

By the Committees on Judiciary; Comprehensive Planning, Local and Military Affairs; and Senators Saunders, Lawson, Sanderson, Peaden, Rossin, Sullivan, Dawson and Miller

308-1793-02

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.

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

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, disabled veterans who are in
11 receipt of or eligible to receive pension benefits from the
12 Veterans Administration, or persons in receipt of supplemental
13 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 post
6 conviction proceeding. For purposes of this subsection,
7 "criminal proceeding" means an adversary judicial process
8 prosecuted by a public officer and initiated by formal
9 complaint, information, or indictment charging a person with
10 an offense classified or denominated as criminal by applicable
11 law and punishable by death, imprisonment, jail sentence, or
12 criminal fine.

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

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

16 (5) Sue any college or university.

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

1 of this section, the source of data identifying the number of
2 persons per county shall be the latest available figures of
3 persons per county from the Bureau of the Census of the United
4 States Department of Commerce. Such contract shall provide
5 that up to 15 percent of such funds shall be distributed
6 annually to statewide and regional not-for-profit legal aid
7 organizations and that up to 5 percent of such funds shall be
8 provided for administrative costs.

9 Section 7. Accountability.--In any contract allocating
10 funds pursuant to this act, the Department of Community
11 Affairs shall ensure that funds received or allocated pursuant
12 to this act are expended in a manner consistent with the terms
13 and intent of this act and the TANF objectives of maintaining
14 stable home environments for families with children. The
15 department shall require the contracting not-for-profit or
16 charitable organization in charge of distributing the funds to
17 provide an accountability report to the department at the end
18 of 1 year. The accountability report shall provide detailed
19 information that 95 percent of the funds distributed went to
20 TANF eligible recipients and that not more than 5 percent of
21 the funds were used for administrative costs. The annual
22 accountability report must also specifically account for TANF
23 dollars saved by providing legal services to TANF eligible
24 recipients to help them obtain other sources of income, such
25 as federal social security income and child support payments,
26 that raise the legal aid clients' income above TANF
27 eligibility status.

28 Section 8. Eligible activities.--Funds received or
29 allocated pursuant to this act may be used to secure the legal
30 rights of eligible clients relating to family law, juvenile
31 law, entitlements to federal government benefits, protection

1 from domestic violence, elder and child abuse, and immigration
2 by providing legal assistance and education regarding legal
3 rights and duties under the law.

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

7 Section 10. This act shall take effect upon becoming a
8 law.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 CS for Senate Bill 512

13 -- A recipient of state funds under this bill must now
14 distribute those funds consistent with the TANF
15 objectives of maintaining a stable home environment for
families with children in addition to the requirements
listed in the committee substitute.

16 -- The bill amends the requirement for accountability of
17 funds received to require that the funds are not only
18 expended in a manner consistent with the terms of the
19 bill but also consistent with the TANF objectives of
maintaining a stable home environments for families with
children.

20 -- Instead of the Department providing for an annual audit
21 of the recipients of funds, the contract with each
22 recipient must require the contracting organization to
23 provide an accountability report to the Department of
24 Community Affairs at the end of the first year. That
25 report must provide information that 95 percent of the
26 funds went to TANF eligible recipients and that 5% or
27 less was used for administrative costs. The report must
28 also account for TANF dollars saved by the provision of
29 legal services to TANF eligible recipients.