

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Torres

583-02615-24

20241452c1

1 A bill to be entitled
2 An act relating to compensation for advising or
3 assisting in veterans' benefits; creating s. 295.225,
4 F.S.; providing a short title; providing definitions;
5 prohibiting a person from receiving compensation for
6 advising or assisting an individual with regard to a
7 veterans' benefits matter except as authorized by law;
8 providing requirements for advertising services
9 related thereto; requiring a person who provides such
10 services to an individual in return for compensation
11 to enter into a written agreement with and provide a
12 certain disclosure to such individual; providing
13 disclosure requirements; requiring the person who
14 provides such services to retain a copy of the
15 disclosure for a certain period; prohibiting a person
16 from guaranteeing an individual's receipt of benefits,
17 receiving excessive or unreasonable compensation, or
18 receiving compensation for referring an individual to
19 another person; prohibiting a person from receiving
20 compensation for services provided before the date on
21 which a notice of disagreement is filed; providing
22 that a violation is a deceptive and unfair trade
23 practice; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 295.225, Florida Statutes, is created to
28 read:

29 295.225 Advising or assisting in veterans' benefits

583-02615-24

20241452c1

30 matters; receipt of compensation.—

31 (1) This act may be cited as the “Governing Unaccredited
32 Representatives Defrauding (GUARD) VA Benefits Act.”

33 (2) As used in this section, the term:

34 (a) “Compensation” means payment of any money, thing of
35 value, or financial benefit.

36 (b) “Person” means an individual, corporation, business
37 trust, estate, trust, partnership, limited liability company,
38 joint venture, public corporation, or any other legal or for-
39 profit commercial entity.

40 (c) “Veterans’ benefits matter” means the preparation,
41 presentation, or prosecution of any claim affecting any person
42 who has filed or expressed an intent to file a claim for any
43 benefit, program, service, commodity, function, or status the
44 entitlement to which is determined under the laws and
45 regulations administered by the Department of Veterans’ Affairs
46 or the United States Department of Veterans Affairs pertaining
47 to veterans, their dependents, their survivors, and any other
48 individual eligible for such benefits.

49 (3) A person may not receive compensation for advising or
50 assisting an individual with regard to a veterans’ benefits
51 matter except as authorized by federal law and this section.

52 (4) A person who advertises services in advising or
53 assisting an individual with regard to a veterans’ benefits
54 matter in return for compensation must provide the following
55 disclosure in such advertisement:

56
57 “This business is not sponsored by or affiliated with
58 the United States Department of Veterans Affairs, the

583-02615-24

20241452c1

59 Florida Department of Veterans' Affairs, or any other
60 federally chartered veterans' service organization.
61 Other organizations, including, but not limited to,
62 the Florida Department of Veterans' Affairs, your
63 county or city veteran service office, and other
64 federally chartered veterans' service organizations,
65 may be able to provide you with these services free of
66 charge. Products or services offered by this business
67 are not necessarily endorsed by any of these
68 organizations. You may qualify for other veterans'
69 benefits beyond the services that this business
70 offers."

71
72 If such advertisement is written, including in an electronic
73 format, the disclosure must appear in a readily visible location
74 on the advertisement. If such advertisement is oral, the spoken
75 statement of the disclosure must be clear and intelligible.

76 (5) (a) A person who provides services in advising or
77 assisting an individual with regard to a veterans' benefits
78 matter in return for compensation must, before providing such
79 services:

80 1. Enter into a written agreement with such individual
81 which provides the terms of the individual's payment of fees for
82 the services provided, which adheres to all criteria specified
83 in 38 C.F.R. s. 14.636, and which is signed by both parties.

84 2. Provide the following disclosure to the individual, both
85 orally and in writing:

86
87 "This business is not sponsored by or affiliated with

583-02615-24

20241452c1

88 the United States Department of Veterans Affairs, the
89 Florida Department of Veterans' Affairs, or any other
90 federally chartered veterans' service organization.
91 Other organizations, including, but not limited to,
92 the Florida Department of Veterans' Affairs, your
93 county or city veteran service office, and other
94 federally chartered veterans' service organizations,
95 may be able to provide you with this service free of
96 charge. Products or services offered by this business
97 are not necessarily endorsed by any of these
98 organizations. You may qualify for other veterans'
99 benefits beyond the benefits for which you are
100 receiving services here."

101
102 The written disclosure must appear in at least 12-point font and
103 must appear in a readily noticeable and identifiable location in
104 the written agreement required under subparagraph 1. The
105 individual must verbally acknowledge understanding of the oral
106 disclosure and must sign the document in which the written
107 disclosure appears in order to represent understanding of the
108 disclosure. The person providing services must retain a copy of
109 the written disclosure while providing such services to the
110 individual and for at least 1 year after the date on which the
111 service relationship terminates.

112 (b) A person may not:

113 1. Guarantee, either directly or by implication, that an
114 individual is certain to receive specific veterans' benefits or
115 that an individual is certain to receive a specific level,
116 percentage, or amount of veterans' benefits.

583-02615-24

20241452c1

117 2. Receive excessive or unreasonable fees as compensation
118 for advising or assisting an individual with regard to a
119 veterans' benefits matter. The provisions of 38 C.F.R. s. 14.636
120 shall govern determinations of whether a fee is excessive or
121 unreasonable.

122 3. Receive compensation for referring an individual to
123 another person to advise or assist the individual with regard to
124 a veterans' benefits matter.

125 (6) If an individual to whom a person provides services
126 under this section in return for compensation files a notice of
127 disagreement pursuant to Title 38 C.F.R., the person who
128 provided such services may not receive compensation for any
129 services provided to such individual before the date on which
130 the notice is filed.

131 (7) A violation of this section is a deceptive and unfair
132 trade practice and constitutes a violation of the Florida
133 Deceptive and Unfair Trade Practices Act under part II of
134 chapter 501.

135 Section 2. This act shall take effect upon becoming a law.