

ORDINANCE NO. 83-3

AN ORDINANCE RELATING TO THE INCREASE OF FILING FEES OF CIVIL CASES IN COUNTY COURT AND CIRCUIT COURT OF CALHOUN COUNTY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR THE DISBURSEMENT OF FUNDS TO LEGAL SERVICES OF NORTH FLORIDA; PROVIDING FOR THE REPEAL OF CALHOUN COUNTY ORDINANCE NO. 75-2 AND CALHOUN COUNTY AMENDED ORDINANCE NO. 75-2

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY FLORIDA:

Section 1. Calhoun County Ordinance No. 75-2 and Amended Ordinance No. 75-2 are hereby repealed in their entirety;

Section 2. Calhoun County hereby increases the filing fees of Civil cases in County Court and Circuit Court of Calhoun County as authorized by the provisions of §23.241 and §34.041, Chapter 74-154; Florida Statutes.

Section 3. The party instituting any civil action suit or proceeding in the Circuit Court shall pay to the Clerk of said Court, a service charge of Thirty-Six and 50/100 (\$36.50) Dollars in all cases in which there are more than five (5) Defendants, and an additional service charge of One Dollar (\$1.00) for each Defendant in excess of five (5).

30.00
2.50
1.00

Section 4. The party instituting any civil action, suit or proceeding in the County Court shall pay the following filing fees when filing this action, suit or proceeding:

- (a) For all claims less than One Hundred and no/100 (\$100.00) Dollars-----\$11.00 10.00
4.00
- (b) For all claims ofn One Hundred and no/100 (\$100.00) Dollars and less than One Thousand and no/100 (\$1,000.00) Dollars-----\$21.00 20.00
4.00
- (c) For all claims of One Thousand and no/100 (\$1,000.00) Dollars or more-----\$26.00 25.00
- (d) In addition, for all proceedings of garnishment, attachment, replevin and distress-----\$20.00 25.00

Section 5. All fees herein provided that are in excess of those stated in the above Florida Statutes shall be applied as follows:

- (a) One Dollar (\$1.00) of said excess fee shall be used and applied and distributed to a Legal Aid program sponsored by Legal Services of North Florida, provided that a Legal Aid program is operated out of the Calhoun County courthouse in space provided by the County, and further provided that persons served by the Legal Aid program meet the eligibility test established by Florida Department

test established by Florida Department of Health and Rehabilitative Services Title XX program and; provided further that all funds collected from Calhoun County be used exclusively for those clients who meet the above requirements and who are residents of Calhoun County;

- (b) The remainder of the excess fees shall be used in a Legal Aid program in and for Calhoun County, Florida, where there is a conflict of interest between the Public Defender's office and an indigent Calhoun County criminal defendant and the Public Defender cannot, because of the conflictive interest, represent the Defendant at the trial level;
- (c) The Clerk of the Circuit Court and County Court shall deposit the excess fees in a separate fund labeled "Legal Aid", and shall distribute to Legal Services of North Florida, on a quarterly basis, beginning with the calender quarter following the effective date of this Ordinance, their share as outlined above; there shall be no distinction between the monies collected from either court as applicable to the attorney's fees allowed in either court.

Section 6. If any Section, sub-section, sentence, clause, provision or a part of this Ordinance, shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 7. This Ordinance shall become effective JAN. 3rd., 1984.

PASSED AND ADOPTED this 3rd. day of JAN., 1984.

BOARD OF COUNTY COMMISSIONERS
OF CLAHOUN COUNTY, FLORIDA

BY:

ATTEST:

Willie D. Wise
WILLIE D. WISE,
Clerk

Drew Peacock Jr.
DREW PEACOCK
Chairman

STATE OF FLORIDA
COUNTY OF CALHOUN

I, WILLIE D. WISE, Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance as the same was duly adopted and passed at a regular meeting of the Board on the 3rd. day of JAN., 1984 and as the same appears on record in my office.

IN WITNESS I hereunto set my hand and official seal this 3rd. day of JAN., 1984.

Willie D. Wise
WILLIE D. WISE
Clerk of the Board of County
Commissioners of Calhoun County,
Florida