



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

HIGHLANDS COUNTY
CLERK OF CIRCUIT COURT
BUDGET REVIEW

REPORT DATE:
July 27, 2009

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ALEX SINK

CHIEF FINANCIAL OFFICER

INTRODUCTION

The Department of Financial Services (DFS) has completed a review of the budget certifications made by the Highlands 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), 2007-2008 (FY 07-08), and 2008-2009 (FY 08-09).

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, FY 07-08, and FY 08-09 approved budgets were \$2,204,746, \$2,209,817, and \$2,269,072, respectively.
- Highlands County has a population of 98,727 and had 43.48, 45.11, and 44.85 Full Time Employees (FTEs) budgeted to support court-related activities for FY 06-07, FY 07-08, and FY 08-09, respectively.
- Budgeted revenues and expenditures for FY 06-07 were \$2,565,509 and \$2,204,746, respectively, resulting in a budgeted surplus of \$360,763. Actual revenues and expenditures for FY 06-07, which included payments to the Clerks of the Court Trust Fund, detailed a surplus of \$273,909. The Clerk remitted the FY 06-07 surplus to the Department of Revenue (DOR) on December 18, 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 were \$2,675,405 and \$2,209,817, respectively, resulting in a budgeted surplus of \$465,588. Actual revenues and expenditures for FY 07-08, which included payments to the Clerks of the Court Trust Fund, detailed a surplus of \$71,009. The Clerk remitted the FY 07-08 surplus to DOR on December 18, 2008, for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.

- Budgeted revenues and expenditures for FY 08-09 are \$2,704,724 and \$2,269,072, respectively, resulting in a \$435,652 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, OBSERVATIONS, AND METHODOLOGY

Scope

The Scope of our review included an analysis of the development of the Clerk's FY 06-07, FY 07-08, and FY 08-09 budgets. Our review was conducted on January 28 - 29, 2009, at the Highlands County Clerk of Circuit Court's Office.

Objectives, Observations and Methodology

The budget review was conducted to ensure Clerk budget methodologies, performance measures, revenues, and expenditures are accurately implemented and recorded according to law.

- Our review of the Clerk's budgets verified the budgets were funded from fees, service 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:
 - Overhead Cost Allocation – The Highlands County Clerk's Office applied a 56.11 and 52.15 percent cost allocation rate to the FY 06-07 and FY 07-08 certified annual budgets. A 51.55 percent cost allocation rate is being utilized for the FY 08-09 budget.
 - Our review of supporting documentation disclosed that the methodologies used to calculate and distribute overhead costs were reasonable.
 - Distribution of Court-Related FTEs – The Highlands County Clerk's Office budgeted 43.48 of 77.50, 45.11 of 86.50, and 44.85 of 87.00 FTEs for FY 06-07, FY 07-08, and FY 08-09 respectively, to support court-related functions.
 - General Fund Expenditures – The final approved budget for FY 06-07 was \$2,204,746. Major expenditure categories were: Personal Services (\$2,024,055) and Operating Expenses (\$180,691). The final approved budget for FY 07-08 was \$2,209,817. Major expenditure categories were: Personal Services (\$2,039,901) and Operating Expenses (\$169,916). The final approved budget for FY 08-09 was \$2,269,072. Major expenditure categories are: Personal Services (\$2,095,332) and Operating Expenses (\$173,740).

- Revenue Forecasting – Budgeted revenues of \$2,565,509, \$2,675,405, and \$2,704,724 were calculated for FY 06-07, FY 07-08, and FY 08-09 respectively, based on prior period data and management’s assessment of future operational activities.
- Our review determined that the Clerk’s FY 06-07, FY 07-08, and FY 08-09 budgets were prepared pursuant to CCOC instructions and submitted in accordance with the provisions of Section 28.36, F.S.
- Our analysis of the Clerk’s expenditures during the review period confirmed the Clerk’s expenditures were limited to court-related functions as specified in Section 28.35(4)(a), F.S.
- Our analysis of the Clerk’s revenues for fees, service charges, court costs and funding for court-related functions for FY 06-07 and FY 07-08 confirmed the Clerk’s revenues were assessed pursuant to the provisions of Chapter 28, F.S. The Clerk’s budget for FY 08-09 was based on projected revenues from the same sources, pursuant to Section 28.36, F.S.
- Our review disclosed the Clerk maintains a partial fee payment system, pursuant to Section 28.246, F.S. The Highlands 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 with collecting delinquent accounts 90 days past due.
- Highlands County Clerk of Court was designated a “donor” office for FY 06-07 by CCOC based upon a budgeted surplus of \$360,763. 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 \$273,909 based on actual revenues and expenditures of \$2,620,660 and \$2,346,751, respectively, which included payments to the Clerks of Court Trust Fund. The Clerk remitted the FY 06-07 surplus to DOR on December 18, 2007, for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- Highlands County Clerk of Court was designated a “donor” office for FY 07-08 by CCOC based upon a budgeted surplus of \$465,588. 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 07-08 surplus of \$71,009 based on actual revenues and expenditures of \$2,599,784 and \$2,528,775, respectively, which included payments to the Clerks of the Court Trust Fund. The Clerk remitted the FY 07-08 surplus to DOR on December 18, 2008, for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.

- Highlands County Clerk of Court is designated a “donor” office for FY 08-09 by CCOC based upon a budgeted surplus of \$435,652. Projected revenues and expenditures for FY 08-09 are \$2,704,724 and \$2,269,072, respectively. Through the time of our review (based on report data through December 2008), the Clerk’s Office reported a FY 08-09 deficit of \$87,680 based on revenues and expenditures of \$553,996 and \$641,676, respectively, which includes payments to the Clerks of Court Trust Fund.
- The following performance measures were adopted by CCOC, pursuant to Section 28.35, F.S., for FY 05-06, FY 06-07, FY 07-08, and FY 08-09:
 - 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 25,701 cases filed and 6,084 defendants during FY 06-07. The Clerk reported a total case count of 25,192 for FY 07-08, which included re-openings and Notices of Appeal (NOAs). The Clerk’s Office reported a total number of defendants of 10,316 for FY 07-08, which included re-openings and NOAs. The total number of financial receipts is 26,688.
 - 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 20 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 9 of 9 collections performance standards to CCOC for FY 06-07. The Clerk reported meeting or exceeding 8 of 9 collections performance standards to CCOC for FY 07-08. The Clerk reported meeting or exceeding 8 of 9 collections performance standards to CCOC for the first quarter of FY 08-09.
 - 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 met 99.8 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 and revenue methodologies for State funds to be efficient and accurate. We concluded the Highlands County Clerk's Office is currently able to report on all required performance standards. However, the Clerk's Office did not meet or exceed the required performance standard for juror payments for FY 07-08. Clerks are required to issue juror payments within 20 days after completion of juror services, as provided in Section 40.32, F.S.

Recommendation Number 1:

The Highlands County Clerk's Office should closely adhere to Section 40.32, F.S. regarding timely payment for juror services.

REVIEW TEAM

Burton Marshall, *Chief, Bureau of Local Government*
Priscilla Bailey-Brown, *Financial Administrator*
Mark Gressel, *Professional Accountant Specialist*
Angie Vermette, *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

October 31, 2008

The Honorable L.E. "Luke" Brooker
Clerk of Circuit Court
Highlands County
590 South Commerce Avenue
Sebring, Florida 33870-3867

Dear Mr. Brooker:

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 January 28 – 30, 2009. 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, FY 07-08 and FY 08-09 (through December 2008).
6. Revenue and Expenditure Tracking Reports submitted to CCOC for FY 06-07, FY 07-08 and FY 08-09 (through December 2008).
7. Copies of monthly transmittals to the Department of Revenue for revenues remitted, pursuant to Sections 28.241(1)(a), 28.241(2), 34.041(1)(b), 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
200 E. Gaines St. • Tallahassee, FL 32399-0354 • Tel. 850-413-5588 • Fax 850-413-5548
Email • Burton.Marshall@myfloridacfo.com
Affirmative Action • Equal Opportunity Employer

Appendix A (continued)

The Honorable L.E. "Luke" Brooker
October 31, 2008
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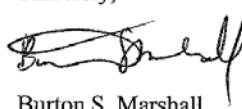
9. Contract, outstanding balance of accounts assigned, and supporting records for remittances by collection agency for FY 06-07, FY 07-08 and FY 08-09, if applicable.
10. Submissions of timeliness and collections performance measure data and any related supporting documentation to CCOC for FY 06-07, FY 07-08 and FY 08-09 (through December 2008).
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 and FY 08-09 Rebasing worksheets for Budget Submission to the CCOC.
15. FY 07-08 Juror Report to the CCOC and General Ledger for Juror expenditures.

Please have the requested report information available for fiscal years 2006-2007, 2007-2008 and 2008-2009, as our review will cover these periods. Mr. Mark Gressel and Ms. Jessica Robinson 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



ROBERT W. GERMAINE
CLERK OF THE COURTS • HIGHLANDS COUNTY, FLORIDA
OFFICE LOCATION: 430 SOUTH COMMERCE AVENUE
THE COURTHOUSE

CLERK OF CIRCUIT COURT
CLERK OF COUNTY COURT
COUNTY AUDITOR
COUNTY RECORDER
CLERK TO THE BOARD OF COUNTY COMMISSIONERS

PLEASE REPLY TO:

590 SOUTH COMMERCE AVENUE
SEBRING, FLORIDA 33870-3867
PHONE (863) 402-6565
SUNCOM 718-6565
FAX (863) 402-6768

June 25, 2009

Alex Sink
Chief Financial Officer
Florida Department of Financial Services

Attention: Burton Marshall

Dear Sir:

The Highlands County Clerk's Office is in receipt of the Budget Review Report dated June 15, 2009, conducted by the Florida Department of Financial Services. Please find responses listed below:

Finding Number 1:

Based upon our review, we found the Clerk's budgeting practices and expenditure and revenue methodologies for State funds to be efficient and accurate. We concluded the Highlands County Clerk's Office is currently able to report on all required performance standards. However, the Clerk's Office did not meet or exceed the required performance standard for juror payments for FY 07-08. Clerks are required to issue juror payments within 20 days after completion of juror services, as provided in Section 40.32, F.S.

Recommendation Number 1:

The Highlands County Clerk's Office should closely adhere to Section 40.32, F.S. regarding timely payment for juror services.

Response:

We agree with the finding where the Highlands County Clerk's Office has efficiently and accurately executed budgeting practices and expenditure and revenue methodologies for State funds.

We have examined and confirmed the information provided in your analysis of juror payments. Section 40.32 F.S. requires payment of jurors within 20 days after completion of service. The Highlands County Clerk's Office pays all jurors accordingly. One juror was paid after the 20 day limitation. This juror initially indicated on the juror form that she would be reimbursed by her employer and that no payment was due from the Clerk's Office. After finding out that she would not be reimbursed by her employer, this juror later returned and requested payment and reported that she had filled out the form incorrectly.

We would like to acknowledge your staff for their professionalism during their visit. As always, it is a pleasure to work with them. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert W. Germaine', written over a horizontal line.

Robert W. Germaine
Highlands County Clerk of Courts