

ORDINANCE NO. 95-12

FRANKLIN COUNTY, FLORIDA

AN ORDINANCE AMENDING ORDINANCE 91-7 IMPOSING SERVICE CHARGES IN EXCESS OF THOSE FIXED BY STATUTE ON THE FILING OF PROBATE MATTERS AND LEGAL ACTIONS OR PROCEEDINGS, BY DELETING THE \$2.00 SERVICE CHARGE ON ALL CIVIL ACTIONS OR PROCEEDINGS IN THE CIRCUIT COURT AND IMPOSING A \$5.00 SERVICE CHARGE ON ALL CIVIL ACTIONS OR PROCEEDINGS.

WHEREAS, it is required by law that certain legal services be provided to indigent incapacitated persons by Franklin County, and

WHEREAS, it is least costly and burdensome for Franklin County to pay for such services by imposing a surcharge on legal cases filed in the Courts of Franklin County, and remitting those fees to the Second Judicial Circuit program,

WHEREAS, approximately 3,000 citizens of Franklin County are eligible for state and federally funded civil legal services,

WHEREAS, Legal Services of North Florida receives state and federal funds to provide civil legal services,

WHEREAS, Legal Services of North Florida is only able to meet approximately 20% of the eligible need and is facing reductions in state and federal funding, and

WHEREAS, Florida Statutes allow counties to impose filing fee surcharges to fund indigent legal services,

NOW, THEREFORE, BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY, FLORIDA, that:

Section 1: SERVICE CHARGES IMPOSED

Pursuant to the authority contained in Section 28.2401, Section 28.241, and Section 34.041, Florida Statutes, service charges in excess of those fixed by statute are hereby imposed. Upon the institution of any probate matter, action or proceeding, or any civil action or proceeding, the plaintiff, when filing his action or proceeding, shall pay the following service charges which are in addition to any charges or fees imposed by state law:

(A) Cases filed in the Summary Claims Division and County Court Civil Division pursuant to F.S. 34.041: For all Civil Actions or proceedings:

SERVICE CHARGE

\$5.00 Indigent Legal Services

(B) Cases filed in Circuit Court Civil Division pursuant to F.S. 28.241: For all Civil Actions or proceedings:

SERVICE CHARGE

\$5.00 Indigent Legal Services

(C) Cases filed in the Probate Division pursuant to F.S. 28.2401:

Caveat	\$10.00	Legal Aid Incapacity/ Guardianship Program
Petition and order to admit foreign wills, authenticated copies, exemplified copies, or transcript to record	\$10.00	Legal Aid Incapacity/ Guardianship Program
For disposition of personal property without administration	\$10.00	Legal Aid Incapacity/ Guardianship Program
Summary Administration	\$20.00	Legal Aid Incapacity/ Guardianship Program
Family Administration	\$20.00	Legal Aid Incapacity/ Guardianship Program
Formal administration, guardianship, ancillary curatorship, or conservatorship proceedings where the value of the estate is less than \$60,000.00	\$20.00	Legal Aid Incapacity/ Guardianship Program
Formal Administration guardianship, ancillary, curatorship, or conservatorship proceedings where the value of the estate is more than \$60,000 but less than \$100,000	\$40.00	Legal Aid Incapacity/ Guardianship Program
Formal Administration guardianship, ancillary curatorship, or conservatorship proceedings where the value of the estate is in excess of \$100,000	\$50.00	Legal Aid Incapacity/ Guardianship Program
Guardianship proceedings of person only	\$10.00	Legal Aid Incapacity/ Guardianship Program
Veterans Administration guardianship pursuant to Chapter 744	\$10.00	Legal Aid Incapacity/ Guardianship Program
Petition for determination of Incompetency	\$10.00	Legal Aid Incapacity/ Guardianship Program
Petition for Guardian	\$10.00	Legal Aid Incapacity/ Guardianship Program

Section 2: DISTRIBUTION OF SERVICE CHARGES.

The proceeds of the said service charges in excess of those fixed by said Sections 34.041, 28.2401 and 28.241 shall be paid to the Clerk of the Circuit Court and County Court and by him paid monthly into the appropriate fund of the county.

(1) LEGAL AID INCAPACITY/GUARDIANSHIP PROGRAM

(A) ESTABLISHMENT OF CIRCUIT-WIDE FUND

The proceeds of court filing fees designated for incapacity and guardianship proceedings concerning indigent wards shall be used for the purpose of establishing and maintaining a fund jointly with the other counties of the Second Judicial Circuit. The fund shall be used to provide legal aid for the adjudication process of indigent, allegedly incapacitated persons whose court proceedings are venued in any of the several counties of the Circuit without regard to the residency of domicile of said persons. The fund shall also be used to pay the legal fees of the incapacitated person, for court costs and the examining committee necessary pursuant to Chapter 744, Florida Statutes. The fund shall be administered by Leon County and the administering county shall be entitled to an administration fee of two percent (2%) of the gross proceeds paid into the fund. Disbursements shall be made upon written Order of the court presiding in a particular case. If any county opts to refrain from participating in the circuit-wide Legal Aid Incapacity/Guardianship program, that county(ies) shall not be eligible to receive the legal services described in this paragraph.

(B) The fund administrator, Leon County, may contract with one or more legal services firms for the services which are to be paid from the fund.

(2) INDIGENT LEGAL SERVICES

The proceeds of court filing fees designated for Indigent Legal Services shall be used for the purpose of establishing and maintaining a fund for the provision of civil legal services to the indigent citizens of Franklin County. The Clerk of the Circuit and County Courts shall transmit the funds to Legal Services of North Florida, Inc. on a semiannual basis.

SECTION 3:

Franklin County Ordinance 91-7 is hereby amended as set forth herein and repealed to the extent it conflicts herewith.

SECTION 4:

If any section, phrase, sentence, portion, or application of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision or application, and such holding shall not affect the validity of the remaining portions or applications thereof.


SECTION 5:

This Ordinance adopted in open regular meeting this 7th day of November, after notice of intent to consider the same has been made and kept in Ordinance Book of the Clerk of the Board for at least fifteen (15) days, exclusive of Sundays and legal holidays, and the title and substance hereof published according to law in the Apalachicola Times, a newspaper of general circulation within the County.

This Ordinance shall take effect when notice of receipt of a certified copy of same is returned from the Secretary of State.

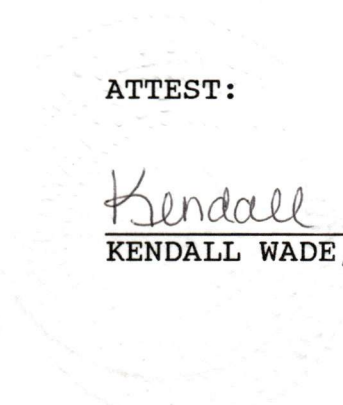
THE FRANKLIN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY:



JIMMY G. MOSCONIS

ATTEST:


Kendall Wade
KENDALL WADE, Clerk