

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
17 limitations on use of state funds; providing an
18 effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Section 6. Funding.--In connection with funds received
29 pursuant to this act, the department shall contract with a
30 not-for-profit, charitable organization that meets the
31 qualifications of s. 501(c)(3) of the United States Internal

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

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

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

31

1 Section 9. State support.--Programs funded pursuant to
2 this act shall be eligible for state support, including, but
3 not limited to, access to the SUNCOM Network services.
4 Accounts for SUNCOM services furnished to program eligible
5 entities shall be billed directly to the department, as
6 program administrator, and paid with the funding provided.

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

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

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

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

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

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

25 Section 12. All appropriations made for the purposes
26 of this act shall only be used for legal education or
27 assistance in family law, juvenile law, entitlement to federal
28 benefits, protection from domestic violence, elder abuse,
29 child abuse, or immigration law. These funds shall not be used
30 in criminal or post-conviction relief matters, for lobbying
31 activities, to sue the state, its agencies or political

1 sub-divisions, or colleges or universities, for class action
2 lawsuits, to provide legal assistance with respect to
3 noncriminal infractions pursuant to chapter 316, chapter 318,
4 chapter 320, or chapter 322, to contest regulatory decisions
5 of any municipal, county, or state administrative or
6 legislative body, or to file or assist in the filing of
7 private causes of action under federal or state statutes
8 relating to or arising out of employment or terms or
9 conditions of employment. The contracting organization shall
10 require pilot projects to provide data on the number of
11 clients served, the types of cases, the reasons the cases were
12 closed, and the state dollars saved and federal dollars
13 brought into the state because of the legal services provided.
14 The contracting organization shall provide to the Department
15 of Community Affairs, within sixty (60) days of the completion
16 of the contract, a report on the legal services provided, the
17 state dollars saved, and the federal dollars brought into the
18 state.

19 Section 13. This act shall take effect upon becoming a
20 law.

21
22
23
24
25
26
27
28
29
30
31