

2006 Annual Report



David R. Ellspermann
Clerk of the Circuit Court
Marion County, Florida



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, 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 2006.

Sincerely,

David R. Ellspermann
Clerk of the Circuit Court
Marion County

TABLE OF CONTENTS

	Page
MESSAGE FROM THE CLERK	Inside Front Cover
GENERAL INFORMATION ON MARION COUNTY	4
STRUCTURE OF FLORIDA’S COURT SYSTEM	4
FUNCTIONS AND DUTIES OF THE CLERK	5
ORGANIZATIONAL FUNCTIONS & CHART	6-7
COURT CASELOAD COMPARISONS	8
CIRCUIT COURTS	
Family	9
Circuit Civil	10
Probate Estates	11
Guardianships	11
Mental Health	11
Felony	12
Juvenile Delinquency	13
Juvenile Dependency	14
COUNTY COURTS	
County Civil	15
Summary Claims	15
Misdemeanor	16
Criminal Traffic	16
Traffic Infractions	17

TABLE OF CONTENTS

COURT SUPPORT

Appellate Proceedings	18
Child Support Funds	19
Jury Management	20-21

COUNTY RECORDER

Official Records	22
Tax Deeds	23-24
Marriage Licenses	25
Passports	26

EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS	27
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CHIEF FINANCIAL OFFICER	28
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BUDGET OFFICER	29
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INTERNAL AUDITOR	30
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CONCLUSION	31
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GENERAL INFORMATION MARION COUNTY

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 315,074 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.

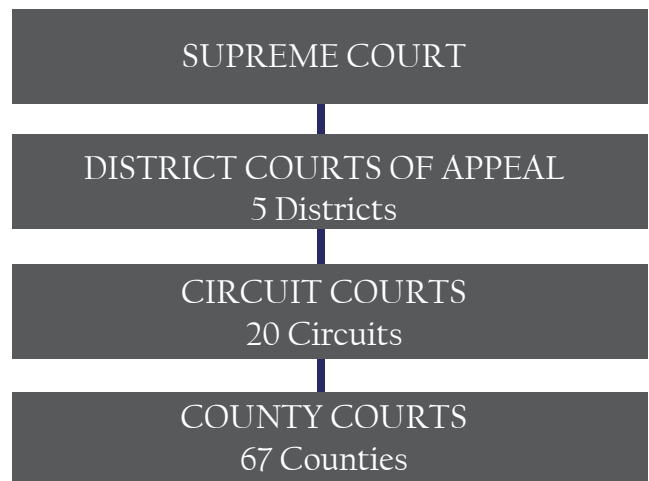
The County operates under a commission/administrator form of government, with a governing board consisting of five county commissioners elected at-large to staggered four year terms. Each commission member must meet district residency requirements. In addition to the Board of County Commissioners, there 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.

STRUCTURE OF THE FLORIDA STATE COURTS SYSTEM

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.

COURT SYSTEM



FUNCTIONS AND DUTIES OF THE CLERK

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.

ORGANIZATIONAL FUNCTIONS

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.

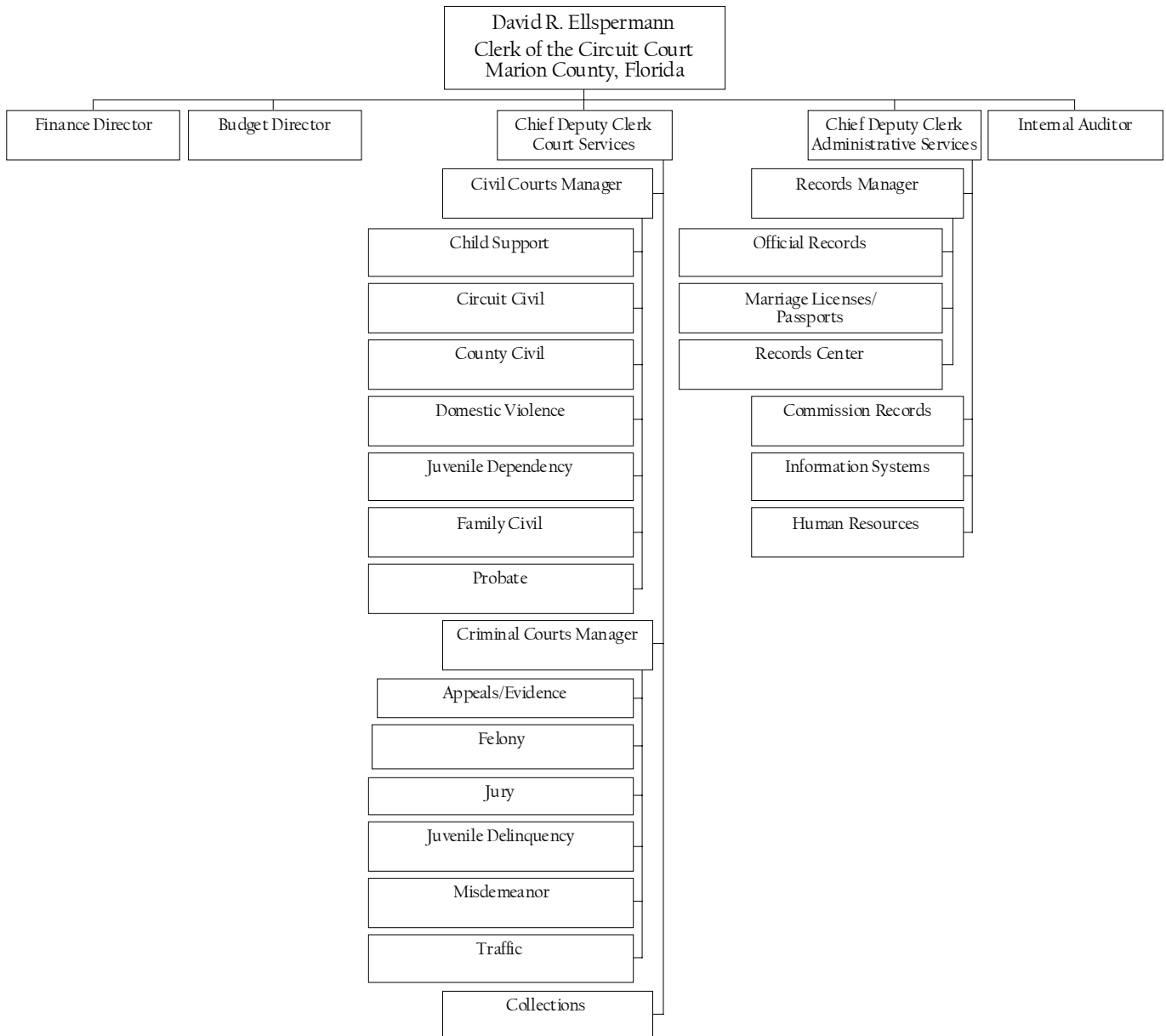
COURTS

- * Attends each session of court
- * Prepares and maintains court calendars (dockets)
- * Documents the receipt of and filing 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.

ORGANIZATIONAL CHART



COURT CASELOAD COMPARISON

FOR CALENDAR YEARS 2005 & 2006

Circuit Court Division	2005 Cases	2006 Cases	Actual Change	% Change
Family Civil	5,902	6,278	376	6%
Circuit Civil	2,702	2,860	158	6%
Probate Estates	2,502	2,421	-81	-4%
Guardianship	147	183	36	5%
Mental Health	1,241	1,271	30	2%
Felony	5,270	5,549	279	6%
Juvenile Delinquency	2,569	2,642	73	3%
Juvenile Dependency	609	489	-120	-20%
TOTAL CIRCUIT FILINGS	20,942	21,693		

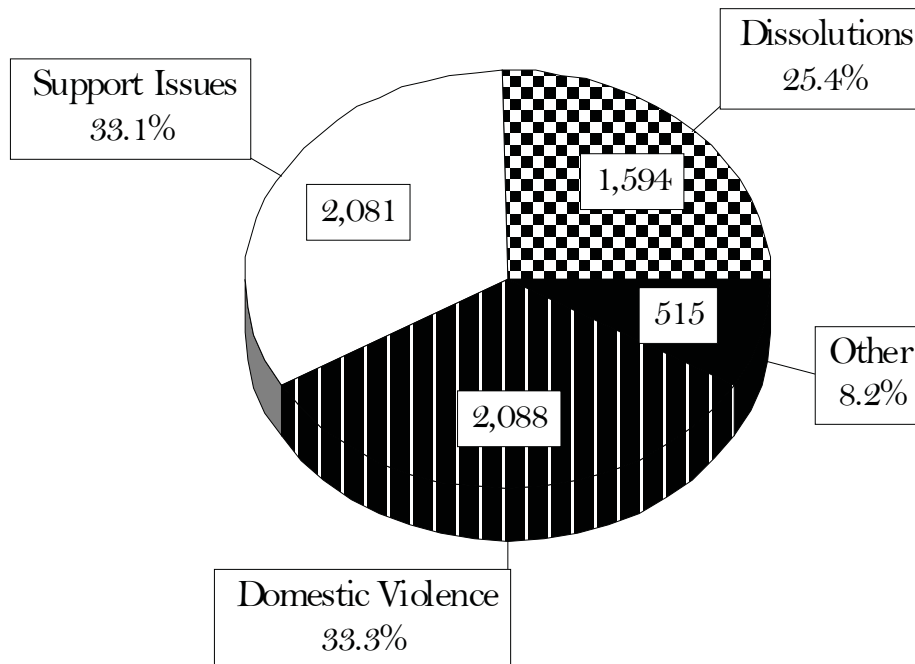
County Court Division	2005 Cases	2006 Cases	Actual Change	% Change
County Civil	1,341	1,478	137	10%
Summary Claims	5,095	5,822	727	14%
Misdemeanor & Criminal Traffic	12,376	13,415	1,039	8%
Traffic Infractions	41,842	48,011	6,169	15%
TOTAL COUNTY FILINGS	60,654	68,726		

FAMILY CIVIL

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 2006, there were 6,278 new family civil cases filed, a 6% (376 cases) increase over the 5,902 cases filed in 2005.

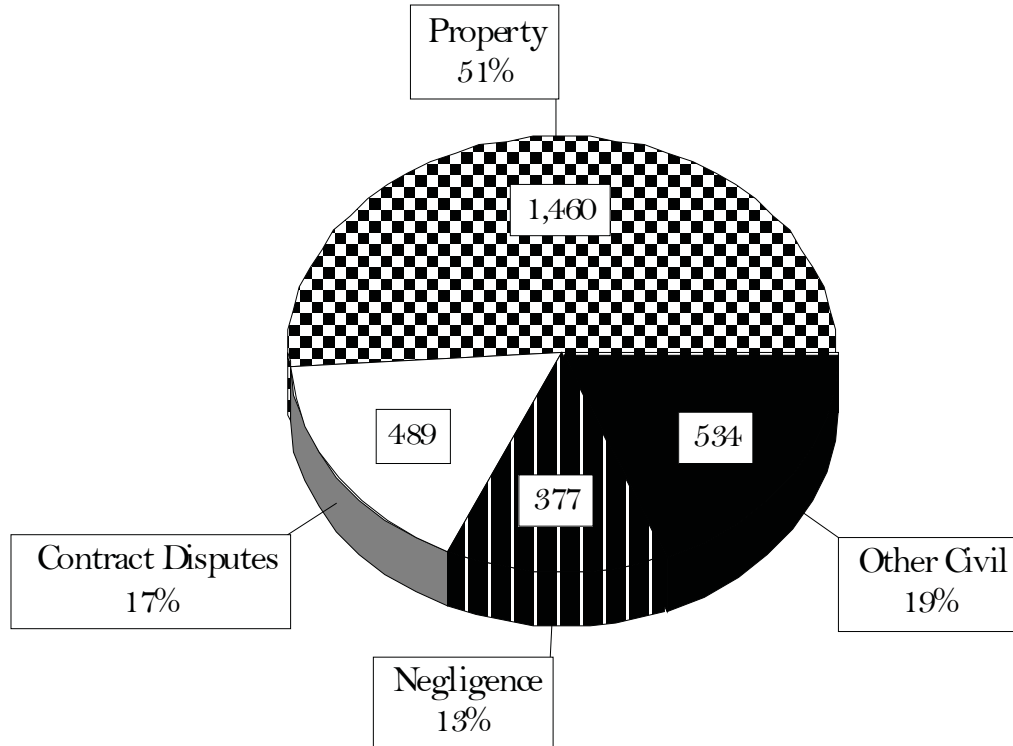


CIRCUIT CIVIL

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 2,860 new Circuit Civil cases filed in the year 2006, a 6% (158 cases) increase over the 2,702 cases filed in 2005.

The majority of the filings in this department, 51% (1,460 cases), dealt with property disputes. Negligence cases accounted for 13% (377 cases) and contract disputes reported 17% (489 cases). Other civil matters such as malpractice and product liability accounted for 19% (534 cases) of the total filings.



PROBATE, GUARDIANSHIP MENTAL HEALTH

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.

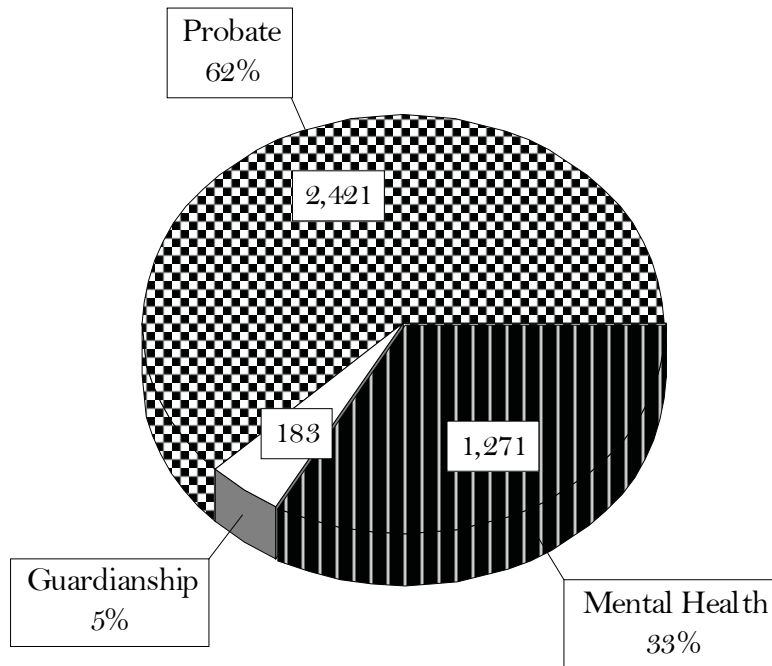
There were 3,875 new cases filed in the year 2006, a -.04% (-15 cases) decrease from the 3,890 cases filed in 2005.

The majority of the cases filed in 2006, 62% (2,421 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 5% (183 cases) of the total cases filed.

The remaining 33% (1,271 cases) are mental health proceedings, which includes petitions for involuntary hospitalization filed under the Baker and Marchman Acts.



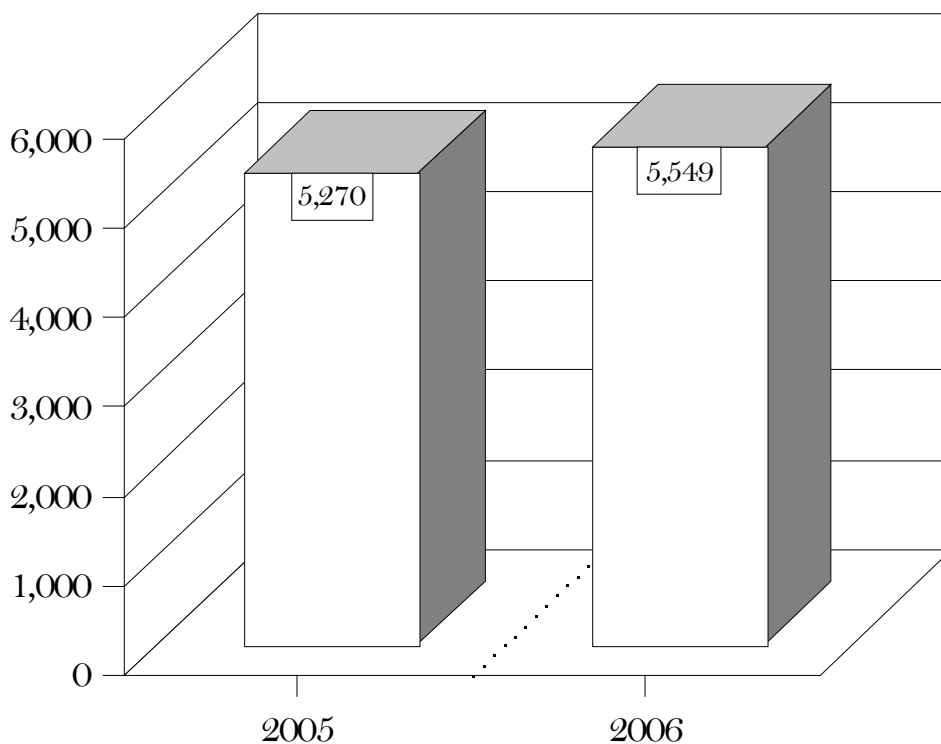
CIRCUIT CRIMINAL

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 5,549 felony cases filed in 2006, a 6% (279 cases) increase over the 5,270 cases filed in 2005.

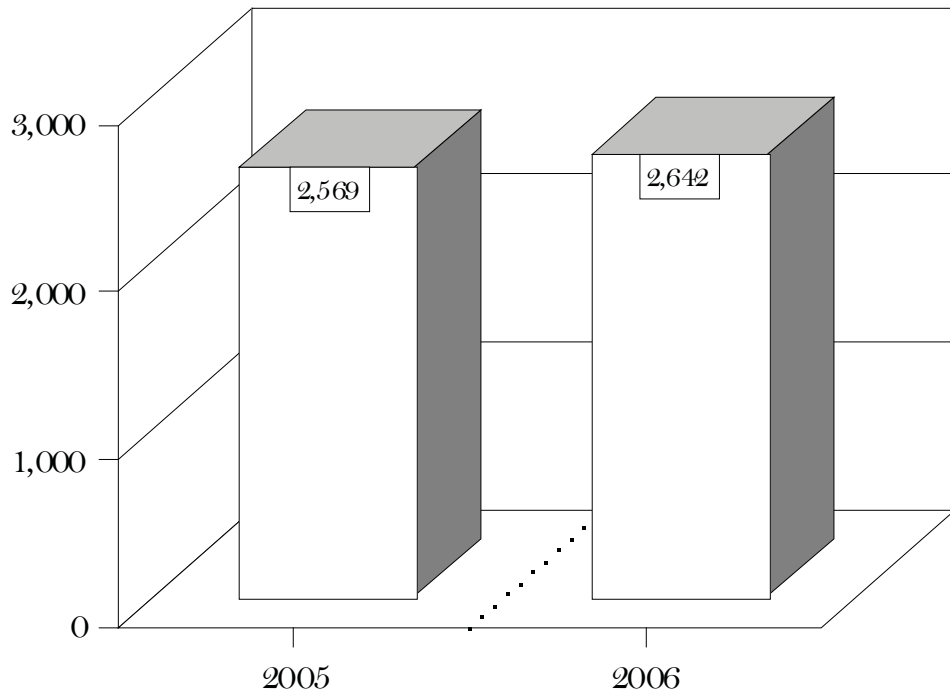


JUVENILE DELINQUENCY

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.

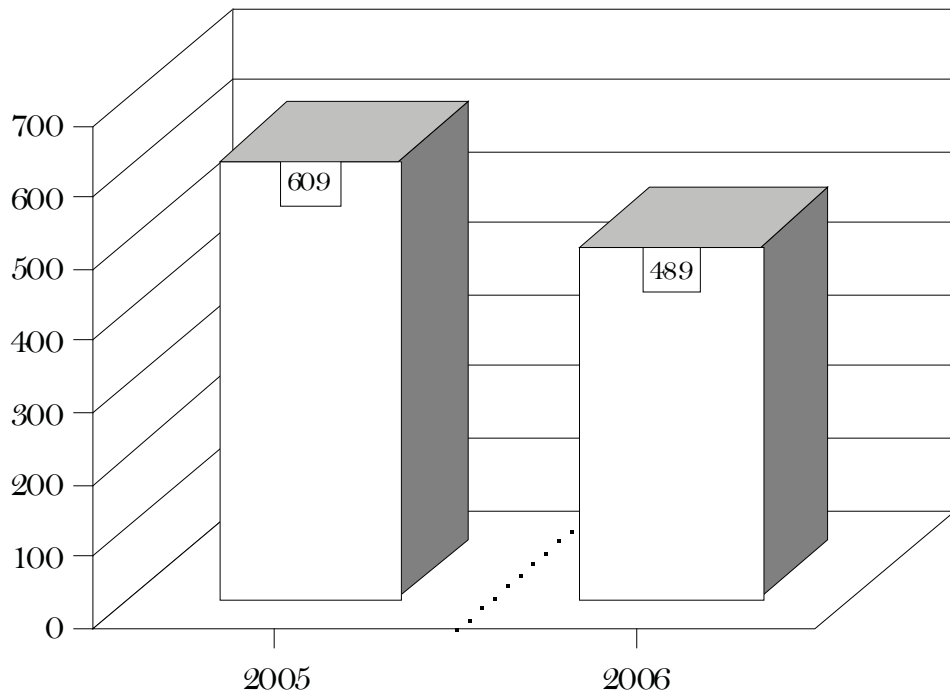
A total of 2,642 new juvenile delinquent cases were filed in 2006. This represents a 3% (73 cases) increase over the 2,569 cases in 2005.



JUVENILE DEPENDENCY

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 run-aways, habitually truant or uncontrollable.

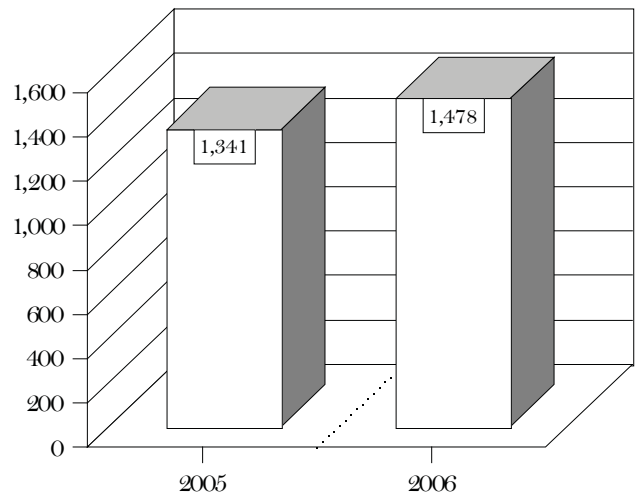
A total of 489 new juvenile dependency cases were filed in 2006, a -20% (-120 cases) decrease from the 609 cases filed in 2005.



COUNTY COURT CIVIL

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.

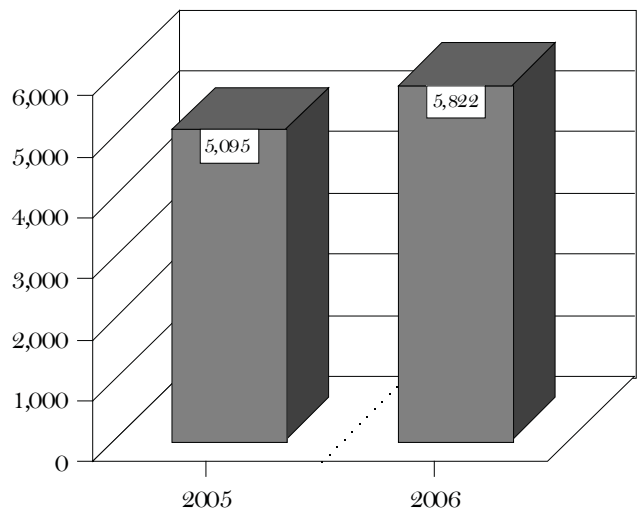
There were 1,478 new County Civil cases filed in 2006, a 10% (137 cases) increase over the 1341 cases filed in 2005.



SUMMARY CLAIMS

Cases filed pursuant to the Florida Rules of Summary Procedure are categorized as summary claims, formerly known as small claims. In 2006 there were 5,822 of these types of cases filed. This is a 14% (727 cases) increase over the 5,095 cases in 2005.

Most landlord / tenant disputes are heard by the County Court. In 2006 there were 1,902 eviction cases filed.



COUNTY CRIMINAL

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

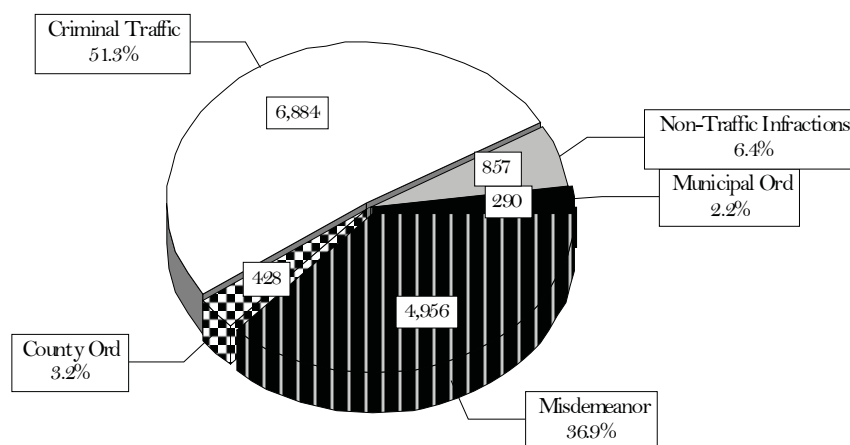
The caseload statistics on the pie chart below include violations of:

- ★ *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 13,415 new cases in 2006, an 8% (1,039 cases) increase over the 12,376 cases filed in 2005. A total of 37% (4,956 cases) of the cases filed dealt with misdemeanors. Criminal traffic accounted for 51% (6,884 cases) and the remaining 1,575 cases were county and municipal ordinances violations and non-traffic infractions.



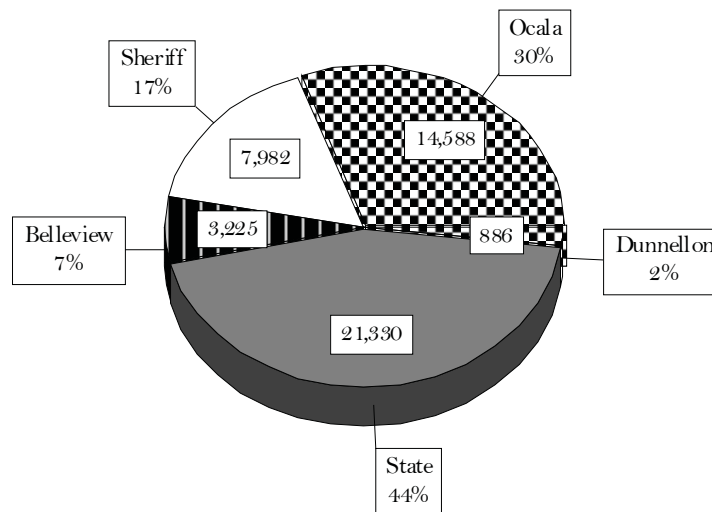
TRAFFIC

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 48,011 were filed in 2006, a 15% (6,169 cases) increase over the 41,842 cases filed in 2005. 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 43%. The city police departments issued 39% of all citations (Bellevue 3,225, Dunnellon 886, and Ocala 14,588). The Sheriff's Office issued 17% with the remaining 1% issued by various state agencies such as the Florida Department of Transportation, The Department of Environmental Protection and the Fish and Wildlife Conservation Commission.

Of the 48,011 citations issued in 2006, 61% (29,131 Infractions) were issued in the unincorporated areas of Marion County.



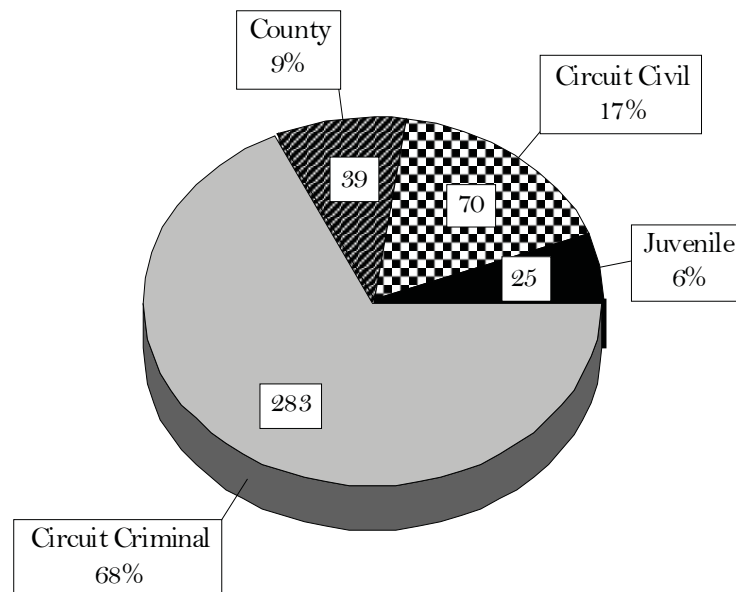
APPELLATE PROCEEDINGS

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

Circuit Court cases in the Fifth Judicial Circuit are appealed to the Fifth District Court of Appeals in Daytona Beach, Florida. A total of 378 appeals were filed in 2006, that is 76 greater than the 302 filed in 2005. These ap-

peals consisted of 70 circuit civil, 283 circuit criminal and 25 juvenile cases.

County Court cases are appealed to the Circuit Court of the Fifth Judicial Circuit. A total of 39 appeals were filed in 2006, an increase over the 37 filed in 2005.



CHILD SUPPORT

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 2006, there was a total of 12,363 active cases being paid through the central depository.

Of those cases, 9,880 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. 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 the Florida State Disbursement Unit (SDU), 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.

JURY MANAGEMENT

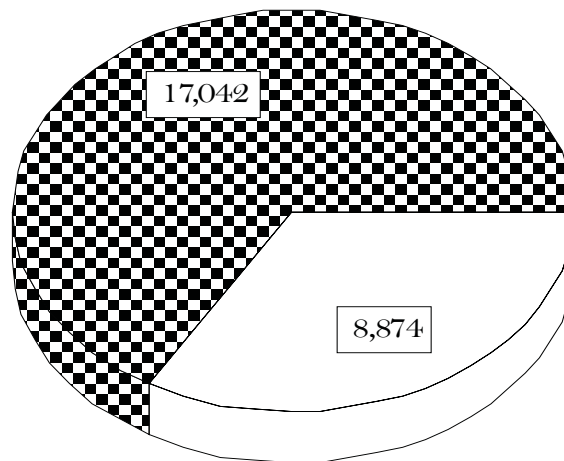
The Florida Legislature has given the Clerk of the Circuit Court a number of responsibilities relative to the selection and payment of jurors. Section 40.01, Florida Statutes, provides that jurors shall be taken from the male and female persons at least 18 years of age, who are citizens of the United 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 sum-

moned 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 25,916 persons were summoned for jury duty in 2006, representing a 8% increase over the 21,014 summoned in 2006. Of the total summoned, 66% (17,042 individuals) were unavailable for service due to mandatory disqualification, inability to serve summons, or failing to appear. The remaining 34 % (8,874 individuals) were available for duty as jurors.

JURORS SUMMONED



JURY MANAGEMENT (CON'T)

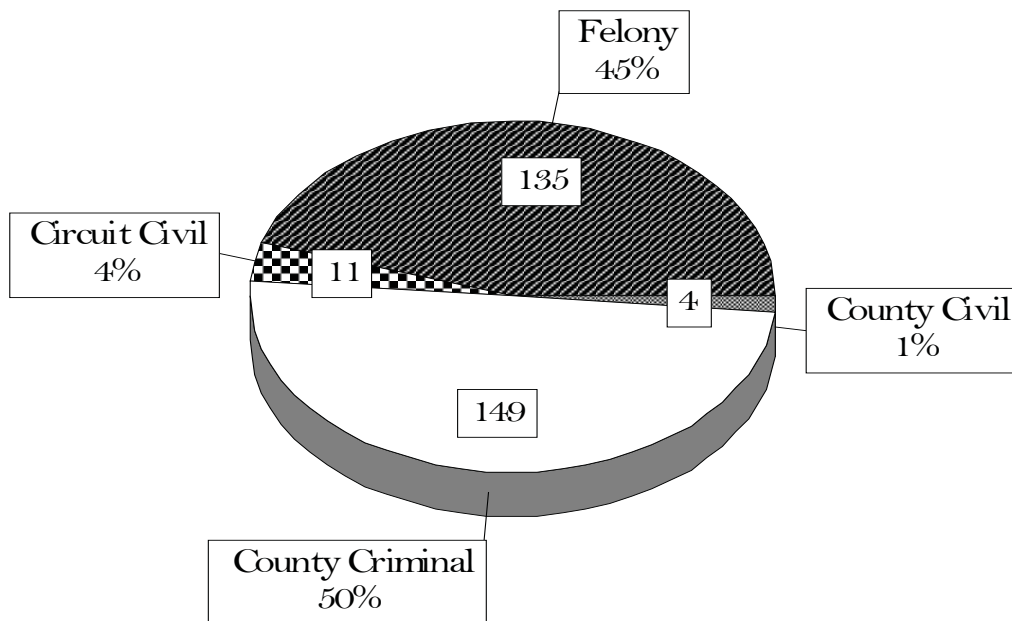
Jurors are compensated for their service according to Florida law in the following manner:

- ★ 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 rea-

sonably 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 \$100,935.00 to jurors as compensation for their service in 2006.

There were 299 jury trials in 2006. In the Circuit Court, 11 juries were sworn to hear circuit civil cases and 135 juries were sworn to hear felony cases, 4 of which were Jimmy Ryce Trials. In the County Court, 4 juries were sworn to hear county cases and 149 were sworn to hear misdemeanor cases.



COUNTY RECORDER

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 2006, the Clerk of the Circuit Court recorded, verified and indexed 204,173 documents in the Official Records. The Clerk’s Office recorded an average of 819 documents per day.

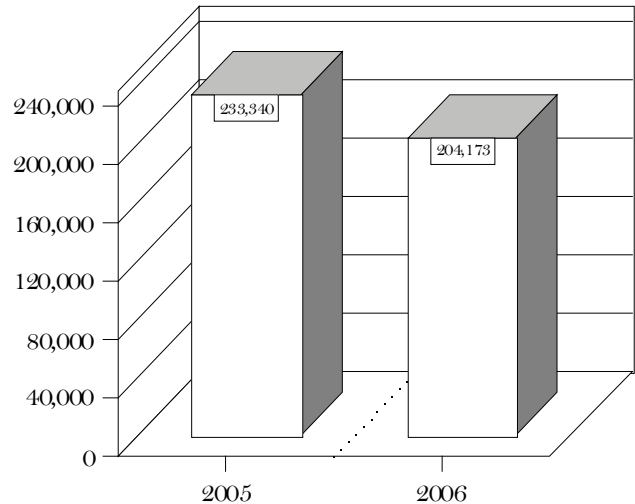
Once a document has been recorded and indexed in the Official Records Division, the Records Management Division is responsible for making sure that a permanent, archival copy of that document exists. This very important copy is produced by making one master copy on silver halide microfilm and two duplicate copies on diazo 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 2006, the 204,173 documents recorded in the Official Records required the microfilming of 750,753 images, producing 375 rolls of microfilm. Thus, nearly 2,991 pages were microfilmed on a daily basis.



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.

COUNTY RECORDER (CON'T)

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 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 2006, the Clerk's Office captured approximately 750,753 images on 375 rolls of microfilm. As technology expands the means by which government can attain and store information, the means 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.

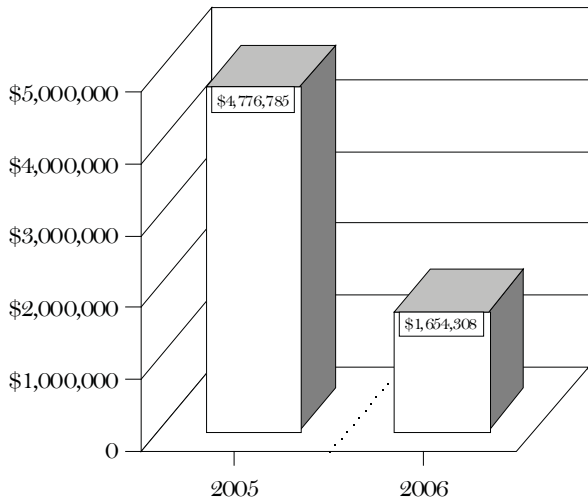
TAX DEEDS

The Clerk of the Circuit Court sold 188 tax deed applications during 12 public sales in 2006. The total amount of bids equaled \$1,654,308, a -35% (-\$3,122,477) decrease from the amount of bids in 2005. However, a large portion of the applications brought up for tax deed sales were initiated by Marion County. Of those Marion County applications not sold or redeemed, 6 properties were added to the List of Lands Available for Taxes.

Real estate taxes in Marion County become due every year on November 1, payable through March 31 of the following year, with discounts allowed for early payments and a 3% penalty imposed beginning April 1. Parcels remaining unpaid by mid-April are advertised in the local newspaper once in May in an effort to notify the property owners of the outstanding tax liability.

A tax certificate sale must be held on or before June 1. This is a public auction where a tax certificate is sold to the party who will pay the delinquent tax for the property owner at the lowest interest rate when redemption is made. A certificate is an interest bearing lien and the interest rate varies from 0% to 18%. Certificates are sold on any items remaining unpaid at the time of the sale. Once a certificate is sold, the property owner may redeem the certificate by payment of the delinquent taxes and penalty, advertising fees, plus interest.

COUNTY RECORDER (CON'T)



If the certificate is not redeemed within two years, the certificate holder may begin proceedings for a tax deed sale.

Upon application for a tax deed by the certificate holder, a tax and title search is performed by an abstract company to determine whether any other taxes are outstanding for the property. If so, the applicant pays the amount due and it becomes part of the starting bid at the actual tax deed sale. Once the search is completed, certification is made to the Clerk of the Circuit Court and the application is delivered to the Clerk. The item is then scheduled for public sale and again advertised for four consecutive weeks prior to the sale.

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.

MARRIAGE LICENSES

The Clerk of the Circuit Court issued 2,295 marriage license applications in 2006, representing a decrease from the 2,313 that were issued in 2005.

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 guardian 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 647 marriage ceremonies in 2006, an increase over the 579 performed in 2005.

PASSPORTS PROCESSED

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 2006 processed 6,382 passport applications, an increase over the 5,225 in 2005.

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 inch-

es long, must also be attached to the application.

The U.S. Passport Agency charges a processing fee of \$67.00 for an adult applicant and \$52.00 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 \$30.00 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.

EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS

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.

The Clerk's Office attended and recorded the minutes of 91 Board meetings in 2006. These meetings, which lasted anywhere from 30 minutes to all day, resulted in 1420 pages of minutes. Minutes of Board of County Commissioners and links to the associated agendas are available on www.marioncountyclerk.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 2006, the Clerk of the Circuit Court processed 39 new Ordinances and 632 new Resolutions that were adopted by the Board. Additionally, the Clerk processed 627 petitions for review before the Value Adjustment Board.

CHIEF FINANCIAL OFFICER

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.

BUDGET DIRECTOR

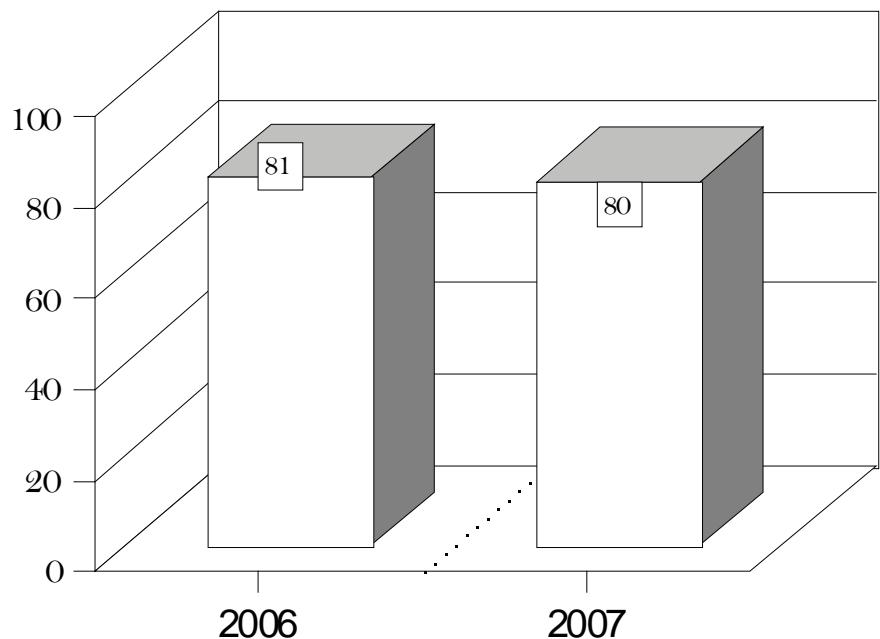
The Clerk of the Circuit Court, as Budget Officer for the Board of County Commissioners, is responsible for the preparation and monitoring of the County's Annual Budget. The budget includes funding for all operations of the County including the Board of County Commissioners, Clerk of the Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector. The Clerk is responsible for administering a budget that for fiscal year 2006/2007 totaled approximately \$575 million.

The Clerk compiles in excess of 2,100 individual expenditure accounts and is responsible for accurately estimating over 800 individual revenue accounts. The County's budget is segregated into 80 separate fund entities for fiscal year 2006/2007. The total number of County funds decreased by 1 from the 81 funds included in fiscal year 2005/2006.

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.

COUNTY FUND ENTITIES



INTERNAL AUDITOR

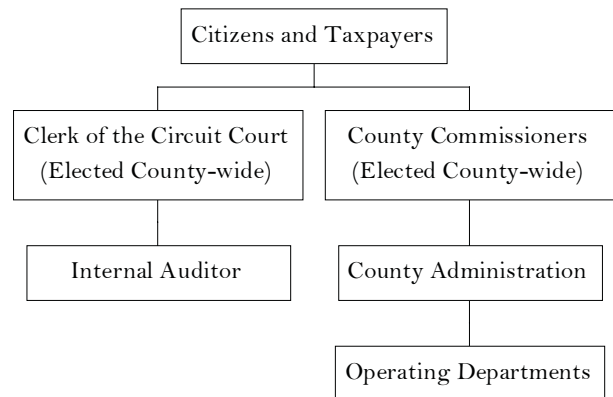
The Clerk of the Circuit Court serves as chief financial officer, accountant and auditor for the Marion County Board of County Commissioners (BCC). The Clerk has established the Internal Auditor position because of the importance of government compliance with laws, policies, established procedures and 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.



CONCLUSION

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 guardian-

ship 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.