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1  
2 An act relating to veterans' benefits assistance;  
3 amending s. 435.02, F.S.; revising the definition of  
4 the term "specified agency"; creating s. 501.9741,  
5 F.S.; defining terms; prohibiting a person from  
6 receiving compensation for referring an individual to  
7 a provider for advising, assisting, or consulting on  
8 any veterans' benefits matter; authorizing a provider  
9 to receive compensation only for services rendered  
10 during a specified period under certain circumstances;  
11 requiring that, before such services are rendered, a  
12 written agreement, which must include specified  
13 information, be signed by both parties; requiring that  
14 persons who advise, assist, or consult on veterans'  
15 benefits matters for compensation provide a specified  
16 oral and written disclosure before entering into a  
17 business relationship with a client; providing  
18 requirements for such disclosure; prohibiting a  
19 provider who advises, assists, or consults on  
20 veterans' benefits matters from charging certain fees;  
21 prohibiting the charging of interest on payment plans;  
22 providing requirements in the event of the death of a  
23 veteran claimant; prohibiting certain guarantees;  
24 prohibiting a provider who advises, assists, or  
25 consults on veterans' benefits matters for  
26 compensation from taking certain actions; requiring a  
27 provider to ensure that individuals who directly  
28 assist a veteran in a veterans' benefits matter  
29 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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scholarship program established pursuant to chapter 1002, alternative schools under s. 1008.341, regional workforce boards providing services as defined in s. 445.002(3), and local licensing agencies approved pursuant to s. 402.307, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

Section 2. 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) "Provider" means an entity or individual assisting veterans with veterans' benefits matters.

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

(d) "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 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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117 other federally chartered veterans' service  
118 organization. Other organizations, including, but not  
119 limited to, the Florida Department of Veterans'  
120 Affairs, a local veterans' service organization, and  
121 other federally chartered veterans' service  
122 organizations, may be able to provide you with this  
123 service free of charge. Products or services offered  
124 by this business are not necessarily endorsed by any  
125 of these organizations. You may qualify for other  
126 veterans' benefits beyond the benefits for which you  
127 are receiving services here.

128  
129 2. The written disclosure must appear in a clearly legible  
130 font in at least 12-point type immediately above the signature  
131 line and must be signed by the individual to signify that he or  
132 she understands the oral and written disclosures' provisions.  
133 The provider shall retain a copy of the written disclosure while  
134 providing veterans' benefits services to the individual for  
135 compensation and for at least 6 years after the date on which  
136 the services provided under the agreement terminate.

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

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

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

145 (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.