

By Senator Saunders

25-146-02

See HB

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 an effective date.

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

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20           Section 1. Short title.--This act may be cited as the

21 "Florida Access to Civil Legal Assistance Act."

22           Section 2. Legislative intent.--It is the intent of

23 the Legislature to establish an administrative framework

24 whereby public funds may be used in an effective and efficient

25 manner to enhance the availability of civil legal assistance

26 to the poor in this state. The Legislature finds that the lack

27 of adequate and equitable legal services available to the

28 indigent population, particularly the children and elderly of

29 this state, unnecessarily burdens existing social and human

30 services programs. It is the purpose of this act to promote

31 the availability of civil legal assistance to the poor and

1 improve access to justice by establishing a streamlined method  
2 to utilize available state funds in furtherance of this goal.

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

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

6 (2) "Eligible client" means a person whose income is  
7 equal to or below 150 percent of the then-current federal  
8 poverty guidelines prescribed for the size of the household of  
9 the person seeking assistance by the United States Department  
10 of Health and Human Services or a person who is receiving  
11 poverty-related veterans' benefits or supplemental security  
12 income.

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

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

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

28 Section 5. Limitations.--No funds received or  
29 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. For purposes of this subsection,  
6 "criminal proceeding" means an adversary judicial process  
7 prosecuted by a public officer and initiated by formal  
8 complaint, information, or indictment charging a person with  
9 an offense classified or denominated as criminal by applicable  
10 law and punishable by death, imprisonment, jail sentence, or  
11 criminal fine.

12           (3) Sue the state or any of its agencies.

13           (4) Initiate or participate in a class action suit.

14           Section 6. Funding.--In connection with funds received  
15 pursuant to this act, the department shall contract with a  
16 not-for-profit, charitable organization that meets the  
17 qualifications of s. 501(c)(3) of the United States Internal  
18 Revenue Code, as amended, that provides funding statewide for  
19 civil legal assistance to the poor for the administration,  
20 allocation, and distribution of any or all such funds in a  
21 manner consistent with the provisions of this act. Such  
22 contract shall provide that distribution of at least 80  
23 percent of such funds shall be based annually by county on a  
24 per capita basis upon the number of persons in the county  
25 whose income is 125 percent or less of the then-current  
26 federal poverty guidelines of the United States Department of  
27 Health and Human Services. For purposes of this section, the  
28 source of data identifying the number of persons per county  
29 shall be the latest available figures of persons per county  
30 from the Bureau of the Census of the United States Department  
31 of Commerce. Such contract shall provide that up to 15 percent

1 of such funds shall be distributed annually to statewide and  
2 regional not-for-profit legal aid organizations and that up to  
3 5 percent of such funds shall be provided for administrative  
4 costs.

5 Section 7. Eligible activities.--Funds received or  
6 allocated pursuant to this act may be used to secure the legal  
7 rights of eligible clients relating to family law, juvenile  
8 law, entitlements to federal government benefits, protection  
9 from domestic violence, elder and child abuse, and immigration  
10 by providing legal assistance and education regarding legal  
11 rights and duties under the law.

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

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

20 Section 10. This act shall take effect upon becoming a  
21 law.

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24 HOUSE SUMMARY

25  
26 Creates the Florida Access to Civil Legal Assistance Act.  
27 Provides legislative intent and definitions. Provides for  
28 delivery of civil legal services assistance to poor or  
29 indigent persons through nonprofit legal aid  
30 organizations. Prescribes implementing authority and  
31 duties of the Department of Community Affairs under the  
act. Provides guidelines and limitations with respect to  
funding of the programs and eligibility for state  
support. Provides for an annual audit of expenditures.