



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

HOLMES COUNTY
CLERK OF CIRCUIT COURT
BUDGET REVIEW

REPORT DATE:
March 17, 2009

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CHIEF FINANCIAL OFFICER

INTRODUCTION

The Department of Financial Services (DFS) has completed a review of the budget certifications made by the Holmes County Clerk of Circuit Court's Office to the Clerks of Court Operations Corporation (CCOC), pursuant to Section 28.35(3)(b), Florida Statutes (F.S.). The scope of our review focused on validating the processes and methodologies utilized in the development of the Clerk's budgets for fiscal years 2006-2007 (FY 06-07) and 2007-2008 (FY 07-08).

The Chief Financial Officer (CFO) has contracted with CCOC to establish a process for review and certification of court-related budgets submitted by the Clerks of Circuit Courts. The CCOC is responsible for calculating the maximum authorized annual budget, identifying budgets exceeding the maximum expenditure amounts for a standard list of court-related functions and identifying budgets that have insufficient revenues to cover court-related expenditures, pursuant to Section 28.36, F.S.

SUMMARY

- The FY 06-07 and FY 07-08 approved budgets were \$443,822 and \$400,862 respectively.
- Holmes County has a population of 19,464 and had 8.33 and 8.24 Full Time Employees (FTEs) budgeted to support court-related activities for FY 06-07 and FY 07-08 respectively.
- Budgeted revenues and expenditures for FY 06-07 were \$688,893 and \$443,822 respectively, resulting in a budgeted surplus of \$245,071. Actual revenues and expenditures as reported by the Clerk for FY 06-07 detailed a surplus of \$26,543. The Clerk remitted the FY 06-07 surplus to DOR on December 12, 2007 for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- Budgeted revenues and expenditures for FY 07-08 are \$587,059 and \$400,862 respectively, resulting in an \$186,197 budgeted surplus. Monthly payments to the Clerks of the Court Trust Fund are scheduled to liquidate the Clerk's projected surplus pursuant to CCOC directive.

- The Clerk has an internal system and reporting procedures for measuring and reporting on all required performance standards.

SCOPE, OBJECTIVES AND METHODOLOGY

Scope

The Scope of our review included an analysis of the development of the Clerk's FY 06-07 and FY 07-08 budgets. Our review was conducted November 4 - 5, 2008 at the Holmes County Clerk of Circuit Court's Office.

Objectives and Methodology

The budget review was conducted with the following objectives:

- Each Clerk shall develop a budget funded from fees, services charges, court costs and fines, pursuant to Sections 28.35, 28.36 and 28.37, F.S. Clerks must provide detailed information on expenditures necessary for the performance of court-related functions using the court-related codes in the Uniform Accounting System Manual (UASM). The budget shall be submitted annually to CCOC for review and approval. The CCOC budget approval process focuses on the following key components:
 - o Overhead Cost Allocation – The Holmes County Clerk's Office applied a 55.50 percent cost allocation rate to the FY 06-07 certified annual budget. A 58.85 percent cost allocation rate is being utilized for the FY 07-08 budget.
 - o Our review of supporting documentation disclosed that the methodologies used to calculate and distribute overhead costs were reasonable.
 - o Distribution of Court-Related FTEs – The Holmes County Clerk's Office budgeted 8.33 of 15.00 and 8.24 of 14.00 FTEs for FY 06-07 and FY 07-08 respectively, to support court-related functions.
 - o General Fund Expenditures – The final approved budget for FY 06-07 was \$443,822 which included a budget reserve of \$12,927. Major expenditure categories were: Personal Services (\$356,393), Operating Expenses (\$47,733), Capital (\$26,769). The final approved budget for FY 07-08 was \$400,862 which included a budget reserve of \$31,262. Major expenditure categories are: Personal Services (\$323,289), Operating Expenses (\$44,125), Capital (\$2,186).
 - o Revenue Forecasting – Budgeted revenues of \$688,893 and \$587,059 were calculated for FY 06-07 and FY 07-08 respectively, based on prior period data and management's assessment of future operational activities.

- Our review determined that the Clerk’s FY 06-07 and FY 07-08 budgets were prepared pursuant to CCOC instructions and submitted in accordance with the provisions of Section 28.36, F.S.
- Expenditures during the review period were limited to court-related functions as specified in Section 28.35(4)(a), F.S.
- Revenues for fees, services charges, court costs and funding for court-related functions for FY 06-07 were assessed pursuant to the provisions of Chapter 28, F.S. The Clerk’s budget for FY 07-08 was based on projected revenues from the same sources, pursuant to Section 28.36, F.S.
- Clerks are required to maintain a partial fee payment system, pursuant to Section 28.246, F.S. The Holmes County Clerk’s Office is currently utilizing an internal database system to account for partial fee payments. The Clerk is contracting with an external collection agency to assist collecting delinquent accounts 90 days past due.
- Holmes County Clerk of Court was designated a “donor” office for FY 06-07 by CCOC based upon a budgeted surplus of \$245,071. Monthly remittances to the Clerks of the Court Trust Fund were scheduled to liquidate the Clerk’s projected surplus pursuant to CCOC directive. The Clerk reported a FY 06-07 surplus of \$26,543 based on actual revenues and expenditures of \$560,943 and \$534,400 respectively. The Clerk remitted the FY 06-07 surplus to DOR on December 12, 2007 for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- Holmes County Clerk of Court is designated a “donor” office for FY 07-08 by CCOC based upon a budgeted surplus of \$186,197. Projected revenues and expenditures for FY 07-08 are \$587,059 and \$400,862 respectively. Through the time of our review (based on report data through September 2008), the Clerk’s Office reported a FY 07-08 surplus of \$23,065 based on revenues and expenditures of \$607,753 and \$584,688 respectively.
- The following performance measures were adopted by CCOC, pursuant to Section 28.35, F.S., for FY 05-06, FY 06-07 and FY 07-08:
 - Outputs – The outputs consist of the number of civil cases filed and the number of criminal defendants handled, by Court Divisions, as identified by the Clerk’s Office. The Clerk reported 5,070 new cases filed and 2,148 defendants during FY 06-07. The Clerk reported 5,910 new cases filed and 1,655 defendants for FY 07-08.
 - Outcome Measures – Timeliness and Collection Rate:
 - Timeliness – New cases opened within a designated number of business days after the initial filing. The Clerk has the ability to collect data and report timeliness measures on new cases.

The Clerk reported meeting or exceeding 16 of 20 performance standards to CCOC for FY 06-07. The Clerk reported meeting or exceeding 20 of 20 performance standards to CCOC for FY 07-08.

- Collection Rate – The collection rate is calculated by dividing collections by the adjusted assessments. The Clerk reported meeting or exceeding 8 of 9 collections performance standards to CCOC for FY 06-07. The Clerk reported meeting or exceeding 7 of 9 collections performance standards to CCOC for FY 07-08.
- Fiscal Management Measures – Fiscal Management Standards:
 - Status Report – The Clerk reported meeting or exceeding 9 of 9 fiscal management standards to CCOC for FY 05-06. The Clerk reported meeting or exceeding 9 of 9 fiscal management standards to CCOC for FY 06-07.
- Jury Management Measures – Percentage of juror payments issued timely:
 - Jurors Report – The Clerk reported 100 percent of juror payments issued timely to CCOC for FY 07-08.

FINDINGS AND RECOMMENDATIONS

Finding Number 1:

Based upon our review, we found the Clerk’s budgeting practices and expenditure methodologies for State funds to be efficient and accurate. We concluded the Holmes County Clerk’s Office is currently able to report on all required performance standards. However, Clerks are required to remit excess fines, fees, service charges and costs collected to DOR for deposit in the General Revenue Fund by the 20th of the following month, pursuant to Section 28.37(2), F.S. The Holmes County Clerk’s Office frequently remitted payments past the deadline.

Recommendation Number 1:

The Holmes County Clerk’s Office should closely adhere to and follow all remittance requirements prescribed by Section 28.37(2), F.S.

Clerk Response: The Holmes County Clerk's Office was unable to remit monthly amounts due to shortages of revenue during the year. However, the Clerk's Office did complete a year-end reconciliation and was in compliance with Florida Statutes.

DFS Response: The Clerk's Office is required to remit revenues collected during the prior month to the state on or before the 20th day of each month as prescribed by Section 28.37(2), F.S.

Finding Number 2:

The Holmes County Clerk's Office did not make monthly remittances to DOR as prescribed in CCOC budget certification letters.

Recommendation Number 2:

The Clerk should make monthly remittances to DOR as prescribed in CCOC budget certification letters. If a Clerk can not make monthly remittances to DOR due to insufficient revenues, a Budget Amendment Request (BAR) should be submitted to CCOC.

Clerk Response: The Holmes County Clerk's Office was not able to remit monthly amounts due to shortages of revenue during the year. The Clerk's Office will work with the CCOC to obtain a Budget Amendment Request (BAR) in the future.

DFS Response: The Clerk's Office should contact the CCOC to complete a BAR if revenues are insufficient to sustain operational expenses.

REVIEW TEAM

Burton Marshall, *Chief, Bureau of Local Government*
Priscilla Bailey-Brown, *Financial Administrator*
Mark Gressel, *Professional Accountant Specialist*
Angie Lawson, *Professional Accountant Specialist*
Jessica Robinson, *Professional Accountant Specialist*
Jeremy Smith, *Professional Accountant Specialist*

APPENDIX

Appendix A



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

August 27, 2008

The Honorable Cody Taylor
Clerk of Circuit Court
Holmes County
201 North Oklahoma Street
Bonifay, Florida 32425

Dear Mr. Taylor:

The Department of Financial Services (DFS) has scheduled a review of your budget processes in accordance with Section 28.35, Florida Statutes. The dates mutually selected for this review are November 4 – 5, 2008. Our review will encompass the following objectives: Analyze the methodologies used to develop both the current and prior fiscal years Clerks of Court Operations Corporation (CCOC) certified budget; review expenditures to ensure compliance with Florida Statutes; analyze projected and year-to-date revenues; and review methods used to collect and report data regarding performance measures.

To minimize disruptions to your daily operations, we request you have the following copies available upon our arrival:

1. Current organization chart.
2. Internal documentation of methodologies used to allocate FTEs to court-related activities.
3. Payroll subsidiary ledger for the most recent pay date and current annual salary listing by employee. Please do not include Social Security Numbers on documentation.
4. Listing of General Ledger codes (500-700 range) as prescribed by the DFS Uniform Accounting System Manual Chart of Accounts.
5. General Ledger report of court-related revenues and expenditures for FY 06-07 and FY 07-08.
6. Revenue and Expenditure Tracking Reports submitted to CCOC for FY 06-07 and FY 07-08.
7. Copies of monthly transmittals to the Department of Revenue for revenues remitted, pursuant to Sections 28.241(1)(a), 28.37(2) and 28.37(4), Florida Statutes.
8. Report detailing outstanding balance for each partial payment account.

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
Burton S. Marshall, CPA • Chief
Division of Accounting and Auditing • Bureau of Local Government
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Affirmative Action • Equal Opportunity Employer

Appendix A (continued)

The Honorable Cody Taylor
August 27, 2008
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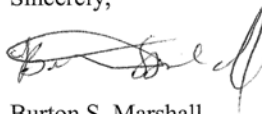
9. Contract, outstanding balance of accounts assigned, and supporting records for remittances by collection agency for FY 06-07 and FY 07-08, if applicable.
10. Submissions of timeliness and collections performance measure data and any related supporting documentation to CCOC for FY 06-07 and FY 07-08.
11. Any internal documentation used to complete a Budget Amendment Request(s) approved by CCOC, if applicable.
12. Management Letter from the Annual Audit Report for FY 05-06 and FY 06-07.
13. Fiscal Management Measures Status Report Form to CCOC for FY 05-06 and FY 06-07.
14. FY 07-08 Rebasing worksheets for Budget Submission to the CCOC.

Please have the requested information available for fiscal years 2005-2006, 2006-2007 and 2007-2008, as our review will cover these periods. Mr. Mark Gressel and Mr. Jeremy Smith will represent DFS during this review.

We ask that you provide workspace for DFS and a lead from your staff to assist in the review. It is not our intent to disrupt your operations. You may contact us to reschedule if, for any reason, the dates selected cannot be accommodated. Please use Ms. Priscilla Bailey-Brown as our primary point of contact at (850) 413-5592 or priscilla.bailey-brown@myfloridacfo.com.

Thank you for your advanced preparation. We look forward to working with you and your staff.

Sincerely,



Burton S. Marshall

BSM:cc

Appendix B

Office of
Clerk of Circuit Court
Holmes County

Cody Taylor
Clerk

P.O. Box 397
Bonifay, FL 32425

February 9, 2009

Burton S. Marshall, CPA
Florida Department of Financial Services
Division of Accounting and Auditing
Bureau of Local Government
200 E. Gaines Street
Tallahassee, FL 32399-0354

Dear Sir:

I have received your audit report dated January 29, 2009, and would respond as follows:

Finding No. 1:

The Holmes County Clerk's Office was not able to remit the monthly amounts due to shortages of revenue during the year. We did have a complete reconciliation at the end of the year which complied with Florida Statutes.

Finding No. 2:

The same rationale as finding No.1. We will work with C.C.O.C. to obtain budget amendments in the future.

If we can provide any additional information, please feel free to call us.

Sincerely yours,



Cody Taylor
Clerk

CT/ea

