

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Intergovernmental Affairs
2 Subcommittee

3 Representative Albert offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 36-131 and insert:

7 (b) "Veteran" has the same meaning as in s. 1.01(14) and
8 includes eligible peacetime service as defined in s. 296.02.

9 (c) "Veterans' benefits matter" means the preparation,
10 presentation, or prosecution of a veteran's claim, or a claim by
11 the veteran's spouse, dependent child, or any other individual
12 eligible for any benefit, program, service, commodity, function,
13 status, or entitlement under the laws and regulations
14 administered by the Department of Veterans' Affairs or the
15 United States Department of Veterans Affairs.

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16 (2) LIMITS ON COMPENSATION; TERMS OF ENGAGEMENT; WRITTEN
17 DISCLOSURE.—

18 (a) A person may not receive compensation for referring an
19 individual to another person who will advise, assist, or consult
20 with the individual regarding any veterans' benefits matter.

21 (b) A person may receive compensation for services
22 rendered in connection with a claim filed within the 1-year
23 presumptive period after active-duty release as determined by
24 the United States Department of Veterans Affairs only if the
25 veteran acknowledges, by signing a waiver, that he or she is
26 within the presumptive period and is choosing to deny the free
27 services available to him or her.

28 (c) A person seeking compensation for advising, assisting,
29 or consulting with an individual regarding any veterans'
30 benefits matter must, before rendering services, enter into a
31 written agreement, signed by both parties, which:

32 1. Memorializes the specific terms under which the
33 compensation will be determined; and

34 2. Provides that compensation for such services is
35 contingent upon securing an increase in benefits awarded as a
36 direct result of such services. Any such compensation may not
37 exceed five times the amount of the monthly increase in benefits
38 awarded based on the claim and must be paid out according to the
39 specific terms agreed to by both parties in accordance with
40 subparagraph 1.

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41 (d)1. A person who advises, assists, or consults on
42 veterans' benefits matters for compensation shall provide the
43 following disclosure, both orally and in writing, before
44 entering into a business relationship with an individual:

45
46 "This business is not sponsored by or affiliated with the
47 Florida Department of Veterans' Affairs, the United States
48 Department of Veterans Affairs, or any other federally
49 chartered veterans' service organization. Other
50 organizations, including, but not limited to, the Florida
51 Department of Veterans' Affairs, a local veterans' service
52 organization, and other federally chartered veterans'
53 service organizations, may be able to provide you with this
54 service free of charge. Products or services offered by
55 this business are not necessarily endorsed by any of these
56 organizations. You may qualify for other veterans' benefits
57 beyond the benefits for which you are receiving services
58 here."

59
60 2. The written disclosure must appear in a font size of at
61 least 12 points in an easily identifiable place in the person's
62 agreement with the individual seeking services and must be
63 signed by the individual to signify that he or she understands
64 the oral and written disclosure's provisions. The person
65 offering services must retain a copy of the written disclosure

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66 while providing veterans' benefits services to the individual
67 for compensation and for at least 1 year after the date on which
68 the service relations terminate.

69 (e) A person who advises, assists, or consults on a
70 veterans' benefits matter may not charge an initial or
71 nonrefundable fee. Any charge for interest on any payment plan
72 agreed to by the parties is prohibited.

73 (3) DEATH OF VETERAN CLAIMANT.—If a veteran claimant dies
74 before a claim is processed:

75 (a) Any expected compensation must be waived and a charge,
76 fee, or debt may not be collected; and

77 (b) Any payment plan for services rendered must be
78 terminated immediately.

79 (4) PROHIBITIONS.—

80 (a) A person may not guarantee, either directly or by
81 implication, a successful outcome or that an individual is
82 certain to receive specific veterans' benefits or a specific
83 level, percentage, or amount of veterans' benefits.

84 (b) A person who advises, assists, or consults on
85 veterans' benefits matters for compensation:

86 1. May not use an international call center or data center
87 to process a veteran's personal information;

88 2. May not use a veteran's personal log-in, username, or
89 password information to access that veteran's medical,
90 financial, or government benefits information; and

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91 3. Must ensure that an individual undergoes level 2
92 background screening as described in s. 435.04 before being
93 granted access to a veteran's medical or financial information.

94 (5) COMPLAINT.—If an individual to whom a person provides
95 services under this section in return for compensation files a
96 complaint with the Consumer Protection Division of the Office of
97 the Attorney General, the person who provided such services may
98 not receive compensation for any services provided to such an
99 individual before the resolution of the complaint.

100 (6) PENALTIES.—A violation of this section constitutes a
101 violation of the Florida Deceptive and Unfair Trade Practices
102 Act under part II of this chapter. Violators may be subject to
103 penalties provided in that part, including s. 501.2077 for
104 violations against a military servicemember or his or her spouse
105 or dependent child.

106 (7) CONSTRUCTION.—This section may not be construed as
107
108

109 -----
110 **T I T L E A M E N D M E N T**

111 Remove lines 14-22 and insert:
112 provide a specified oral and written disclosure before
113 entering into a business relationship with a client;
114 prohibiting persons who advise, assist, or consult on
115 veterans' benefits matters from charging certain fees;

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116 | prohibiting the charging of interest on payment plans;
117 | providing requirements in the event of the death of a
118 | veteran claimant; prohibiting certain guarantees;
119 | providing security requirements for the handling of a
120 | veteran's personal and account information;
121 | prohibiting a person who provides services from
122 | receiving compensation before the resolution of a
123 | certain complaint if the individual receiving services
124 | files such a complaint; providing