

1                   A bill to be entitled  
2           An act relating to veterans' benefits assistance;  
3           creating s. 501.9741, F.S.; defining terms;  
4           prohibiting a person from receiving compensation for  
5           referring an individual to another person for  
6           advising, assisting, or consulting on veterans'  
7           benefits matters; authorizing compensation for  
8           services rendered during a specified period only under  
9           certain circumstances; requiring that, before such  
10          services are rendered, a written agreement, which must  
11          include specified information, be signed by both  
12          parties; requiring that persons who advise, assist, or  
13          consult on veterans' benefits matters for compensation  
14          provide a specified written disclosure before entering  
15          into a business relationship with a client;  
16          prohibiting persons who advise, assist, or consult on  
17          veterans' benefits matters from charging certain fees;  
18          prohibiting the charging of interest on payment plans;  
19          providing requirements in the event of the death of a  
20          veteran claimant; prohibiting certain guarantees;  
21          providing security requirements for the handling of a  
22          veteran's personal and account information; providing  
23          that a violation is a deceptive and unfair trade  
24          practice which may be subject to specified penalties;  
25          providing construction; providing an effective date.

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

**Section 1. Section 501.9741, Florida Statutes, is created to read:**

501.9741 Assisting in veterans' benefits matters.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Compensation" means payment of any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered.

(b) "Veteran" means a person who served in the active military, naval, or air service.

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

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

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

(b) A person may receive compensation for services

51 rendered in connection with a claim filed within the 1-year  
52 presumptive period after active-duty release as determined by  
53 the United States Department of Veterans Affairs only if the  
54 veteran acknowledges, by signing a waiver, that he or she is  
55 within the presumptive period and is choosing to deny the free  
56 services available to him or her.

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

61 1. Memorializes the specific terms under which the  
62 compensation will be determined; and

63 2. Provides that compensation for such services is  
64 contingent upon securing an increase in benefits awarded. Any  
65 such compensation may not exceed five times the amount of the  
66 monthly increase in benefits awarded based on the claim and must  
67 be paid out according to the specific terms agreed to by both  
68 parties in accordance with subparagraph 1.

69 (d)1. A person who advises, assists, or consults on  
70 veterans' benefits matters for compensation shall provide the  
71 following written disclosure before entering into a business  
72 relationship with an individual:

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74 "This business is not sponsored by or affiliated with  
75 the Florida Department of Veterans' Affairs, the

76 United States Department of Veterans Affairs, or any  
77 other federally chartered veterans' service  
78 organization. Other organizations, including, but not  
79 limited to, the Florida Department of Veterans'  
80 Affairs, a local veterans' service organization, and  
81 other federally chartered veterans' service  
82 organizations, may be able to provide you with this  
83 service free of charge. Products or services offered  
84 by this business are not necessarily endorsed by any  
85 of these organizations. You may qualify for other  
86 veterans' benefits beyond the benefits for which you  
87 are receiving services here."

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89 2. The written disclosure must appear in a font size of at  
90 least 12 points in an easily identifiable place in the person's  
91 agreement with the individual seeking services and must be  
92 signed by the individual to signify that he or she understands  
93 the written disclosure's provisions. The person offering  
94 services must retain a copy of the written disclosure while  
95 providing veterans' benefits services to the individual for  
96 compensation and for at least 1 year after the date on which the  
97 service relations terminate.

98 (e) A person who advises, assists, or consults on a  
99 veterans' benefits matter may not charge an initial or  
100 nonrefundable fee. Any charge for interest on any payment plan

101 agreed to by the parties is prohibited.

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

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

106 (b) Any payment plan for services rendered must be  
107 terminated immediately.

108 (4) PROHIBITIONS.—

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

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

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

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

120 3. Must ensure that an individual undergoes a background  
121 check before being granted access to a veteran's medical or  
122 financial information. The background check must be conducted by  
123 a reputable source and must include identity verification and a  
124 criminal records check.

125 (5) PENALTIES.—A violation of this section constitutes a

126 violation of the Florida Deceptive and Unfair Trade Practices  
127 Act under part II of this chapter. Violators may be subject to  
128 penalties provided in that part, including s. 501.2077 for  
129 violations against a military servicemember or his or her spouse  
130 or dependent child.

131 (6) CONSTRUCTION.—This section may not be construed as  
132 applying to, limiting, or expanding the requirements imposed on  
133 agents or employees of the Department of Veterans' Affairs or  
134 agents or attorneys accredited by the United States Department  
135 of Veterans Affairs and regulated by that agency.

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