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CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

Florida Department of Financial Services

**GADSDEN COUNTY  
CLERK OF THE CIRCUIT COURT  
COMPLIANCE REVIEW**

**Report No. 2014-01  
September 18, 2013**

**SUMMARY**

The Department of Financial Services has completed a review of the Gadsden County Clerk of Circuit Court's Office pursuant to Section 28.35 2.(e), Florida Statutes (F.S.). It is the practice of the Department of Financial Services to conduct these reviews for each Clerk of the Circuit Court every three years.

- The Gadsden County Clerk of Circuit Court serves a population of 48,200.
- The review verified the Clerk's court-related expenditures were not limited to those that are allowable and compliant with Sections 28.35(3) and 29.008, F.S.

**BACKGROUND**

In 1998, revisions to Article V, Section 14, of the Florida Constitution, specified portions of the state courts system and court-related functions that were to be funded from State revenues derived from statutory fines, fees, service charges, and court costs collected by the Clerks of Court.

Prior to July 1, 2009, Clerks prepared budgets using a revenue-based model independent of the State appropriations process. Clerks collected fines, fees, service charges, and court costs to fund their approved budgets and remitted any excess revenues to the Department of Revenue for deposit into the Clerks of Court Trust Fund. The Florida Legislature passed Florida Laws Chapter 2009-61 and Chapter 2009-204, placing the Clerks' court-related budgets under the State appropriations process beginning July 1, 2009. The Florida Legislature appropriated the total amount for the Clerks' budgets in the General Appropriations Act (GAA).

The organization that governs the Clerks, the CCOC, is responsible for developing the budgets and certifying a uniform system of performance measures for Clerks. Under the model enacted July 1, 2009, all fines, fees, service charges, and court costs, except as otherwise provided in Sections 28.241 and 34.041, F.S., were collected by the Clerks' offices and remitted to the Department of Revenue for deposit into the Clerks of the Court Trust Fund, in accordance with Section 28.37, F.S. Beginning July 2009, Section 28.245, F.S., required Clerks' collections of court-related fines, fees, service charges, and costs to be considered liabilities due to the State

and were required to be remitted to the Clerks of Court Trust Fund by the 20<sup>th</sup> of the month immediately following the month in which the monies were collected. Beginning July 2010, Section 28.245, F.S., required Clerks to remit liabilities to the Clerks of Court Trust Fund by the 10<sup>th</sup> of the month immediately following the month in which the monies were collected. The Clerks were funded by the State appropriations process from July 1, 2009 through June 30, 2013.

In 2013, the Florida Legislature passed Florida Laws Chapter 2013-44, which returned the Clerks to the pre-2009 funding model and removed the Clerks from the State appropriations process. The Department of Financial Services' role has changed to audits of the Clerks' court-related expenditures only.

### SCOPE

The Article V compliance review of the Gadsden County Clerk of the Circuit Court's Office covered SFY 09-10, SFY 10-11, SFY 11-12, and SFY 12-13 court-related expenditures. The review was conducted as a desk review by the Article V section within the Bureau of Auditing.

### OBJECTIVES & METHODOLOGY

#### ***EXPENDITURES***

The review sampled various court-related expenditure accounts and transactions to determine if the Clerk's office was in compliance with Section 28.35, F.S. The expenditure review confirmed court-related expenditures that were not in compliance with Section 28.35, F.S., and court funds were expended for unallowable costs. The Gadsden County Clerk's Office reported \$235.70 for a printer purchased in SFY 11-12 which is an unallowable expense.

The Clerk's CCOC Technology Expense Monthly Tracking Report was in compliance with guidelines set by the CCOC. The Clerk provided 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 review confirmed the accuracy of the expenditures listed on the Clerk's General Ledger by reconciling with the expenditures reported on the CCOC Clerks' Trust Fund Collections Tracking Report for each fiscal year.

**The table below reflects the budgeted and actual expenditures for each fiscal year reviewed.**

	Budgeted	Actual
<b>SFY 09-10</b>	\$ 1,177,333	\$ 1,177,333
<b>SFY 10-11</b>	\$ 1,161,294	\$ 1,161,294
<b>SFY 11-12</b>	\$ 1,165,128	\$ 1,165,128
<b>SFY 12-13</b>	\$ 1,161,712	\$ 1,161,712

The budgeted expenditures decreased from SFY 09-10 to SFY 12-13 by 1.33%. The Clerk's actual expenditures were the same as budgeted expenditures from SFY 09-10 to SFY 12-13.

The review confirmed certain court-related payroll expenditures were in compliance with budget guidelines established by the CCOC. The Clerk's salary was within the salary requirements developed by the Office of Economic and Demographic Research.

**The table below reflects the budgeted FTEs for each fiscal year reviewed and the court-related allocation percentages applied for shared overhead.**

<b>Fiscal Year</b>	<b>Direct Court-Related FTEs</b>	<b>Indirect Overhead FTEs</b>	<b>Total Court-Related FTEs</b>	<b>Total Court &amp; Non-Court FTEs</b>	<b>Cost Allocation Percentage</b>
<b>SFY 09-10</b>	22.01	3.41	25.42	37.25	68.25%
<b>SFY 10-11</b>	21.33	3.65	24.98	34.25	72.92%
<b>SFY 11-12</b>	23.33	3.73	27.06	36.25	74.66%
<b>SFY 12-13</b>	23.72	2.21	25.93	35.25	73.55%

The cost allocation percentages are sometimes applied to overhead costs budgeted to support court-related activities for all fiscal years. The allocation is based on the percentage of time each overhead position's duties are performed for court-related activities. The allocation methodologies applied by the Clerk's office are within the approved budget guidelines set by the CCOC. The budgeted total court-related FTEs increased from SFY 09-10 to SFY 12-13 by 2.01%. The budgeted cost allocation increased from SFY 09-10 to SFY 12-13 by 7.77%.

### OBSERVATIONS & RECOMMENDATIONS

**Observation Number One:**

Based upon our review, we found the Clerk's budgeting practices and expenditures and revenue methodologies for State funds to be efficient and accurate. However, expenditures during the review period were not limited to court-related functions as specified in Sections 28.35 (3) and 29.008, F.S. The Gadsden County Clerk's Office reported unallowable expenditures of \$235.70 that were outside the scope of State funding authority for FY 11-12.

**Recommendation Number One:**

The Gadsden County Clerk's Office should closely adhere to and follow all expenditures requirements prescribed in Florida Statutes. The Clerk should reimburse the Clerks of the Court Trust Fund for unallowable expenditures totaling \$235.70 for FY 11-12. Documentation of any outstanding reimbursements or transfers should be completed and remitted to DFS within 30 days of receiving this report, pursuant to Section 28.36, F.S.

# Nicholas Thomas

Gadsden County, Florida

Clerk of the Circuit Court



Clerk of the County Court

Clerk to the Board of County Commissioners  
County Recorder  
County Auditor

September 27, 2013

Cheryl Johnson  
Department of Financial Services  
200 East Gaines Street  
Tallahassee, FL 32399

Dear Cheryl Johnson,

This letter is in response to your email dated September 24, 2013, which included your draft copy of Gadsden County's Article V review. This report included your findings and recommendations for corrective action.

Finding Number 1:

We have reviewed Sections 28.35 (3) and 29.008, F.S. and we will do our best to abide by the statute. We have already remitted the unallowable expenditures of \$235.70 to the State of Florida via the Clerk of Court Remittance site, see the attached confirmation.

Sincerely,

Nicholas Thomas  
Clerk of the Circuit Court