

**By** the Committee on Military and Veterans Affairs, Space, and Domestic Security; and 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 oral and written disclosure before  
15      entering into a business relationship with a client;  
16      prohibiting a provider who advises, assists, or  
17      consults on veterans' benefits matters from charging  
18      certain fees; prohibiting the charging of interest on  
19      payment plans; providing requirements in the event of  
20      the death of a veteran claimant; prohibiting certain  
21      guarantees; providing security requirements for the  
22      handling of a veteran's personal and account  
23      information; requiring a provider to successfully  
24      complete a specified background screening before  
25      entering into an agreement with a veteran for  
26      veterans' benefits matters; requiring a provider to  
27      provide copies of certain documents to the veteran and  
28      maintain a copy of such documents pursuant to  
29      specified provisions; prohibiting a person who

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30 provides services from receiving compensation before  
31 the resolution of a certain complaint if the  
32 individual receiving services files such a complaint;  
33 providing that a violation is a deceptive and unfair  
34 trade practice which may be subject to specified  
35 penalties; providing construction; providing an  
36 effective date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 501.9741, Florida Statutes, is created  
41 to read:

42 501.9741 Assisting in veterans' benefits matters.—

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

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

47 (b) "Provider" means an entity or individual assisting  
48 veterans with veterans' benefits matters.

49 (c) "Veteran" has the same meaning as in s. 1.01(14) and  
50 includes eligible peacetime service as defined in s. 296.02.

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

58 (2) LIMITS ON COMPENSATION; TERMS OF ENGAGEMENT; WRITTEN

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59 DISCLOSURE.-

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

63 (b) A provider may receive compensation for services  
64 rendered in connection with a claim filed within the 1-year  
65 presumptive period after active-duty release as determined by  
66 the United States Department of Veterans Affairs only if the  
67 veteran acknowledges, by signing a waiver, that he or she is  
68 within the presumptive period and is choosing to deny the free  
69 services available to him or her.

70 (c) A provider seeking compensation for advising,  
71 assisting, or consulting with an individual regarding any  
72 veterans' benefits matter must, before rendering services, enter  
73 into a written agreement, signed by both parties, which:

74 1. Memorializes the specific terms under which the  
75 compensation will be determined; and

76 2. Provides that compensation for such services is  
77 contingent upon securing an increase in benefits awarded as a  
78 direct result of such services. Any such compensation may not  
79 exceed the lesser of five times the amount of the monthly  
80 increase in benefits awarded based on the claim or \$12,500, and  
81 must be paid out according to the specific terms agreed to by  
82 both parties in accordance with subparagraph 1.

83 (d)1. A provider who advises, assists, or consults on  
84 veterans' benefits matters for compensation shall provide the  
85 following disclosure, both orally and in writing, before  
86 entering into a business relationship with an individual:

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

102  
103       2. The written disclosure must appear in a font size of at  
104       least 12 points in an easily identifiable place in the  
105       provider's agreement with the individual seeking services and  
106       must be signed by the individual to signify that he or she  
107       understands the oral and written disclosure's provisions. The  
108       provider must retain a copy of the written disclosure while  
109       providing veterans' benefits services to the individual for  
110       compensation and for at least 1 year after the date on which the  
111       service relations terminate.

112       (e) A provider who advises, assists, or consults on a  
113       veterans' benefits matter may not charge an initial or  
114       nonrefundable fee. Any charge for interest on any payment plan  
115       agreed to by the parties is prohibited.

116       (3) DEATH OF VETERAN CLAIMANT.—If a veteran claimant dies

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117 before a claim is processed:

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

120 (b) Any payment plan for services rendered must be  
121 terminated immediately.

122 (4) PROHIBITIONS.—

123 (a) A provider may not guarantee, either directly or by  
124 implication, a successful outcome or that an individual is  
125 certain to receive specific veterans' benefits or a specific  
126 level, percentage, or amount of veterans' benefits.

127 (b) A provider who advises, assists, or consults on  
128 veterans' benefits matters for compensation:

129 1. May not use an international call center or data center  
130 to process a veteran's personal information.

131 2. May not use a veteran's personal log-in, username, or  
132 password information to access that veteran's medical,  
133 financial, or government benefits information.

134 (5) BACKGROUND SCREENING.—A provider must successfully  
135 complete a level 2 background screening as described in s.  
136 435.04 before entering into any agreement with a veteran for  
137 veterans' benefits matters.

138 (6) DOCUMENTATION.—A provider must provide copies of all  
139 fully executed documents required by subsection (2) to the  
140 veteran being assisted in the veterans' benefits matters and  
141 maintain a copy of all fully executed documents for 6 years and  
142 in accordance with the requirements of rule 5-1(f) of the rules  
143 regulating The Florida Bar.

144 (7) COMPLAINT.—If an individual to whom a provider provides  
145 services under this section in return for compensation files a

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146 complaint with the Consumer Protection Division of the Office of  
147 the Attorney General, the provider may not receive compensation  
148 for any services provided to such an individual before the  
149 resolution of the complaint.

150 (8) PENALTIES.—A violation of this section constitutes a  
151 violation of the Florida Deceptive and Unfair Trade Practices  
152 Act under part II of this chapter. Violators may be subject to  
153 penalties provided in that part, including s. 501.2077 for  
154 violations against a military servicemember or his or her spouse  
155 or dependent child.

156 (9) CONSTRUCTION.—This section may not be construed as  
157 applying to, limiting, or expanding the requirements imposed on  
158 agents or employees of the Department of Veterans' Affairs or  
159 agents or attorneys accredited by the United States Department  
160 of Veterans Affairs and regulated by that agency.

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