248B9D13F648C3A38525880C00533297

⁹ https://myfloridalegal.com/_852562220065EE67.nsf/0/974DE03D4108564E852588920058702B

The task force issued 20 investigative demands to 20 gateway providers and other entities that are allegedly responsible for a majority of foreign robocall traffic. I also announced the investigation of two voice service providers over alleged involvement in illegal robocalls. Both operations sent scam robocalls to consumers in Florida and other states, including robocalls from fraudsters posing as the Social Security Administration and Amazon.¹⁰

Last December,¹¹ I announced that consumers nationwide would receive \$1.8 million in refunds as a result of actions taken by my office and the Federal Trade Commission to shut down a massive robocall scheme. Recipients include more than 1,300 Florida victims targeted by the company, which bombarded consumers with more than one billion unsolicited robocalls pitching a variety of products and services, including fraudulent medical alert systems. Many of the illegal robocalls targeted seniors and tricked consumers into paying for supposedly free, in-home medical alert devices.

The company claimed its medical alert systems were free but then held consumers responsible for monthly payments. Once consumers attempted to cancel, it forced consumers to pay cancellation penalties. It is banned from telemarketing and from misrepresenting the terms associated with the sales of any product or service.

Fraudulent Technical Support

Two of the most common schemes used to target older Floridians are phishing and malware scams. Phishing scammers send a message that appears to come from a trusted source. Malware scams involve sending messages containing links that when clicked on can infect an unsuspecting user's device with a virus.

Tech support scams typically involve fake pop-up messages or imposter phone calls claiming that a consumer's computer is infected with malware that poses an imminent risk to the device. Victims are told to call a number for help and to contact a scam call center. Fraudsters will request virtual access to a victim's computer to supposedly fix the nonexistent problem or offer an unnecessary software product. These scammers often target seniors.

In July, my Office of Statewide Prosecution, with the assistance of local law enforcement, arrested a man for stealing thousands of dollars from more than a dozen senior victims in a tech-support scam.¹² The defendant targeted victims, all above the age of 60, by sending pop-up computer notifications claiming the victims' devices were locked and then provided a number to call to have the devices unlocked. Over the phone, the defendant tricked each victim into sending thousands of dollars in fees as payment for unlocking the devices.

¹⁰ https://myfloridalegal.com/_852562220065EE67.nsf/0/4F50E8F9842FB739852588ED005797AF

¹¹ https://myfloridalegal.com/_852562220065EE67.nsf/0/502B38953DA9C060852587A600557FD0

¹² https://myfloridalegal.com/_852562220065EE67.nsf/0/5C94AC8F008B3AFE8525888600503629

Health Care & Health Benefits Scams

The complexity of health care decisions creates opportunities for scammers. Seniors concerned about their health and their ability to live independently can be targeted and sold bogus “home-health” services or products that purport to have health benefits.

Health Care

My office shut down a door-to-door, home-health scam targeting Florida seniors.¹³ The scammers charged victims thousands of dollars for prepaid home-health services, but then failed to deliver what was promised. Nearly 50 seniors lost approximately \$488,000 to this scheme. This so-called home-health service provider preyed on seniors concerned about their ability to live independently—selling services they never provided. Nearly 50 Florida seniors fell victim to this devious scheme before my office was alerted to the door-to-door scam operation and took legal action to shut it down.

In some instances, the defendants sold one-year contracts for thousands of dollars only to return just days later to sell additional contracts to the same victim. Many of the senior victims lived alone, were suffering from cognitive decline or were otherwise vulnerable. On other occasions, the defendants falsely claimed that they worked with the seniors’ current long-term care providers. My office banned the defendants from engaging in any in-home sales or owning any home-health business. The judgment also provides for more than \$2.5 million in restitution for the victims, attorney’s fees and penalties.

Health Benefits

My office took action to shut down a water filter company falsely promising to treat serious medical conditions.¹⁴ The Florida company sold high-priced drinking water systems with promises of unproven health benefits and using deceptive financing offers. It allegedly falsely claims that the use of its molecular hydrogen water machines could assist in ailments ranging from cancer, depression and other chronic diseases. Many victims of the deceptive and unfair practices include seniors and consumers with health conditions.

Construction and Home Repair Scams

Home repairs and construction work can be large and expensive undertakings. Scams involving construction and home repairs, especially in the aftermath of severe weather events, are often some of the most high-dollar scams seen by my office. Many of the scammers go door-to-door, knocking on residences because they claim to be in the area, or use high-pressure sales tactics.

¹³ https://myfloridalegal.com/_852562220065EE67.nsf/0/A712BE2C4D89BFC98525872E0053A1D6

¹⁴ https://myfloridalegal.com/_852562220065EE67.nsf/0/A5F882BE003B5C868525872D00563DBF

My office took action to stop an air conditioning company from ripping off Florida seniors.¹⁵ According to our investigation, the company deceived consumers, many of whom were seniors—some suffering from Alzheimer’s and dementia. One victim was a senior suffering from Alzheimer’s that was sold an unneeded, expensive ultraviolet germicidal light system even though the victim had an active maintenance program with another company. After the victim’s family notified the company to never return to the property, its technicians returned and unnecessarily replaced expensive ductwork. The family again contacted the company to request that they stop going to the victim’s home, only to learn that a few months later, its technicians went back and charged for an alleged faulty capacitor and freon.

Another alleged victim was a senior with dementia who was under the supervision of several caretakers. It convinced the victim that the air conditioning system needed to be replaced at a cost of more than \$9,000 because a coil in the system was broken. No work permit was obtained, and the existing system was dismantled by the time the caretaker returned. Another air conditioning company that regularly serviced the home later advised that the coil was under warranty and would cost only \$600 to \$800 to replace; confirming that a new unit was likely unnecessary, and the price charged was outrageous.

My office also secured potential consumer relief of more than \$1 million to customers of an HVAC company that allegedly engaged in predatory sales and service practices.¹⁶ The action alleged aggressive and deceptive sales practices that resulted in significant financial harm to Florida consumers. The majority of the impacted customers were seniors—including some living on fixed incomes. The deceptive practices involve alleged conduct, such as upselling unnecessary HVAC systems and setting up financing agreements with terms and liens on homes that consumers did not understand.

Charity Scams

Coming together in a time of need and extreme hardship is testament to the Florida way of life. Unfortunately, scammers take advantage of good will and generosity by creating fictitious charitable organizations and seeking donations that never go to the fake charity’s stated cause and take money away from those in need. Many of these charity schemes target seniors.¹⁷

Last year, along with the Federal Trade Commission and agencies from 37 other states and the District of Columbia, I announced the shuttering of a massive telefunding operation that bombarded 67 million consumers with 1.3 billion deceptive charitable fundraising calls, including many classified as illegal robocalls.¹⁸ The defendants collected more than \$110 million using the deceptive solicitations.

¹⁵ https://myfloridalegal.com/_852562220065EE67.nsf/0/FE5452F72DF28FBF852585F800534908

¹⁶ https://myfloridalegal.com/_852562220065EE67.nsf/0/4C6C81D2A338F6A88525887600545000

¹⁷ https://myfloridalegal.com/_852562220065EE67.nsf/0/C085D127584533F585258545005A3580

¹⁸ https://myfloridalegal.com/_852562220065EE67.nsf/0/6E823B32005AFA168525868E006D03F0

Criminal Prosecutions

Scammers often target older Floridians thinking their crimes will go unnoticed or unreported. The abuse of a position of trust that causes significant financial or physical harm to a senior is not just a civil matter, it can be criminal and should be prosecuted. As Attorney General, I am dedicated to protecting our great seniors and ensuring that criminals who target them are brought to justice.

In May,¹⁹ I announced the arrest of a man who used power of attorney to steal tens of thousands of dollars from an incapacitated senior. The Medicaid Fraud Control Unit's investigation revealed that the defendant obtained power of attorney rights from an elderly victim residing in a Medicaid-receiving facility, who lacked capacity to make financial decisions.

My Medicaid Fraud Control Unit also arrested a Florida woman who was entrusted as a senior's power of attorney, and who allegedly stole more than \$12,000 from the elderly victim for personal benefit.²⁰ The defendant also took out a cashier's check to pay court costs in an unrelated matter, all while leaving the victim's health care expenses unpaid. Her criminal actions prevented the victim from fulfilling financial obligations at the victim's residency and did not allow the victim to receive a proper burial after passing.

During the past legislative session, I worked with state lawmakers to pass senior protection legislation providing greater protection to seniors statewide. Specifically, this law will strengthen senior protection by preventing the intentional isolation of vulnerable adults, allowing for earlier intervention by law enforcement and prosecutors to prevent irreversible physical harm or financial loss to vulnerable Florida seniors, and strengthening accountability of guardians and agents under powers of attorney. My Office of Statewide Prosecution will also have additional authority to go after those who commit crimes against elderly and disabled adults.

Additional Resources

It is said that an ounce of prevention is worth a pound of cure. No one is completely safe online, which is why I created a number of valuable resources, consumer alerts, news releases and other specialized publications to help keep seniors safe.

My Consumer Alert program educates consumers about emerging scams and steps to take to avoid falling prey to fraud, identity theft or other schemes designed to rip-off Floridians, including seniors. Consumers can sign up to receive Consumer Alerts on our website, www.myfloridalegal.com.²¹

¹⁹ https://myfloridalegal.com/_852562220065EE67.nsf/0/EA6FB9799BD281B485258847004F9D69

²⁰ https://myfloridalegal.com/_852562220065EE67.nsf/0/51C9B7DD7B362D708525874B0050ECBA

²¹ <http://myfloridalegal.com/NewsBrie.nsf/Subscriber>

To help seniors avoid scams, I also launched the [Scams at a Glance program](http://www.myfloridalegal.com/scamsataglance).²² The online resource provides tips and information through downloadable brochures designed to assist consumers with information and best practices to guard against fraud. *Scams at a Glance* addresses specific topics such as government imposters, charity scams, romance scams, identity theft, tech support and other scams.

My office also issues specialized publications and resources, including holiday consumer protection guides, hurricane preparedness guides, and the publication “*Savvy Consumers Can Stop Fraud: A Guide for Seniors*,” which is a resource published by the Attorney General’s Office with tips on safeguarding finances, avoiding identity theft and information on other scams that target seniors.

I thank you for highlighting these despicable scams used to target Florida seniors, and for allowing me the opportunity to share enforcement actions taken by my office, as well as the tools and resources our office makes available for free to older Floridians so they can stay informed and avoid scams.

²² <http://www.myfloridalegal.com/scamsataglance>