

AN ORDINANCE OF LIBERTY COUNTY, FLORIDA, IMPOSING SERVICE CHARGES IN EXCESS OF THOSE FIXED BY STATUTE ON THE FILING OF PROBATE MATTERS AND LEGAL ACTIONS OR PROCEEDINGS; SETTING FORTH THE AMOUNT OF THE SERVICES CHARGES FOR FILING OF VARIOUS PROCEEDINGS; PROVIDING FOR THE DISTRIBUTION OF THE SERVICE CHARGES; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

SECTION 1, Service Charges Imposed.

Pursuant to the authority contained in Section 28.2401 and Section 28.241, 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 circuit court 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 Circuit Court Civil Division pursuant to F.S. 28.241: For all civil actions or proceedings:

Service Charge

\$ 2.00 Legal Aid Incapacity/Guardianship Program

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

Service Charge

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

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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	\$30.00	Legal Aid Incapacity/Guardianship Program
Formal administration, guardianship, ancillary, curatorship, or conservatorship proceedings where the value of the estate is \$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 \$100,000 or more	\$50.00	Legal Aid Incapacity/Guardianship Program
Guardianship proceeding 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 guardianship	\$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 28.2401 and 28.241 shall be paid to the Clerk of the Circuit Court and County Court and shall be paid monthly by the clerk into the appropriate fund of the county.

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.

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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 or 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, or to pay any of the fees or costs necessary in any of the procedures required by Chapters 744, 393, and 394, Florida Statutes, as they pertain to guardianship matters where the ward or alleged incapacitated person is found to be indigent and such is ordered by the court. The fund shall be administered by Leon County and the administering county shall be entitled to an administration fee of two (2%) percent 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 a legal services firm for the services which are to be paid from the fund.

#### **SECTION 3, Conflict.**

All ordinances or parts of ordinances of the Code of Laws of Liberty County, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 4, Severability.**

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 application thereof.

#### **SECTION 5, Effective Date.**

In accordance with Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgement that said Ordinance has been filed.


DULY PASSED AND ADOPTED BY by the Board of County Commissioners of  
Liberty County, Florida, this 10<sup>th</sup> day of June, 1993.

BOARD OF COUNTY COMMISSIONERS,  
LIBERTY COUNTY, FLORIDA

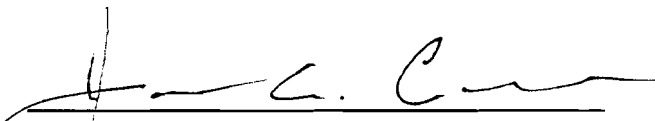
By:   
CHAIRMAN

ATTEST:

Vernon Ross  
Clerk of the Circuit Court

  
Clerk

APPROVED AS TO FORM:

  
County Attorney

