

1 A bill to be entitled
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.; providing definitions; 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 only under certain
11 circumstances; requiring that, before such services
12 are rendered, a written agreement, which must include
13 specified information, be signed by both parties;
14 requiring that persons who advise, assist, or consult
15 on veterans' benefits matters for compensation provide
16 a specified oral and written disclosure before
17 entering into a business relationship with a client;
18 providing requirements for such disclosure;
19 prohibiting a provider who advises, assists, or
20 consults on veterans' benefits matters from charging
21 certain fees; prohibiting the charging of interest on
22 payment plans; providing requirements in the event of
23 the death of a veteran claimant; prohibiting certain
24 guarantees; prohibiting a provider who advises,
25 assists, or 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
 30 entering into an agreement with a veteran for a
 31 veterans' benefits matter; providing requirements;
 32 providing construction; requiring a provider to
 33 provide copies of certain documents to the veteran and
 34 maintain a copy of such documents pursuant to
 35 specified provisions; prohibiting a person who
 36 provides services from receiving compensation under
 37 certain circumstances and until certain conditions are
 38 met; providing that a violation is a deceptive and
 39 unfair trade practice which may be subject to
 40 specified penalties; providing construction; providing
 41 an effective date.

42

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

44

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

47 435.02 Definitions.—For the purposes of this chapter, the
 48 term:

49 (7) "Specified agency" means the Department of Health, the
 50 Department of Children and Families, the Agency for Health Care

51 Administration, the Department of Elderly Affairs, the
52 Department of Juvenile Justice, the Agency for Persons with
53 Disabilities, the Department of Education, the Department of
54 Veterans' Affairs, each district unit under s. 1001.30, special
55 district units under s. 1011.24, the Florida School for the Deaf
56 and the Blind under s. 1002.36, the Florida Virtual School under
57 s. 1002.37, virtual instruction programs under s. 1002.45,
58 charter schools under s. 1002.33, hope operators under s.
59 1002.333, private schools participating in an educational
60 scholarship program established pursuant to chapter 1002,
61 alternative schools under s. 1008.341, regional workforce boards
62 providing services as defined in s. 445.002(3), and local
63 licensing agencies approved pursuant to s. 402.307, when these
64 agencies are conducting state and national criminal history
65 background screening on persons who work with children or
66 persons who are elderly or disabled.

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

69 501.9741 Assisting in veterans' benefits matters.—

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

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

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

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

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

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

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

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

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

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

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

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

114
115 This business is not sponsored by or affiliated with
116 the Florida Department of Veterans' Affairs, the
117 United States Department of Veterans Affairs, or any
118 other federally chartered veterans' service
119 organization. Other organizations, including, but not
120 limited to, the Florida Department of Veterans'
121 Affairs, a local veterans' service organization, and
122 other federally chartered veterans' service
123 organizations, may be able to provide you with this
124 service free of charge. Products or services offered
125 by this business are not necessarily endorsed by any

126 of these organizations. You may qualify for other
127 veterans' benefits beyond the benefits for which you
128 are receiving services here.

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

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

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

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

146 (b) Any payment plan for services rendered must be
147 terminated immediately.

148 (4) PROHIBITIONS.—

149 (a) A provider may not guarantee, either directly or by
150 implication, a successful outcome or that an individual is

151 certain to receive specific veterans' benefits or a specific
152 level, percentage, or amount of veterans' benefits.

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

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

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

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

164 (5) BACKGROUND SCREENING.—A provider must ensure that all
165 individuals who directly assist a veteran in a veterans'
166 benefits matter complete a level 2 background screening that
167 screens for any offenses identified in ss. 408.809(4) or
168 435.04(2)(d), (e), or (oo) or (4) before entering into any
169 agreement with a veteran for veterans' benefits matters. An
170 individual must submit a full set of fingerprints to the
171 Department of Law Enforcement or to a vendor, entity, or agency
172 authorized by s. 943.053(13), which shall forward the
173 fingerprints to the Department of Law Enforcement for state
174 processing. The Department of Veterans' Affairs shall transmit
175 the background screening results to the provider, which results

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

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

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

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

201 | or dependent child.

202 | (9) CONSTRUCTION.—This section may not be construed as
203 | applying to, limiting, or expanding the requirements imposed on
204 | agents or employees of the Department of Veterans' Affairs or
205 | agents or attorneys accredited by the United States Department
206 | of Veterans Affairs and regulated by that agency.

207 | **Section 3.** This act shall take effect upon becoming a law.