

# Clerk of the Circuit Court

David R. Ellspermann

Marion County, Florida



2007  
Annual Report



**DAVID R. ELLSPERMANN  
CLERK OF THE CIRCUIT COURT  
MARION COUNTY, FLORIDA**

To the People of Marion County,

The Clerk of the Circuit Court is elected by the people of Florida as the protector of the public trust. Whether as an officer of the court or serving in the many constitutional and statutory roles of county officer, the Clerk of the Circuit Court is maintaining the constitutional doctrine of “checks and balances” at the local level.

The Clerk provides the “checks and balances” for local government as accountant and auditor for the Board of County Commissioners; the collector and distributor of statutory assessments; guardian of the public records, public funds and public property. For the courts, the Clerk ensures that the court’s orders, judgments, and directives are carried out within the parameters allowed by law; collects and distributes court assessed payments (i.e., fines, court costs, and child support), and statutory service charges; prepares and maintains valuable court records; and provides vital statistical data to the Supreme Court and various state agencies.

The Clerk provides protection to the citizens by ensuring that the taxpayer’s money is handled according to law; providing access to public records; auditing reports of guardians in guardianship cases; providing assistance to citizens in accessing the court system; processing and maintaining court documents and ensuring that litigants’ court cases are handled in a timely manner.

The Clerk is a public officer in the service of the government of the people who derives the position from a legally authorized election and whose duties are continuous in nature and defined by rules prescribed by government. The Clerk’s duties are not purely ministerial, but rather an integral part of the whole county governmental process.

I thank the citizens of Marion County for the opportunity to serve as the Clerk of the Circuit Court. Striving to improve the level of service to our customers will remain a priority. I maintain an Internet website for customer service needs, [www.marioncountyclerk.org](http://www.marioncountyclerk.org), to assist customers seeking assistance or information pertaining to Courts, Official Records, Finance, Budget, Commission Records, Public Records, Internal Audits and other areas. I am proud of the success the Clerk’s Office had in 2007.

Sincerely,

David R. Ellspermann  
Clerk of the Circuit Court  
Marion County

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## FUNCTIONS AND DUTIES OF THE CLERK

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The Clerk of the Circuit Court is a public officer in the service of the government and the people, who derives the position from a legally authorized election and whose duties are defined by the State Constitution and implemented and expanded upon by numerous state statutes, regulations, county ordinances, and judicial orders. The very nature of the Office and the extent of services being provided mandates that the Clerk's actions and decisions be constantly subjected to public evaluation and restraint.

The Clerk of the Circuit Court is characterized as one whose duties are not purely ministerial, but rather an integral part of the whole County governmental process. As an officer of the Court, the Clerk is endowed with certain authority to aid and promote the judicial process. Additionally, the Clerk's authority as an elected county officer with responsibilities as auditor and custodian of all county funds allows the Clerk to provide a check and balance function on behalf of local government and the citizens of Marion County.

The origins of the Clerk's Office extend into early English history. In time past, the custody of court records was entrusted to one of the judges. However, it soon became apparent that the judge alone was unable to preside over the argument, record the proceedings, and issue writs. Consequently, the Office of the Clerk of Courts was created. Subordinate judicial officials were chosen from among the clergy, the only literate

group at the time. Thus, the name clerk is derived from the Latin clericus meaning clergyman. In the colonies, officers of the common pleas courts were known as county clerks, a title utilized in most states today.

The functions and duties of the clerk varies from state to state. In most jurisdictions the clerk is generally vested with a large number of administrative duties. In Florida the Clerk of the Circuit Court is an official mandated by Article V, Section 16 of the State Constitution. The Clerk is not only the Clerk of the Circuit and County Courts, but also the County Treasurer, Budget Officer, Recorder, Auditor, Finance Officer, Clerk of the Value Adjustment Board, and Ex-Officio Clerk to the Board of County Commissioners.

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## ORGANIZATIONAL FUNCTIONS

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### FINANCE & BUDGET

- \* Provides effective and efficient accounting and administrative services for various governmental entities
- \* Invests available county funds
- \* Maintains custody of all county funds and collects and disburses the funds
- \* Processes accounts payable and county payroll
- \* Audits all county expenditures
- \* Administers the county's federal and state grant programs
- \* Reviews the management and accounting controls within county government
- \* Maintains the county's fixed asset accounting system
- \* Manages county bond issues
- \* Assists in the preparation and review of budgets, preparing revenue estimates for various Board funds and balances the budget for presentation to the Board.

### COURTS

- \* Attends each session of court
- \* Prepares and maintains court calendars (dockets)
- \* Documents the receipt and filing of all court related documents
- \* Oversees jury selection and processes juror payments
- \* Receives and disburses payments of all monetary penalties assessed by the Court
- \* Provides operational data and compiles and monitors statistics for statewide reporting requirements.

### ADMINISTRATIVE SERVICES

- \* Records and indexes all instruments required or authorized to be recorded in one general series of "Official Records" books
- \* Processes tax deed applications and conducts sales
- \* Collects for and disburses documentary stamps and intangible taxes for the Department of Revenue
- \* Maintains public microfilm libraries and a records storage facility
- \* Processes marriage license applications and solemnizes marriages
- \* Accepts applications and administers oaths for passport purposes through authorization of the U.S. Department of State
- \* Attends all Board of County Commissioners' meetings
- \* Produces, indexes, and distributes the official minutes of the meetings
- \* Maintains all county resolutions, ordinances, contracts, papers, and instruments of the Board.

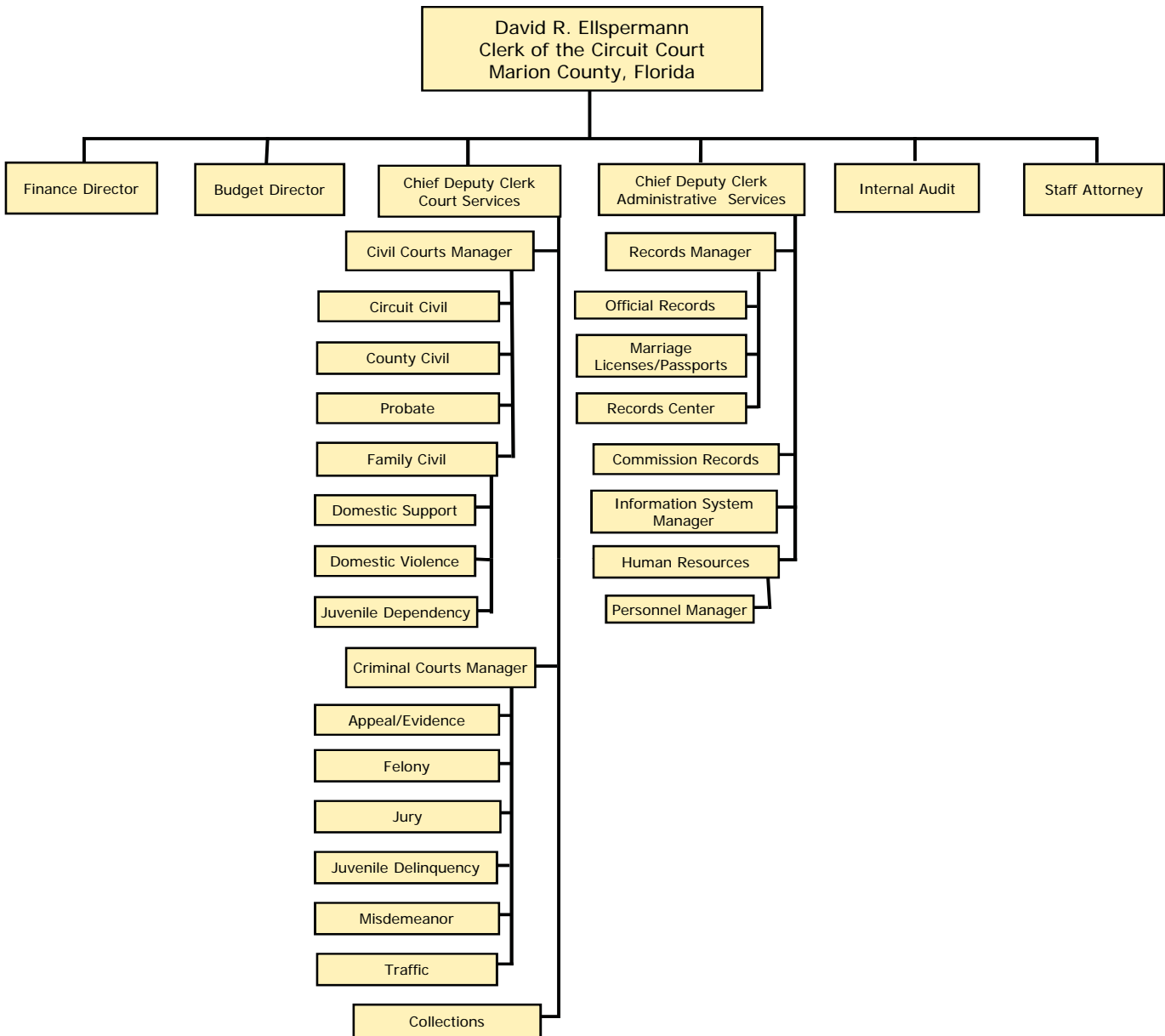
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# ORGANIZATIONAL CHART

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## COURT CASELOAD COMPARISON

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Circuit Court Division	2006 Cases	2007 Cases	Actual Change	% Change
Family Civil	6,278	5,733	-545	-9%
Circuit Civil	2,860	4,076	1,216	43%
Probate Estates	2,421	2,089	-332	-14%
Guardianship	183	143	-40	-21%
Mental Health	1,271	1,282	11	1%
Felony	5,549	5,696	147	3%
Juvenile Delinquency	2,642	2,663	21	1%
Juvenile Dependency	489	322	-167	-34%
<b>TOTAL CIRCUIT FILINGS</b>	<b>21,693</b>	<b>22,004</b>		

County Court Division	2006 Cases	2007 Cases	Actual Change	% Change
County Civil	1,478	1,742	264	18%
Summary Claims	5,822	6,670	788	13%
Misdemeanor & Criminal Traffic	13,415	13,430	15	1%
Traffic Infractions	48,011	47,532	-479	-1%
<b>TOTAL COUNTY FILINGS</b>	<b>68,726</b>	<b>69,374</b>		

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## FAMILY CIVIL

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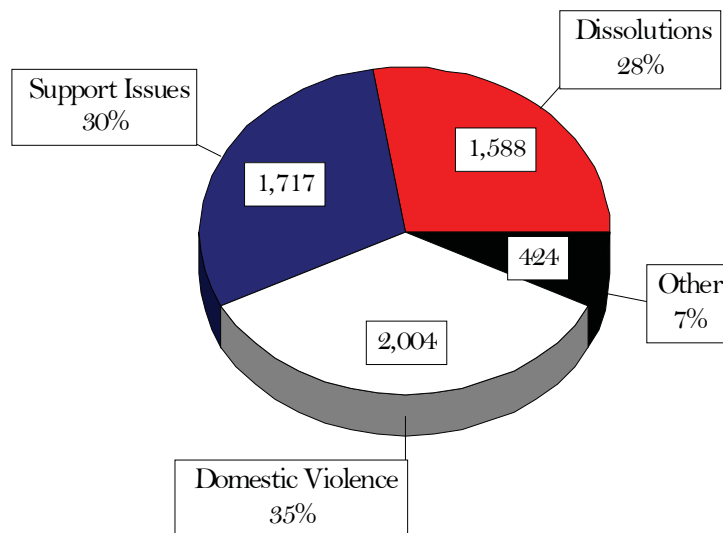


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The Circuit Court Family Civil Division has jurisdiction over domestic relations matters such as:

SIMPLIFIED DISSOLUTION	DISSOLUTION	CHILD OR SPOUSE SUPPORT
DOMESTIC VIOLENCE	ADOPTION	ANNULMENT
PATERNITY	CHANGE OF NAME	CHANGE OF CUSTODY
REPEAT VIOLENCE	INJUNCTION FOR PROTECTION	FOREIGN JUDGMENTS

In the year 2007, there were 5,733 new family civil cases filed, a -9% (-545 cases) decrease from the 6,278 cases filed in 2006.



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## CIRCUIT CIVIL

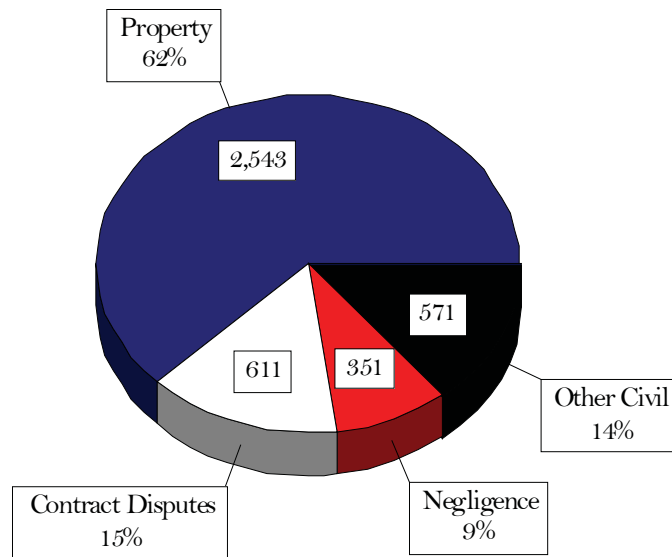
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The Circuit Court has jurisdiction over civil actions in which the matter in controversy exceeds the sum of \$15,000.00, all cases in equity, actions involving the title and boundaries of real property, injunctions and all civil matter not within the jurisdiction of the county court.

There were 4,076 new Circuit Civil cases filed in the year 2007, a 43% (1,216 cases) increase over the 2,860 cases filed in 2006.

The majority of the filings in this department, 62% (2,543 cases), dealt with property disputes. Negligence cases accounted for 9% (351 cases) and contract disputes reported 15% (611 cases). Other civil matters such as malpractice and product liability accounted for 14% (571 cases) of the total filings.



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## PROBATE, GUARDIANSHIP & MENTAL HEATH

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The Circuit Court has jurisdiction over all cases relating to the settlement of estates of decedents and minors, the granting of letters of testamentary, guardianships, involuntary hospitalizations, determination of incapacity and other matters pertaining to probate.

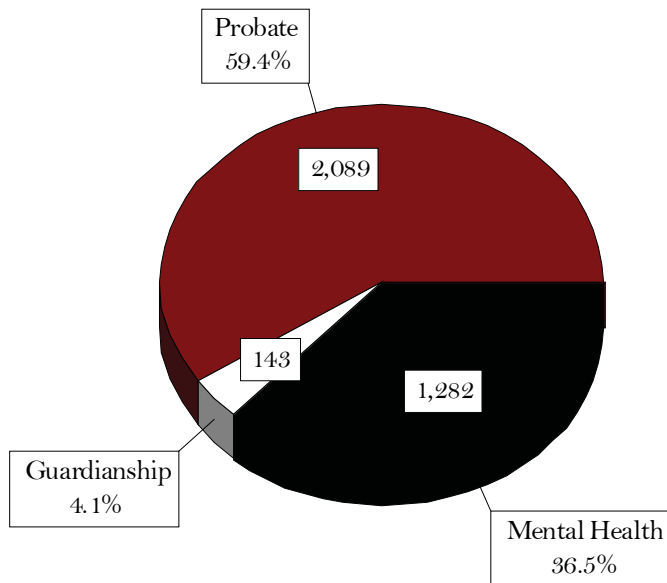
There were 3,514 new cases filed in the year 2007, a -.09% (-361 cases) decrease from the 3,875 cases filed in 2006.

The majority of the cases filed in 2007, 59.4% (2,089 cases) included all matters relating to the validity of wills and their execution; distribution, management, sale,

transfer and accounting of estate property and ancillary administration.

Guardianship actions pursuant to Chapter 744 of the Florida Statutes were 4.1% (143 cases) of the total cases filed.

The remaining 36.5% (1,282 cases) are mental health proceedings, which includes petitions for involuntary hospitalization filed under the Baker and Marchman Acts.



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## CIRCUIT CRIMINAL

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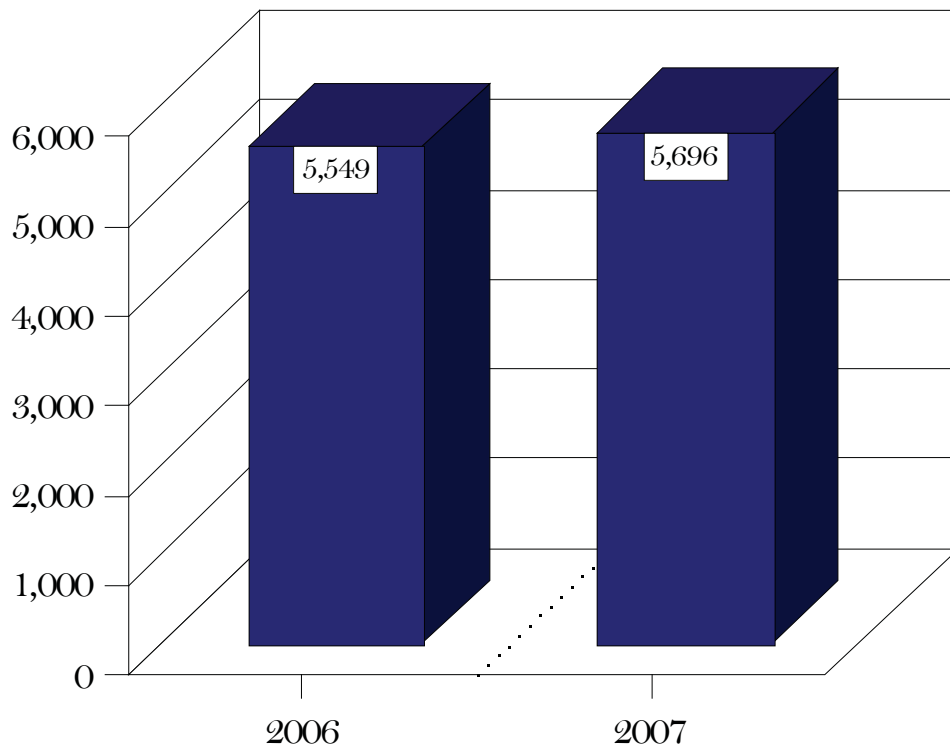
The Circuit Court has jurisdiction over all defendants accused of committing crimes that have been designated by the State Legislature as felonies. A felony is a criminal offense punishable by death or imprisonment in a state penitentiary. Felonies are classified into the following degrees:

- \* A *Capital Felony* is punishable by death or life imprisonment without eligibility for parole.
- \* A *Life Felony* is punishable by a term of life imprisonment and by a fine not to exceed \$15,000.00
- \* A *First Degree Felony* is punishable by a term of imprisonment not to exceed

30 years and by a fine not to exceed \$10,000.00

- \* A *Second Degree Felony* is punishable by a term of imprisonment not to exceed 15 years and by a fine not to exceed \$10,000.00
- \* A *Third Degree Felony* is punishable by a term of imprisonment not to exceed 5 years and by a fine not to exceed \$5,000.00

There were 5,696 felony cases filed in 2007, a 3% (147 cases) increase over the 5,549 cases filed in 2006.



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## JUVENILE DELINQUENCY

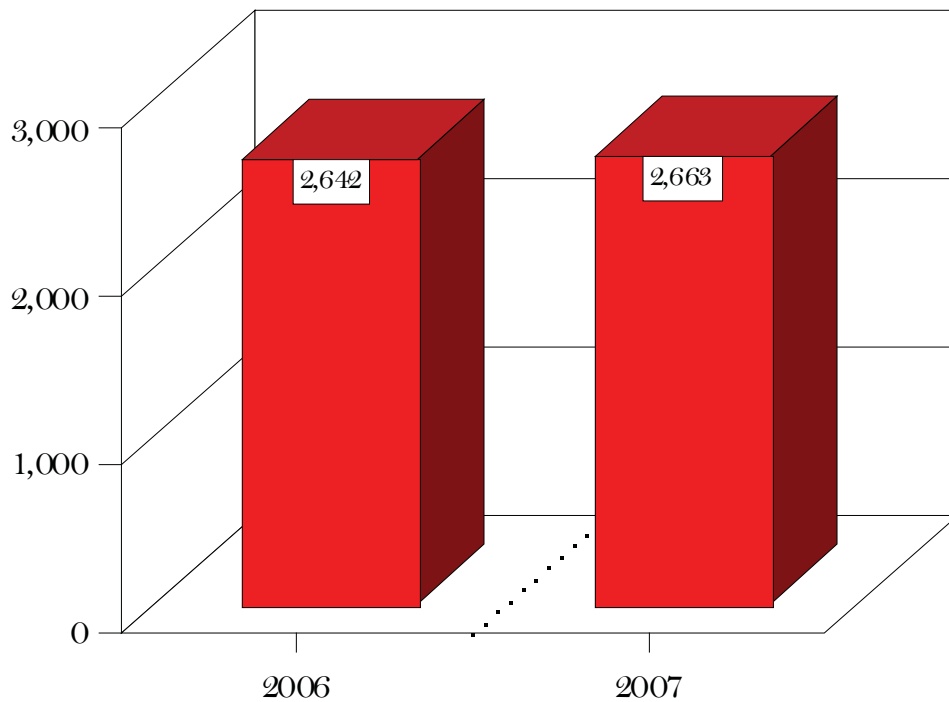
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The Circuit Court has jurisdiction over all cases in which a child is alleged to have committed a delinquent act or violation of law.

A delinquent complaint is filed by a law enforcement officer when a juvenile is alleged to have committed a felony, misdemeanor, contempt of court or violation of a local ordinance.

A total of 2,663 new juvenile delinquent cases were filed in 2007. This represents a less than 1% (21 cases) increase over the 2,642 cases in 2006.



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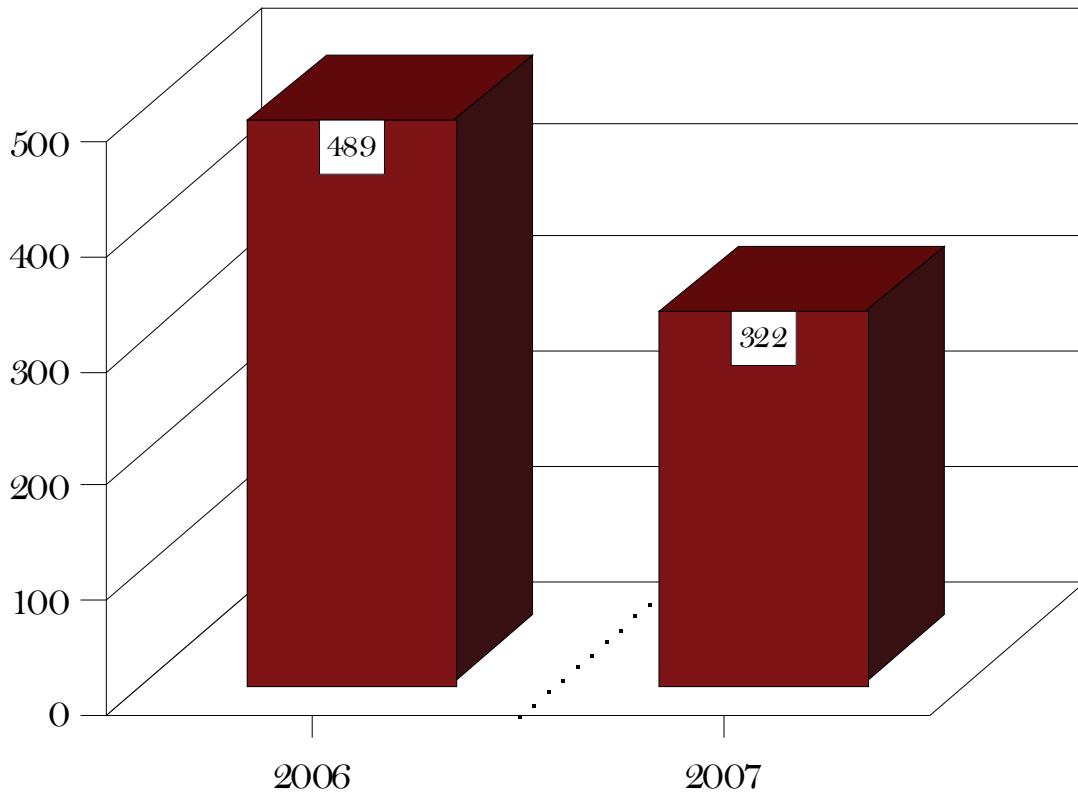
## JUVENILE DEPENDENCY

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Dependency proceedings involve juveniles who have been abandoned, abused or neglected by parents or a custodian; children who have been surrendered for the purpose of adoption; or children in need of services who are persistent runaways, habitually truant or uncontrollable.

A total of 322 new juvenile dependency cases were filed in 2007, a -34% (-167 cases) decrease from the 489 cases filed in 2006.



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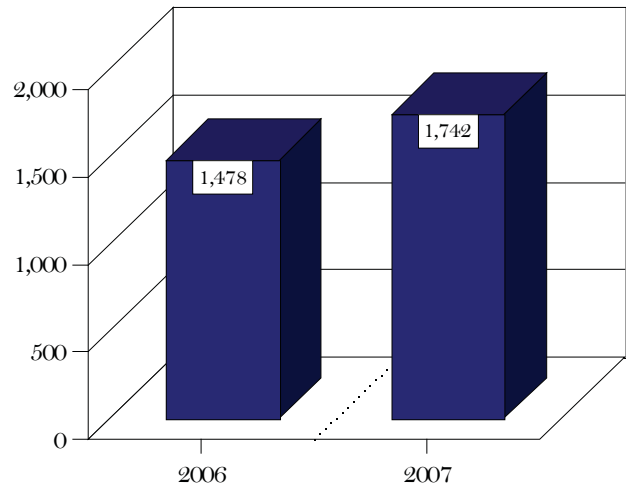
## COUNTY COURT CIVIL

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The County Court has jurisdiction over civil actions in which the matter in controversy does not exceed the sum of \$15,000.00. Claims of more than \$5,000.00 but less than \$15,000.00 are categorized as county civil actions.

There were 1,742 new County Civil cases filed in 2007, an 18% (264 cases) increase over the 1,478 cases filed in 2006.



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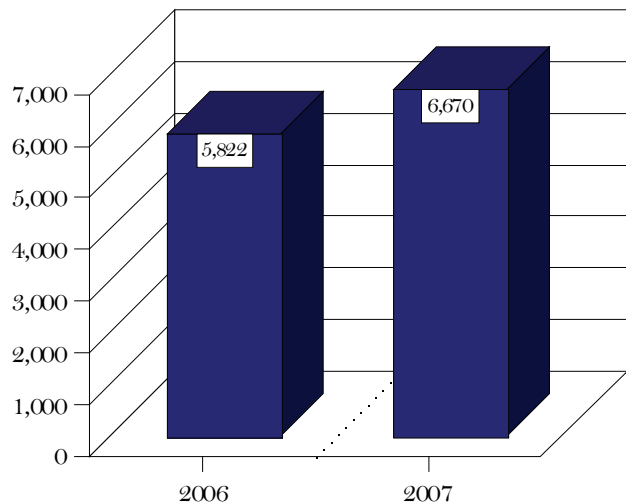
## SUMMARY CLAIMS

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Cases filed pursuant to the Florida Rules of Summary Procedure are categorized as summary claims, formerly known as small claims. In 2007 there were 6,670 of these types of cases filed. This is a 13% (788 cases) increase over the 5,822 cases in 2006.

Most landlord / tenant disputes are heard by the County Court. In 2007 there were 1,968 eviction cases filed.



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## COUNTY CRIMINAL

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The County Court has jurisdiction over all defendants accused of committing crimes which have been designated as misdemeanors. A misdemeanor is a criminal offense which is punishable by imprisonment in a county correctional facility. Misdemeanors are classified into the following degrees:

- \* A *First Degree Misdemeanor* is punishable by a term of imprisonment not to exceed one year in the county jail and by a fine not to exceed \$1,000.00.
- \* A *Second Degree Misdemeanor* is punishable by a term of imprisonment not to exceed 60 days in the county jail and by a fine not to exceed \$500.00

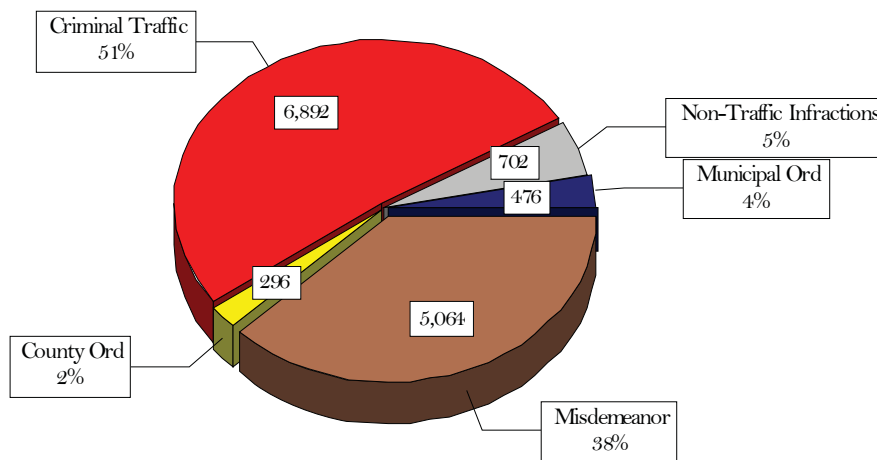
The caseload statistics on the pie chart below include violations of:

- \* *County and Municipal Ordinances* which are

local regulations punishable by a fine less than \$500.00 and/or imprisonment in a county jail for less than 60 days.

- \* *Criminal Traffic Laws* which are defined by the Florida Rules of Court as a violation that may subject a defendant upon conviction to incarceration.
- \* *Non Traffic Infractions* consist of county and municipal ordinances and boating and hunting charges that are classified and non-criminal. Civil Infractions which are non-criminal violations are punishable by a monetary penalty only.

The Clerk's Office processed 13,430 new cases in 2007, a less than 1% (15 cases) increase over the 13,415 cases filed in 2006.



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## TRAFFIC

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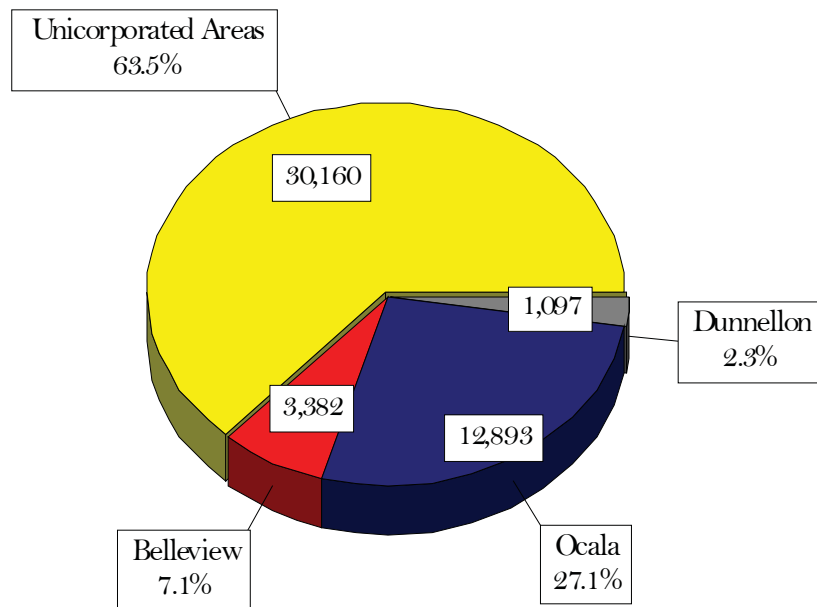
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The County Court has jurisdiction over non-criminal violations of law which have been designated by the State Legislature as civil infractions. An infraction is punishable by a civil penalty not to exceed \$500.

New civil infraction cases totaling 47,532 were filed in 2007, a -1% (-479 cases) decrease from the 48,011 cases filed in 2006. The civil infraction caseload consists of Uniform Traffic Citations for pedestrian, bicycle, nonmoving and moving violations and parking citations.

The Florida Highway Patrol, issued the largest percentage of citations at 41%. The

city police departments issued 37% of all citations.. The Sheriff's Office issued 20% with the remaining 2% issued by various state agencies such as the Florida Department of Transportation, The Department of Environmental Protection and the Fish and Wildlife Conservation Commission.



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## APPELLATE PROCEEDINGS

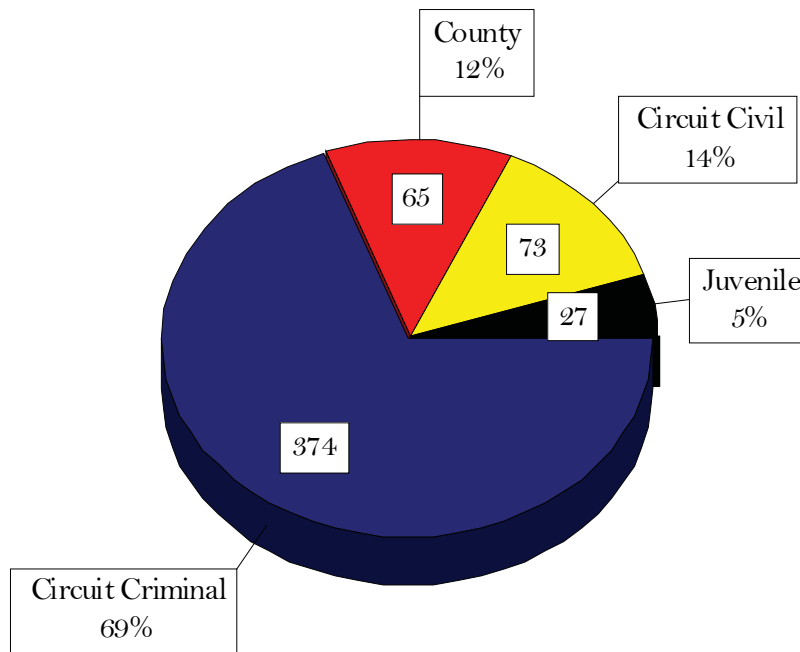
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When a case is appealed the Clerk prepares a Record of Appeal for the appellate court to review and indexes the instruments contained therein.

County Court cases are appealed to the Circuit Court of the Fifth Judicial Circuit. A total of 65 appeals were filed in 2007, a 67% increase over the 39 filed in 2006.

Circuit Court cases in the Fifth Judicial Circuit are appealed to the Fifth District Court of Appeals in Daytona Beach, Florida. A total of 474 appeals were filed in 2007, that is 96 more than the 378 filed in 2006. These appeals consisted of 73 circuit civil, 374 circuit criminal and 27 juvenile cases.



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## CHILD SUPPORT

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A change in Florida's child support enforcement law created the State of Florida Disbursement Unit (FLSDU) located in Tallahassee. Marion County initiated the process of support payments through this facility in response to federal law changes. Checks continue to be sent out the day after the payment is received.

At the end of December 2007, there was a total of 12,256 active cases being paid through the FLSDU.

Of those cases, 9,844 or 80%, are considered IV-D cases in which the absent parent is receiving financial assistance from the State and Federal Government. The monies collected on these cases are transmitted

to the Florida Department of Revenue as reimbursement for the public assistance given through the Aid to Dependent Children program.

Florida's Clerks of Court provide information at [www.MyFloridaCounty.com](http://www.MyFloridaCounty.com). The site provides 24-hour seven-day a week service that offers flexibility to those receiving a child support check and those who pay. The services are available for all child support cases that are facilitated by Florida's State Disbursement Unit, Florida Clerks of Court, or Florida Department of Revenue. The funds are electronically transferred to the appropriate recipient regardless of the city or county in which the person resides.

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## JURY MANAGEMENT

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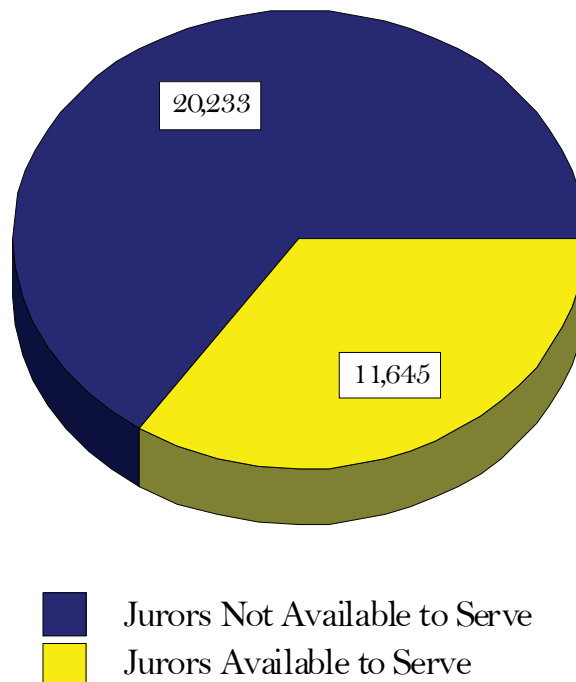
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The Florida Legislature has given the Clerk of the Circuit Court a number of responsibilities relative to the selection and payment of jurors. Section 40.01, Florida Statutes, provides that jurors shall be taken from the male and female persons at least 18 years of age, who are citizens of the United States and legal residents of this state and their respective counties and who possess a driver's license or identification card issued by the Florida Department of Highway Safety and Motor Vehicles pursuant to chapter 322 or who have executed the affidavit prescribed in section 40.011.

The Clerk will randomly select a list of individuals to be summoned for jury duty. The number of individuals summoned depends on the number of cases scheduled to be tried in a

given week. The "pool" of prospective jurors are summoned at least 14 days prior to the date on which they are required to appear in court.

A total of 31,878 persons were summoned for jury duty in 2007, representing a 23% increase over the 25,916 summoned in 2006. Of the total summoned, 63% (20,233 individuals) were unavailable for service due to mandatory disqualification, inability to serve summons, or failing to appear. The remaining 37% (11,645 individuals) were available for duty as jurors.



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## JURY MANAGEMENT (CONT)

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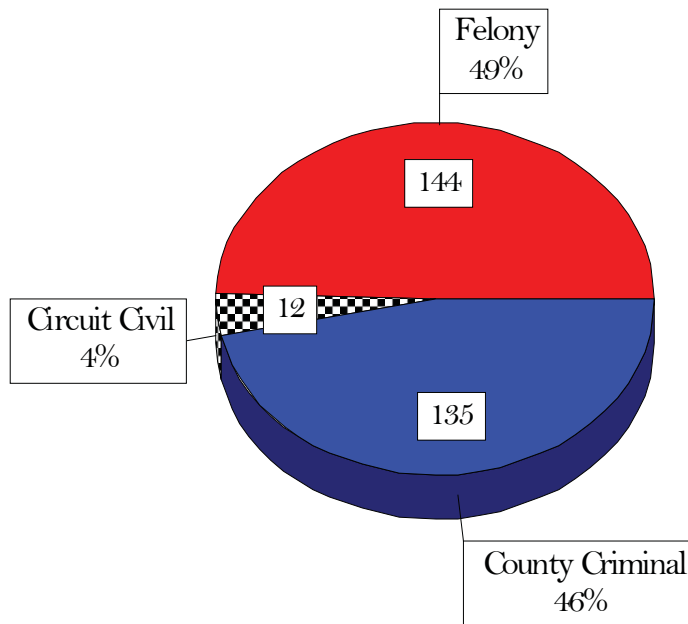
Jurors are compensated for their service according to Florida law in the following manner:

- ★ For the first three (3) days of service a juror is not entitled to any compensation if he or she is regularly employed and will continue to receive regular wages while serving as a juror. Otherwise, the compensation is \$15.00 per day.
- ★ On the fourth day of service and each day thereafter, all jurors are compensated at the rate of \$30.00 per day.
- ★ “Regular Employment” is defined as full-time employment and part-time, temporary, and casual employment, as long as the employment hours of a juror can be

reasonably determined by a schedule or by custom and practice established during the 3-month period preceding the term of service as a juror. A juror who receives unemployment benefits does not lose those benefits because he/she receives juror compensation.

The Clerk’s Office disbursed \$114,930.00 to jurors as compensation for their service in 2007.

There were 291 jury trials in 2007. In the Circuit Court, 12 juries were sworn to hear circuit civil cases and 144 juries were sworn to hear felony cases, 2 of which were Jimmy Ryce Trials. In the County Court 135 were sworn to hear misdemeanor cases.



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## COUNTY RECORDER

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### OFFICIAL RECORDS

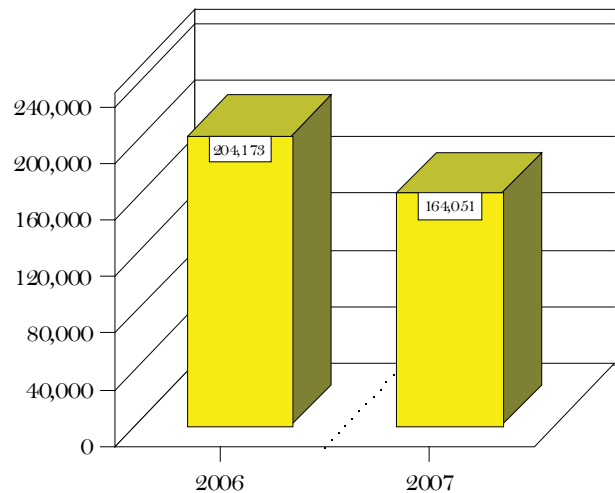
The Clerk is the recorder of all instruments required or authorized to be recorded in one general series of "Official Records" books. Upon payment of the statutory fees the Clerk records and indexes a variety of important documents which in most cases are related to real estate. Examples of such documents include deeds, mortgages, liens, contracts, affidavits, subdivision plats, declarations of condominium, bills of sale, judgments, certificates of military discharge, and declarations of domicile. In 2007, the Clerk of the Circuit Court recorded, verified and indexed 164,051 documents in the Official Records. The Clerk's Office recorded an average of 696 documents per day.

Once a document has been recorded and indexed in the Official Records Division, the Records Management Division is responsible for making sure that a permanent, archival copy of that document exists. This very important copy is produced by making two master copies on silver halide microfilm. One roll of microfilm is sent to our vault at National Underground Storage in Boyers, Pennsylvania, where it can be retrieved if the original roll, stored locally in the Clerk's vault, is destroyed.

### DOCUMENTS RECORDED

The microfilm process is used by the Clerk's Office because it has been scientifically certified as capable of storing images for up to 500 years, thereby exceeding the State's archival standards for Official Records.

In 2007, the 164,051 documents recorded in the Official Records required the microfilming of 573,081 images, producing 287 rolls of microfilm.



As the County Recorder, the Clerk also serves as the custodian and controller of archival records, both for the Clerk's operations and the operations of the Board of County Commissioners. A records management/retention program assists user agencies in the identification, classification (according to published State Records Schedules), and inventorying of all their documents, papers, letters, maps, books, tapes, photographs and files, as well as visual and sound recordings.

These records are public records and as such are vital not only to the government and court system of Marion County, but also to the citizens of the county and state.

The strong enforcement of Florida's Public Records Law continues to play an important part in the manner in which public records

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## COUNTY RECORDER (CONT)

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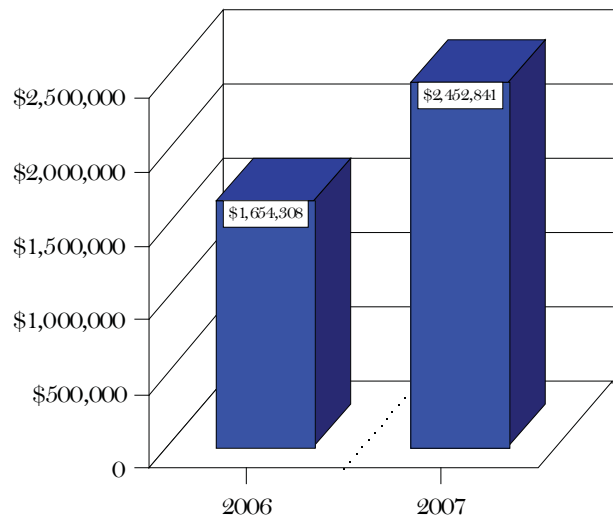
are managed. In carrying out the responsibility of organizing and controlling the large volume of records created by the courts and county government, the challenge that must be met by the Clerk is to ensure that public information remains open and accessible to all citizens in an efficient and effective manner.

In 2007, the Clerk's Office captured approximately 573,081 images on 287 rolls of microfilm. As technology expands, the means by which government can attain and store information by which public business is transacted, has likewise expanded. The Clerk of the Circuit Court is committed to safeguard the public's right to know by responding to these changes with the most efficient information technology resources available.

### TAX DEEDS

The Clerk of the Circuit Court sold 287 tax deed applications during 18 public sales in 2007. The total amount of bids equaled \$2,452,841, a 48% (\$798,533) increase over the amount of bids in 2006. 10% of the applications brought up for tax deed sales were initiated by Marion County. Of those Marion County applications not sold or redeemed, 8 properties were added to the List of Lands Available for Taxes.

Real estate taxes in Marion County become due every year on November 1. Parcels remaining unpaid by mid-April are advertised in the local newspaper in an effort to notify the property owners of the outstanding tax liability.



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## COUNTY RECORDER (CONT)

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Tax deed sales, which are open to the public, are conducted by the Clerk of the Circuit Court on the first floor of the Judicial Center in the Jury Assembly room. The sales are held once or twice a month on Wednesdays beginning at 8:30 a.m. The starting bid is the accumulated total of all delinquent taxes, penalties, advertising fees, tax search costs and fees that were paid by the certificate holder who applied for the tax deed. If there are no bids for the property, the property is sold to the applicant at the price of the opening bid. If there are bids for the property, and the applicant is not the successful buyer, the applicant is reimbursed the money he or she has paid to bring the property to sale.

Immediately after the sale of each parcel, the successful high bidder must pay a non-refundable deposit of \$200.00.

The amount of the deposit shall be applied toward the payment of the bid or forfeited should the sale not go through. The bid amount, the recording fee, and documentary fees must be paid within 24 hours of the tax deed auction.

A tax deed is then issued by the Clerk to the highest bidder. The deed transfers ownership of the property from the owner who defaulted on payment of the property taxes to the highest bidder.

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## MARRIAGE LICENSES

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The Clerk of the Circuit Court issued 2,327 marriage license applications in 2007, representing an increase over the the 2,295 that were issued in 2006.

When a man and a woman desire to marry in the State of Florida, they must first obtain a marriage license from the Clerk's Office. There are no residency requirements in Florida; therefore, a couple may apply for the license and have the marriage solemnized anywhere within the State. Since applicants for a marriage license are not required to take a blood test, the license is issued within minutes of making application. Both applicants may take a premarital preparation course given by a provider registered with the Clerk of Court and receive a \$32.50 discount on their marriage license. Applicants not wishing to take the marriage preparation course will not receive the discount and will have a mandatory three day waiting period from the date the license is issued.

Both parties must complete an application at the Clerk's Office to obtain a marriage license. If either party has been married in the past, the month, day and year the prior marriage was dissolved must be reported on the application. Both applicants must also show proof of identification and take an oath by which they swear or affirm the furnished information is true and correct.

If either applicant is under the age of 18 years but at least 16 years of age, the license cannot be issued unless the parents or guard-

ian of the minor file a written, notarized consent to the marriage. Parental consent is not required, however, if both parents of the minor are deceased or the minor has been married previously.

The fee for a marriage license is \$93.50. From this amount the Clerk's Office remits \$30.00 to the Department of Children and Family Services for the purpose of funding domestic violence centers; \$7.50 is remitted to the State Treasury for deposit in the Displaced Homemaker Trust Fund; \$4.00 is remitted to the Bureau of Vital Statistics; and \$25.00 is remitted to the Florida Supreme Court for deposit in the Family Courts Trust Fund.

### MARRIAGES SOLEMNIZED

Once issued by the Clerk, a marriage license is valid for sixty (60) days. The marriage may be solemnized by a regularly ordained minister or other ordained clergy, a judicial officer including a retired judicial officer, a Clerk of the Circuit Court, or a Notary Public. The Clerk's office performed 634 marriage ceremonies in 2007, a decrease from the 647 performed in 2006.

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## PASSPORTS PROCESSED

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The Clerk of the Circuit Court accepts passport applications as an agent for the Passport Office of the United States Department of State. Once filed with the Clerk's Office, the applications are submitted to the U.S. Passport Agency and a passport is normally mailed to the applicant within six weeks. The Clerk's Office in 2007 processed 8,742 passport applications, an increase over the 6,382 in 2006.

A birth certificate, which must be submitted to the Passport Office with the application, should include the date the certificate was filed in the registrar's office, along with the registrar's signature and official seal. A naturalized citizen must submit his or her naturalization papers. The Passport Agency will not accept documents such as a "Notification of Birth Registration" or "Birth Announcement".

An affidavit from the custodian of birth records in the state or county of birth will be accepted if a birth certificate does not exist. The affidavit must be accompanied by at least two documents that substantiate the date of birth, such as a baptismal certificate, family Bible record, certified copy of school record, or an old insurance policy. The birth certificate or other documents will be returned with the passport.

Two color photographs of the applicant, both of which should be 2 inches wide and 2 inches long, must also be attached to the application.

The U.S. Passport Agency charges a processing fee of \$75.00 for an adult applicant and \$60.00 for an applicant under 16 years of age. A check or money order made payable to U.S. Department of State should be attached to the application. The clerk's fee of \$25.00 may be paid by cash, check or money order.

The applicant must also show proof of identification and take an oath by which he or she swears the furnished information is true and correct. A driver's license or a photo ID card issued by a State Division of Drivers Licenses or U.S. Armed Forces are acceptable forms of identification.

A passport issued to an adult is valid for ten (10) years and may be renewed within five (5) years after the date of expiration. A child's passport, which is valid for five (5) years, is not renewable.

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## EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS

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The Florida Constitution provides for the Clerk to act as Ex-Officio Clerk to the Board of County Commissioners. In this capacity, a primary responsibility of the Clerk is to record and index minutes for the Board of County Commission meetings. The entire meeting is electronically recorded by the Clerk and a CD is available to the public for listening purposes or purchase the following morning. This recording by an independent elected official assures the integrity of the minutes.

Regular meetings begin at 9:00 a.m. and are held on the first and third Tuesdays each month, with workshops scheduled on the alternate Tuesdays and at such other times as may be necessary. The meetings, which are open to the public, are normally held at the Commission Auditorium in the County Government Complex. An agenda listing those items to be discussed at each meeting and the persons scheduled to appear is available at the office of the Board of County Commissioners and on their internet site [www.marioncountyfl.org](http://www.marioncountyfl.org).

The Clerk's Office attended and recorded the minutes of 128 Board meetings in 2007. The meetings last anywhere from 30 minutes to all day. Minutes of Board of County Commissioners and links to the associated agendas are available on [www.marioncounty-clerk.org](http://www.marioncounty-clerk.org).

The Clerk's Office also maintains the papers and instruments of the Board of County Commissioners. These documents are available for the public to view and obtain photocopies. In 2007, the Clerk of the Circuit Court processed 38 new Ordinances and 672 new Resolutions that were adopted by the Board. Additionally, the Clerk processed 1,181 petitions for review before the Value Adjustment Board.

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## CHIEF FINANCIAL OFFICER

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The Clerk of the Circuit Court serves as the chief financial officer of Marion County. The Clerk is responsible for the collection, custody and disbursement of funds for the Board of County Commissioners (BCC). Along with the handling of County monies, the Clerk is responsible for the related accounting and financial reporting. Accounting includes not only cash transactions, but also all property owned by the BCC.

The independent custody of BCC funds helps ensure safeguarding of taxpayer dollars. The Clerk of the Circuit Court administers an investment program, investing current balance of approximately \$272 million. The philosophy regarding investments is to ensure the safety of principal, maintain liquidity and obtain the highest yield possible. The nearly \$13.3 million in interest earnings from this program represent about 4.04% of the County's total revenue. This income assists in offsetting the need to increase taxes and user fees paid by Marion County citizens.

The administration of long-term debt is another financial responsibility of the Clerk. The Clerk is responsible for the timely payment of principal and interest, as well as ensuring the BCC complies with its various bond requirements. This function helps to ensure that Marion County maintains the highest credit rating possible, which in turn reduces interest costs paid by taxpayers.

The Clerk maintains the accounting records and issues checks to vendors. Annually, more than 20,000 payments are made to vendors.

In addition to issuing checks to vendors, last fiscal year the Clerk processed approximately 43,000 payroll transactions, servicing approximately 1,500 county employees.

The Clerk also maintains records on approximately 10,500 items of real and tangible personal property (land, buildings, vehicles and equipment) acquired or disposed of by the County. The Clerk conducts an independent inventory of the \$63,500,000 worth of County tangible personal property (equipment) annually.

In addition to receiving, safeguarding and disbursing BCC funds, the Clerk also has the responsibility for preparing the County's annual financial statements. The Clerk has received the national award of Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for the last twenty years.

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## BUDGET DIRECTOR

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The Clerk of the Circuit Court, as Budget Officer for the Board of County Commissioners, is responsible for the preparation and monitoring of the County's Annual Budget. The budget includes funding for all operations of the County including the Board of County Commissioners, Clerk of the Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector. The Clerk is responsible for administering a budget that for fiscal year 2007/2008 totaled approximately \$570 million.

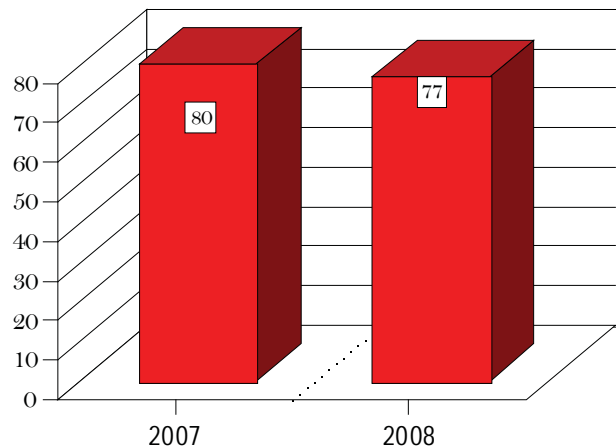
The Clerk compiles in excess of 1,900 individual expenditure accounts and is responsible for accurately estimating over 500 individual revenue accounts. The County's budget is segregated into 77 separate fund entities for fiscal year 2007/2008. The total number of County funds decreased by 3 from the 80 funds included in fiscal year 2006/2007.

The Clerk is responsible for preparation of the annual budget documents, facilitating County Commission budget workshops, and assisting in final adoption of the County's property tax rates and budgets. The Clerk monitors the budget to ensure that expenditures remain within budgetary constraints.

The Clerk serves the citizens of Marion County by providing the means for an accurate and financially sound budget. The Clerk also ensures that citizens are informed in all

aspects of the budget process. Budget information is available for review in the Clerk's office. The annual budget is on file at the main branch of the Marion County Public Library and summary budget information may be viewed on the Clerk's Internet web site, [www.marioncountyclerk.org](http://www.marioncountyclerk.org).

COUNTY FUND ENTITIES



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## INTERNAL AUDITOR

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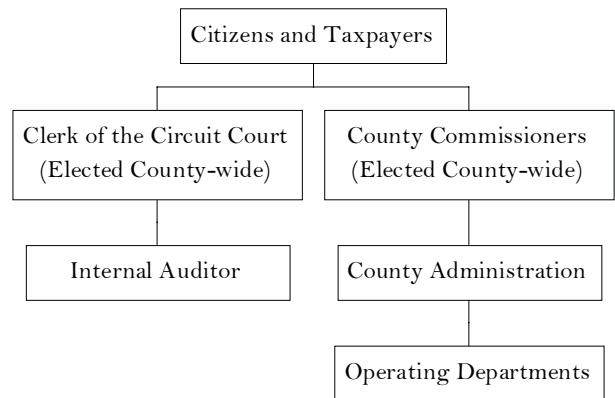
The Clerk of the Circuit Court serves as chief financial officer, accountant and auditor for the Marion County Board of County Commissioners (BCC). The Clerk has established the Internal Auditor position because of the importance of government compliance with laws, policies, established procedures and accountability for the use of public funds while exercising its power and performing its duties.

The Internal Auditor is responsible for auditing and reviewing the functions, activities and programs under the direction of the BCC. The Internal Auditor is organizationally independent and has no direct responsibility for, or authority over, any BCC function, activity, or program subject to audit and review. The fundamental objective of internal auditing is to assist all members of management to discharge their responsibilities. This objective is met by furnishing management with analyses, appraisals and recommendations concerning the activities reviewed.

The Clerk's mission is to serve the citizens and taxpayers of Marion County through the performance of independent, objective reviews and evaluations of all relevant activities under the BCC. The Internal Auditor assists County administrators and department managers in achieving the best utilization and administration of taxpayer

resources in order to improve County operations and ensure that the County is fulfilling its fiduciary responsibilities to its citizens and taxpayers.

Audit reports may be accessed on the Clerk's website at [www.marioncountyclerk.org](http://www.marioncountyclerk.org).



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## GENERAL INFORMATION MARION COUNTY

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Marion County was created by the Florida Legislature on March 14, 1844 from land formerly part of Alachua, Hillsborough, and Orange Counties. There have been no significant boundary changes since then. The County was named in honor of General Francis Marion, famed as the “Swamp Fox” of the Revolutionary War.

Marion County covers a land area of 1,652 square miles, making it the fifth largest county in the state in terms of geographic area. University of Florida’s Bureau of Economic and Business Research estimates as of April 1, 2006, population of 325,023 residents ranks Marion County as the 16th largest of Florida’s 67 counties. In addition to Ocala, which is the county seat and primary

population area, there are four other incorporated municipalities located within the County: Belleview, Dunnellon, McIntosh, and Reddick.

The County operates under a commission/administrator form of government, with a governing board consisting of five county commissioners elected at-large to staggered four year terms. Each commission member must meet district residency requirements. In addition to the Board of County Commissioners, there are five elected Constitutional Officers performing specifically designated governmental functions: The Clerk of the Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector.

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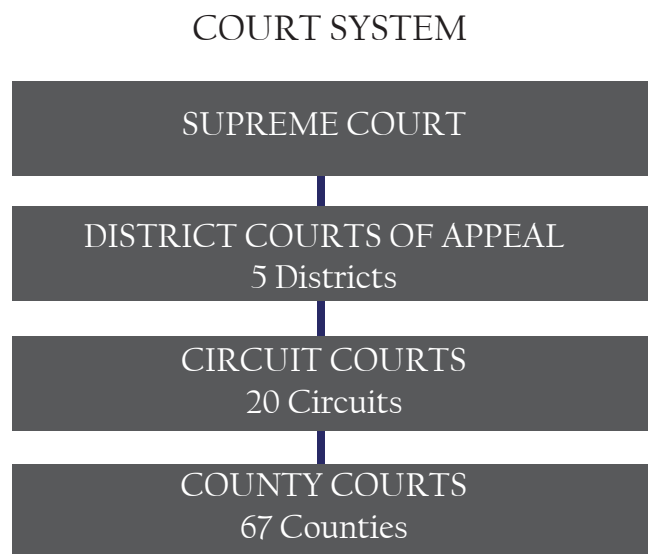
## STRUCTURE OF THE FLORIDA STATE COURTS SYSTEM

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The State of Florida is divided into twenty judicial circuits. Together with the five District Courts of Appeal and the Florida Supreme Court they comprise Florida’s Unified Judicial System. The Supreme Court of Florida provides overall administrative direction for the Florida Courts.

Each judicial circuit is composed of a circuit court and one or more county courts, depending on the number of counties the circuit serves. Marion County, along with Citrus, Hernando, Lake, and Sumter Counties, make up the Fifth Judicial Circuit.



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## CONCLUSION

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The Clerk of the Circuit Court is elected by the people of Florida as the protector of the public trust. Whether as an officer of the court or serving in the many constitutional and statutory roles of county officer.

The Clerk of the Circuit Court maintains the constitutional doctrine of “checks and balances” at the local level, evidenced as follows:

The Clerk provides the “checks and balances” for local government as accountant and auditor for the Board of County Commissioners; collector and distributor of statutory assessments; and guardian of the public records, public funds, and public property.

The Clerk provides the “checks and balances” for the courts by ensuring that the court’s orders, judgments, and directives are carried out within the parameters allowed by law; collecting and distributing court assessed payments (i.e., fines, court costs, and child support), and statutory service charges; preparing, filing, and maintaining valuable court records and providing vital statistical data to the Supreme Court and various state agencies.

The Clerk provides protection to the citizens by ensuring that the taxpayer’s money is handled according to law; providing access to public records; auditing reports of guardians in guardianship cases; providing

assistance to citizens in accessing the court system; processing and maintaining court documents and ensuring that litigants’ court cases are handled in a timely manner.

The Clerk is a public officer in the service of the government of the people, who derives the position from a legally authorized election and whose duties are continuous in nature and defined by rules prescribed by government. The Clerk’s duties are not purely ministerial, but rather an integral part of the whole county governmental process.