

Committee on Military and Veterans Affairs, Space, and Domestic Security

CS/CS/SB 910 — Veterans' Benefits Assistance

by Rules Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Collins

The bill amends s. 435.02, F.S., to include the Florida Department of Veterans' Affairs (FDVA) in the definition of "specified agency" for purposes of conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

Additionally, the bill creates s. 501.9741, F.S., to govern the payment of fees by a veteran to an unaccredited person for advising, assisting, or consulting in securing federal benefits. The bill authorizes compensation for advising, assisting, or consulting with an individual regarding any preparation, presentation, or prosecution of a veteran's claim, or a claim by any other individual under the laws and regulations administered by the FDVA or the United States Department of Veterans Affairs (VA) if, before rendering services, a written agreement is executed.

Compensation for such services is contingent upon securing an increase in benefits awarded and may not exceed the lesser of four times the amount of the monthly increase in benefits awarded based on the claim or \$12,500. A provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that screens for certain offenses before entering into an agreement with a veteran for veterans' benefits matters.

The bill prohibits a provider from guaranteeing, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits. The bill also specifies prohibitions on the manner in which a provider of veterans' benefits matters advises, assists, or consults. In addition, the bill prohibits compensation for referring an individual to another person who will advise, assist, or consult with the individual regarding any preparation, presentation, or prosecution of a veteran's claim. The bill also prohibits compensation to a provider under certain conditions if a complaint based on the alleged absence of good faith is filed with the Consumer Protection Division of the Office of the Attorney General.

A violation of the provisions of the bill is a violation of the Florida Deceptive and Unfair Trade Practices Act. Violators may be subject to penalties for violations against a military servicemember or his or spouse or dependent child.

The bill may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the FDVA or agents or attorneys accredited by the VA.

The bill may have an indeterminate negative fiscal impact on state government.

If approved by the Governor, or allowed to become a law without the Governor's signature, these provisions take effect upon becoming law.

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Vote: Senate 36-0; House 114-0