

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 rights; providing limitations on
18 the use of state funds; providing an effective
19 date.

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

22
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, 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.

31

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 post
8 conviction proceeding. For purposes of this subsection,
9 "criminal proceeding" means an adversary judicial process
10 prosecuted by a public officer and initiated by formal
11 complaint, information, or indictment charging a person with
12 an offense classified or denominated as criminal by applicable
13 law and punishable by death, imprisonment, jail sentence, or
14 criminal 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
31

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 are eligible for state support, including, but not
5 limited to, access to the SUNCOM Network services. Accounts
6 for SUNCOM services furnished to program-eligible entities
7 shall be billed directly to the department, as program
8 administrator, and paid with the funding provided.

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

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

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16 act and which are not expended are repealed.

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

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

24 Section 11. Limitation of rights.--This act does not
25 create a statutory right to counsel in any proceeding. This
26 act does not create any statutory right accruing to any
27 attorney.

28 Section 12. All appropriations made for the purposes
29 of this act shall only be used for legal education or
30 assistance in family law, juvenile law, entitlement to federal
31 benefits, protection from domestic violence, elder abuse,

1 child abuse, or immigration law. These funds may not be used
2 in criminal or postconviction relief matters; for lobbying
3 activities; to sue the state, its agencies, political
4 subdivisions, or colleges or universities; for class action
5 suits; to provide legal assistance with respect to noncriminal
6 infractions pursuant to chapter 316, chapter 318, chapter 320,
7 or chapter 322; to contest regulatory decisions of any
8 municipal, county, or state administrative or legislative
9 body; or to file or assist in the filing of private causes of
10 action under federal or state statutes relating to or arising
11 out of employment or terms or conditions of employment. The
12 contracting organization shall require pilot projects to
13 provide data on the number of clients served, the types of
14 cases, the reasons the cases were closed, the state dollars
15 saved, and federal dollars brought into the state because of
16 the legal services provided. The contracting organization
17 shall provide to the Department of Community Affairs, within
18 60 days after the completion of the contract, a report on the
19 legal services provided, the state dollars saved, and the
20 federal dollars brought into the state.

21 Section 13. This act shall take effect upon becoming a
22 law.

23
24
25
26
27
28
29
30
31