

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 appropriation; providing for the distribution
18 of the appropriation; providing an effective
19 date.

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

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

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

1 this state, unnecessarily burdens existing social and human
2 services programs. It is the purpose of this act to promote
3 the availability of civil legal assistance to the poor and
4 improve access to justice by establishing a streamlined method
5 to utilize available state funds in furtherance of this goal.

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

7 (1) "Department" means the Department of Community
8 Affairs.

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

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

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

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

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

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

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

15 (3) Sue the state or any of its agencies or political
16 subdivisions.

17 (4) Sue any college or university.

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

19 (6) Provide legal assistance or advice with respect to
20 any noncriminal infraction or any enforcement proceeding
21 instituted by the state or its agencies or political
22 subdivisions pursuant to chapter 316, chapter 318, chapter
23 320, or chapter 322, Florida Statutes.

24 (7) Contest any regulatory decision by any municipal,
25 county, or state administrative or legislative body.

26 (8) File or assist in the filing of private causes of
27 action under federal or state statutes enforced by federal or
28 state agencies relating to or arising out of employment or the
29 terms or conditions of employment.

30 Section 6. Funding.--In connection with funds received
31 pursuant to this act, the department shall contract with a

1 not-for-profit, charitable organization that meets the
2 qualifications of s. 501(c)(3) of the United States Internal
3 Revenue Code, as amended, that provides funding statewide for
4 civil legal assistance to the poor for the administration,
5 allocation, and distribution of any or all such funds in a
6 manner consistent with the provisions of this act. Such
7 contract shall provide that distribution of at least 80
8 percent of such funds shall be based annually by county on a
9 per capita basis upon the number of persons in the county
10 whose income is 125 percent or less of the then-current
11 federal poverty guidelines of the United States Department of
12 Health and Human Services. For purposes of this section, the
13 source of data identifying the number of persons per county
14 shall be the latest available figures of persons per county
15 from the Bureau of the Census of the United States Department
16 of Commerce. Such contract shall provide that up to 15 percent
17 of such funds shall be distributed annually to statewide and
18 regional not-for-profit legal aid organizations and that up to
19 5 percent of such funds shall be provided for administrative
20 costs.

21 Section 7. Eligible activities.--Funds received or
22 allocated pursuant to this act may be used to secure the legal
23 rights of eligible clients relating to family law, juvenile
24 law, entitlements to federal government benefits, protection
25 from domestic violence, elder and child abuse, and immigration
26 by providing legal assistance and education regarding legal
27 rights and duties under the law.

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

3 Section 9. State support.--Programs funded pursuant to
4 this act shall be eligible for state support, including, but
5 not limited to, access to the SUNCOM Network services.

6 Accounts for SUNCOM services furnished to program eligible
7 entities shall be billed directly to the department, as
8 program administrator, and paid with the funding provided.

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

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

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

16 (3) All unspent funds received by any entity pursuant
17 to this act or the act appropriating funds for the purpose of
18 this act shall be returned to the department for transfer to
19 the treasury to the credit of the fund from which they were
20 appropriated.

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

23 Section 11. This act shall not be construed to create
24 a statutory right to counsel in any proceeding. This act
25 shall not be construed to create any statutory right accruing
26 to any attorney.

27 Section 12. There is appropriated \$2,000,000 to the
28 Department of Community Affairs to contract with a
29 not-for-profit organization that provides statewide funding
30 for civil legal assistance to the poor. The department shall
31 retain \$100,000, and the organization shall receive \$80,000,

1 for administrative costs. The remaining funds shall be used by
2 the organization for civil legal assistance pilot projects in
3 the following judicial circuits:

4 Fourth \$240,000

5 Ninth \$240,000

6 Eleventh \$600,000

7 Twelfth \$140,000

8 Thirteenth \$280,000

9 Fourteenth \$120,000

10 Twentieth \$200,000

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12 The funds shall only be used for legal education or assistance
13 in family law, juvenile law, entitlement to federal benefits,
14 protection from domestic violence, elder abuse, child abuse,
15 or immigration law. These funds shall not be used in criminal
16 or post-conviction relief matters, for lobbying activities, to
17 sue the state, its agencies or political sub-divisions, or
18 colleges or universities, for class action lawsuits, to
19 provide legal assistance with respect to noncriminal
20 infractions pursuant to chapter 316, chapter 318, chapter 320,
21 or chapter 322, to contest regulatory decisions of any
22 municipal, county, or state administrative or legislative
23 body, or to file or assist in the filing of private causes of
24 action under federal or state statutes relating to or arising
25 out of employment or terms or conditions of employment. The
26 contracting organization shall require pilot projects to
27 provide data on the number of clients served, the types of
28 cases, the reasons the cases were closed, and the state
29 dollars saved and federal dollars brought into the state
30 because of the legal services provided. The contracting
31 organization shall provide to the Department of Community

1 Affairs, within sixty (60) days of the completion of the
2 contract, a report on the legal services provided, the state
3 dollars saved, and the federal dollars brought into the state.

4 Section 13. This act shall take effect upon becoming a
5 law.

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