



CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
STATE OF FLORIDA

February 9, 2017

The Honorable Scott Ellis  
Clerk of Circuit Court  
Brevard County  
400 South Street  
Titusville, FL 32780

Dear Mr. Ellis:

We completed our Article V Clerk of the Circuit Court Expenditure Compliance Review in accordance with Florida Statutes. Enclosed is a copy of our final report.

We appreciate your advanced preparation for our review and the courtesy extended to our team. We look forward to working with your office in the future.

Please contact Mark Merry at (850) 413-3074 or [mark.merry@myfloridacfo.com](mailto:mark.merry@myfloridacfo.com) if you have any questions.

Sincerely,

A solid black rectangular box redacting the signature of Christina Smith.

Christina Smith

CS/jf

Enclosure



**JEFF ATWATER  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA**

Florida Department of Financial Services

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

**Report No. 2017-11  
February 9, 2017**

**SUMMARY**

The Department of Financial Services has completed a review of the Brevard 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 (Clerk) every three years.

- The Brevard County Clerk of Circuit Court serves a population of 552,427.<sup>1</sup>
- The review included sampling administrative and payroll court-related expenditure accounts and transactions to determine if the Clerk's office was in compliance with Sections 28.35(3), 28.37(5), 28.24(12) and 29.008, F.S. The expenditure sample confirmed court-related expenditures were in compliance and funds were expended for allowable court-related costs.
- Segregation of duties should be implemented in the preparation and review of the bank reconciliations.

**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. 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 Clerks of Court Operations Corporation (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

<sup>1</sup> Office of Economic and Demographic Research Report Salaries of Elected County Constitutional Officer and School District Officials for Fiscal Year 2015-16, October 2015.

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. Beginning November 2013, the Clerks' remit to the State the excess of 1/12 of their budget for the previous months' collections. For those Clerks' who collect fees less than their approved budgets, the shortage is disbursed from the State of Florida's Clerk of the Court Trust Fund. In addition, the Department of Financial Services' role was changed to providing audits of the Clerks' court-related expenditures only.

## SCOPE

The Article V compliance review of the Brevard County Clerk of the Circuit Court's Office covered County Fiscal Year (CFY) 13-14, CFY 14-15, and CFY 15-16 (10/01/15 – 06/30/16) for court-related expenditures. The review was conducted as an on-site review by the Article V section within the Bureau of Auditing.

## OBJECTIVES & METHODOLOGY

### EXPENDITURES

The auditors sampled various court-related expenditure accounts and transactions to determine if the Clerk's office was in compliance with Sections 28.35(3), 28.37(2) and 28.24(12) (d) F.S. The results of the expenditure review confirmed that sampled court-related expenditures were in compliance with these Statutes.

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 auditors confirmed the accuracy of the expenditures listed on the Clerk's General Ledger by reconciling and testing court related expenditures reported on the CCOC Clerks' Expenditures and Collections Tracking Report for each fiscal year.

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

	Budgeted	Actual
CFY 13-14	13,800,638	13,800,638
CFY 14-15	13,104,332	13,104,332
CFY 15-16 (10/1/15-6/30/16)	12,631,118	9,280,046

The budgeted growth from October 2013 through June 2016 was -8.47.

The auditors confirmed that sampled court-related payroll expenditures were in compliance with Section 28.35(3), F.S. and 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 Full-time Employees (FTEs) for each fiscal year reviewed and the court-related allocation percentages applied for shared overhead.

Fiscal Year	Direct Court-Related FTEs	Indirect Overhead FTEs	Total Court-Related FTEs	Total Court & Non-Court FTEs	Cost Allocation Percentage
SFY 13-14	221.40	19.50	240.90	315.25	76.42%
CFY 14-15	247.49	21.50	268.99	340.25	79.06%
CFY 15-16	223.48	20.50	243.98	308.00	79.21%

The cost allocation percentages are applied to overhead costs budgeted to support court-related activities for all fiscal years. The allocation is based on the estimated percentage of time and case workload each overhead position spends performing court-related activities. These cost allocations are the basis for the Clerk's annual budget submitted to the CCOC and, ultimately, become the basis for State appropriations for court-related functions.

### OBSERVATIONS & RECOMMENDATIONS

Bank reconciliations should be performed by an employee who does not have custody of or access to bank accounts or cash and who does not authorize, record, or adjust cash receipt or cash disbursement transactions.

During our testing of the bank reconciliations, we noted that the reconciliation reports were prepared and approved by the Clerk's Finance Director. The Finance Director is also an authorized signer on the bank accounts and therefore has authority to write checks.

We recommend that bank reconciliations be performed by an employee or official who does not have custody or access to cash and who does not record cash receipts, cash disbursements, or journal entry transactions.



**Clerk of the Circuit Court, Brevard County, Florida**

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**Scott Ellis, Clerk**

February 27, 2017

Christina Smith, Director  
Division of Accounting and Auditing  
Florida Department of Financial Services  
200 East Gaines Street  
Tallahassee, FL 32399-0355

Dear Ms. Smith,

This is to provide the written response concerning the comments on the recent Article V audit.

**Observations & Recommendations:**

Bank reconciliations should be performed by an employee who does not have custody of or access to bank accounts or cash and who does not authorize, record, or adjust cash receipt or cash disbursement transactions.

During our testing of the bank reconciliations, we noted that the reconciliation reports were prepared and approved by the Clerk's Finance Director. The Finance Director is also an authorized signer on the bank accounts and therefore has authority to write checks.

We recommend that bank reconciliations be performed by an employee or official who does not have custody or access to cash and who does not record cash receipts, cash disbursements, or journal entry transactions.

We agree with the recommendation and will implement new procedures as soon as possible.

Sincerely,

Scott Ellis  
Clerk of the Circuit Court  
Brevard County, Florida