

By the Council for Smarter Government and Representatives  
 Goodlette, Carassas, Crow, Gannon, Betancourt, Kottkamp,  
 Trovillion, Spratt, Ritter, Rubio, Gottlieb, Lynn, Cusack,  
 Meadows, Detert, Greenstein, Kilmer, Paul, Bennett, Waters,  
 (Additional Sponsors on Last Printed Page)

1                                   A bill to be entitled  
 2           An act relating to civil legal assistance;  
 3           creating the Florida Access to Civil Legal  
 4           Assistance Act; providing legislative intent  
 5           and purpose; providing definitions; specifying  
 6           powers of the Department of Community Affairs  
 7           for certain purposes; limiting use of certain  
 8           funds for certain purposes; requiring the  
 9           department to contract for delivery of civil  
 10          legal assistance to certain persons through  
 11          not-for-profit legal aid organizations;  
 12          providing contract requirements; specifying  
 13          application; requiring the department to ensure  
 14          accountability; requiring an annual audit;  
 15          providing for eligibility for state support;  
 16          providing for conditional repeal; providing an  
 17          effective date.

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

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 21           Section 1. Short title.--This act may be cited as the  
 22 "Florida Access to Civil Legal Assistance Act."

23           Section 2. Legislative intent.--It is the intent of  
 24 the Legislature to establish an administrative framework  
 25 whereby public funds may be used in an effective and efficient  
 26 manner to enhance the availability of civil legal assistance  
 27 to the poor in this state. The Legislature finds that the lack  
 28 of adequate and equitable legal services available to the  
 29 indigent population, particularly the children and elderly of  
 30 this state, unnecessarily burdens existing social and human  
 31 services programs. It is the purpose of this act to promote

1 the availability of civil legal assistance to the poor and  
2 improve access to justice by establishing a streamlined method  
3 to utilize available state funds in furtherance of this goal.

4 Section 3. Definitions.--For purposes of this act:

5 (1) "Department" means the Department of Community  
6 Affairs.

7 (2) "Eligible client" means a person whose income is  
8 equal to or below 150 percent of the then-current federal  
9 poverty guidelines prescribed for the size of the household of  
10 the person seeking assistance by the United States Department  
11 of Health and Human Services or disabled veterans who are in  
12 receipt of, or eligible to receive, Veterans Administration  
13 pension benefits or supplemental security income.

14 (3) "Legal assistance" means the provision of civil  
15 legal services consistent with the rules regulating The  
16 Florida Bar, subject to the limitations in section 5.

17 (4) "Not-for-profit legal aid organization" means a  
18 not-for-profit organization operated in this state that  
19 provides as its primary purpose civil legal services without  
20 charge to eligible clients.

21 Section 4. Authority and duties of the  
22 department.--The department shall have the powers necessary or  
23 appropriate to carry out the purposes and provisions of this  
24 act, including, but not limited to, the power to contract with  
25 a statewide not-for-profit organization that provides funding  
26 for civil legal assistance to the poor in this state to  
27 allocate funds to not-for-profit legal aid organizations  
28 consistent with the provisions of this act.

29 Section 5. Limitations.--No funds received or  
30 allocated pursuant to this act shall be used to:

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1       (1) Lobby or influence the passage or defeat of any  
2 legislation before any municipal, county, or state legislative  
3 or administrative body.

4       (2) Provide legal assistance or advice with respect to  
5 any criminal proceeding or any federal or state postconviction  
6 proceeding. For purposes of this subsection, "criminal  
7 proceeding" means an adversary judicial process prosecuted by  
8 a public officer and initiated by formal complaint,  
9 information, or indictment charging a person with an offense  
10 classified or denominated as criminal by applicable law and  
11 punishable by death, imprisonment, jail sentence, or criminal  
12 fine.

13       (3) Sue the state or any of its agencies or political  
14 subdivisions.

15       (4) Sue any college or university.

16       (5) Initiate or participate in a class action suit.

17       (6) Provide legal assistance or advice with respect to  
18 any noncriminal infraction or any enforcement proceeding  
19 instituted by the state or its agencies or political  
20 subdivisions pursuant to chapter 316, chapter 318, chapter  
21 320, or chapter 322, Florida Statutes.

22       Section 6. Funding.--In connection with funds received  
23 pursuant to this act, the department shall contract with a  
24 not-for-profit, charitable organization that meets the  
25 qualifications of s. 501(c)(3) of the United States Internal  
26 Revenue Code, as amended, that provides funding statewide for  
27 civil legal assistance to the poor for the administration,  
28 allocation, and distribution of any or all such funds in a  
29 manner consistent with the provisions of this act. Such  
30 contract shall provide that distribution of at least 80  
31 percent of such funds shall be based annually by county on a

1 per capita basis upon the number of persons in the county  
2 whose income is 125 percent or less of the then-current  
3 federal poverty guidelines of the United States Department of  
4 Health and Human Services. For purposes of this section, the  
5 source of data identifying the number of persons per county  
6 shall be the latest available figures of persons per county  
7 from the Bureau of the Census of the United States Department  
8 of Commerce. Such contract shall provide that up to 15 percent  
9 of such funds shall be distributed annually to statewide and  
10 regional not-for-profit legal aid organizations and that up to  
11 5 percent of such funds shall be provided for administrative  
12 costs.

13       Section 7. Eligible activities.--Funds received or  
14 allocated pursuant to this act may be used to secure the legal  
15 rights of eligible clients relating to family law, juvenile  
16 law, entitlements to federal government benefits, protection  
17 from domestic violence, elder and child abuse, and immigration  
18 by providing legal assistance and education regarding legal  
19 rights and duties under the law.

20       Section 8. Accountability.--In any contract allocating  
21 funds pursuant to this act, the department shall ensure that  
22 funds received or allocated pursuant to this act are expended  
23 in a manner consistent with the terms and intent of this act  
24 and shall provide for an annual audit of such expenditures.

25       Section 9. State support.--Programs funded pursuant to  
26 this act shall be eligible for state support, including, but  
27 not limited to, access to the SUNCOM Network services.  
28 Accounts for SUNCOM services furnished to program eligible  
29 entities shall be billed directly to the department, as  
30 program administrator, and paid with the funding provided.

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1           Section 10. If any of the limitations on the use of  
2 funds received or allocated under this act is found to violate  
3 the Constitution of the United States or the State  
4 Constitution or otherwise found to be unenforceable:

5           (1) The entire act shall be null and void.

6           (2) All appropriations made for the purposes of this  
7 act and not expended are repealed.

8           (3) All unspent funds received by any entity pursuant  
9 to this act or the act appropriating funds for the purpose of  
10 this act shall be returned to the department for transfer to  
11 the treasury to the credit of the fund from which they were  
12 appropriated.

13           (4) No further funds appropriated for the purposes of  
14 this act shall be distributed or expended.

15           Section 11. This act shall not be construed to create  
16 a statutory right to counsel in any proceeding. This act  
17 shall not be construed to create any statutory right accruing  
18 to any attorney.

19           Section 12. This act shall take effect upon becoming a  
20 law.

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ADDITIONAL SPONSORS

Smith, Lerner, Richardson, Ross, Benson, Heyman, Melvin,  
Garcia, Rich, Hogan, Gelber, Sobel, Brutus, Seiler, Bucher,  
Wilson, Baxley, Kendrick, Fiorentino, Holloway, Green, Evers,  
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