

By Senator Collins

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

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29 Section 1. Section 501.9741, Florida Statutes, is created

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30 to read:

31 501.9741 Assisting in veterans' benefits matters.-

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

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

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

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

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

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

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

57 (c) A person seeking compensation for advising, assisting,
58 or consulting with an individual regarding any veterans'

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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:

73
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 veterans'
114 benefits matters for compensation:

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

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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.