

By the Committees on Rules; and Military and Veterans Affairs,
Space, and Domestic Security; and Senator Collins

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A bill to be entitled

An act relating to veterans' benefits assistance;
amending s. 435.02, F.S.; revising the definition of
the term "specified agency"; creating s. 501.9741,
F.S.; defining terms; prohibiting a person from
receiving compensation for referring an individual to
a provider for advising, assisting, or consulting on
any veterans' benefits matter; authorizing a provider
to receive compensation only for services rendered
during a specified period under certain circumstances;
requiring that, before such services are rendered, a
written agreement, which must include specified
information, be signed by both parties; requiring that
persons who advise, assist, or consult on veterans'
benefits matters for compensation provide a specified
oral and written disclosure before entering into a
business relationship with a client; providing
requirements for such disclosure; prohibiting a
provider who advises, assists, or consults on
veterans' benefits matters from charging certain fees;
prohibiting the charging of interest on payment plans;
providing requirements in the event of the death of a
veteran claimant; prohibiting certain guarantees;
prohibiting a provider who advises, assists, or
consults on veterans' benefits matters for
compensation from taking certain actions; requiring a
provider to ensure that individuals who directly
assist a veteran in a veterans' benefits matter
complete a specified background screening before

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entering into an agreement with a veteran for veterans' benefits matters; providing requirements for such screening; providing construction; requiring a provider to provide copies of certain documents to the veteran and maintain a copy of such documents; prohibiting a person who provides services from receiving compensation under certain circumstances and until certain conditions are met; providing that a violation is a deceptive and unfair trade practice that may be subject to specified penalties; providing construction; providing an effective date.

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

Section 1. Subsection (7) of section 435.02, Florida Statutes, is amended to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(7) "Specified agency" means the Department of Health, the Department of Children and Families, the Agency for Health Care Administration, the Department of Elderly Affairs, the Department of Juvenile Justice, the Agency for Persons with Disabilities, the Department of Education, the Department of Veterans' Affairs, each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational

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59 scholarship program established pursuant to chapter 1002,
60 alternative schools under s. 1008.341, regional workforce boards
61 providing services as defined in s. 445.002(3), and local
62 licensing agencies approved pursuant to s. 402.307, when these
63 agencies are conducting state and national criminal history
64 background screening on persons who work with children or
65 persons who are elderly or disabled.

66 Section 2. Section 501.9741, Florida Statutes, is created
67 to read:

68 501.9741 Assisting in veterans' benefits matters.—

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

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

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

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

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

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

86 (a) A person may not receive compensation for referring an
87 individual to a provider who will advise, assist, or consult

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with the individual regarding any veterans' benefits matter.

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

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

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

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

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

This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any

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other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here.

2. The written disclosure must appear in a clearly legible font in at least 12-point type immediately above the signature line and must be signed by the individual to signify that he or she understands the oral and written disclosures' provisions. The provider shall retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 6 years after the date on which the services provided under the agreement terminate.

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

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

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

(b) Any payment plan for services rendered must be

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terminated immediately.

(4) PROHIBITIONS.—

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

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

1. May not use an international call center or data center to directly solicit a veteran to enter into a business relationship with the provider or process a veteran's personal information.

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

3. May not employ a medical provider to conduct a secondary medical examination of the veteran.

(5) BACKGROUND SCREENING.—A provider must ensure that all individuals who directly assist a veteran in a veterans' benefits matter complete a level 2 background screening that screens for any offenses identified in s. 408.809(4) or s. 435.04(2)(d), (e), or (oo) or (4) before entering into any agreement with a veteran for veterans' benefits matters. An individual must submit a full set of fingerprints to the Department of Law Enforcement or to a vendor, entity, or agency authorized by s. 943.053(13), which shall forward the fingerprints to the Department of Law Enforcement for state processing. The Department of Veterans' Affairs shall transmit the background screening results to the provider, which results

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175 must indicate whether an individual's background screening
176 contains any of the offenses listed in this subsection. Fees for
177 state and federal fingerprint processing must be borne by the
178 provider or individual. The state cost for fingerprint
179 processing is as provided in s. 943.053(3)(e). This subsection
180 does not imply endorsement, certification, or regulation of
181 providers by the Department of Veterans' Affairs.

182 (6) DOCUMENTATION.—A provider must provide copies of all
183 fully executed documents required by subsection (2) to the
184 veteran being assisted in the veterans' benefits matters and
185 maintain a copy of all fully executed documents for 6 years.

186 (7) COMPLAINT.—If a veteran who receives services from a
187 provider under this section in return for compensation files a
188 complaint with the Consumer Protection Division of the Office of
189 the Attorney General based on alleged absence of good faith as
190 defined in s. 673.1031(1), and if such veteran does not receive
191 a monthly monetary increase as a direct result of such
192 provider's services, the provider may not receive compensation
193 for any services provided to such individual before the
194 resolution of the complaint.

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

201 (9) CONSTRUCTION.—This section may not be construed as
202 applying to, limiting, or expanding the requirements imposed on
203 agents or employees of the Department of Veterans' Affairs or

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204 agents or attorneys accredited by the United States Department
205 of Veterans Affairs and regulated by that agency.

206 Section 3. This act shall take effect upon becoming a law.