



CHIEF FINANCIAL OFFICER  
**JIMMY PATRONIS**  
STATE OF FLORIDA

March 18, 2019

The Honorable Linda Doggett  
Clerk of Circuit Court  
Lee County  
2115 Second Street  
Fort Myers, Florida 33901

Dear Ms. Doggett:

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

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

Please contact Kim Holland at (850) 413-5700 or [kim.holland@myfloridacfo.com](mailto:kim.holland@myfloridacfo.com) if you have any questions.

Sincerely,

[Redacted Signature]  
Mark Merry  
MM/jp

Enclosure

FLORIDA DEPARTMENT OF FINANCIAL SERVICES

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**JIMMY PATRONIS  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA**

Florida Department of Financial Services

**LEE COUNTY  
CLERK OF THE CIRCUIT COURT  
COMPLIANCE AUDIT**

**Report No. 2019-36  
March 13, 2019**

**SUMMARY**

The Department of Financial Services (DFS) has completed an audit of the Lee County Clerk of the Circuit Court.<sup>1</sup> The auditors sampled court-related administrative and payroll expenditure accounts and transactions to determine whether, in making such expenditures, the Clerk's office complied with applicable State laws.<sup>2</sup> The sampled Clerk's office administrative and payroll expenditures generally complied with applicable State laws, and funds were expended for allowable court-related costs. However, as further described in the Observations and Recommendations section, we noted

- Allocation methodologies for payroll expenditures could be improved.

**BACKGROUND**

In 2013, the Florida Legislature passed legislation that removed the Clerks of the Circuit Courts from the State appropriations process.<sup>3</sup> The 2013 legislation requires that all court-related functions must be funded from filing fees, service charges, costs and fines retained by the Clerks. That portion of all fines, fees, service charges, and costs collected by the Clerks for the previous month that exceeds one-twelfth (1/12) of a Clerk's total budget must be remitted to the State. Those funds are deposited into the State of Florida's Clerk of the Court Trust Fund. For those Clerks who collect less than their approved budgets, the shortage is disbursed from the Clerks of the Court Trust Fund. In addition, the DFS' role was changed to providing audits of only the Clerks' court-related expenditures.

The organization that governs the Clerks, the Florida Clerks of Court Operations Corporation (CCOC), was initially formed to review and certify proposed budgets from each Clerk. In 2017, the Florida Legislature passed new legislation<sup>4</sup> giving the CCOC the duty of approving the proposed budgets submitted by the Clerks of the Circuit Courts as required by State law.<sup>5</sup> The 2017 legislation provides that the CCOC must ensure that the total combined budgets of the Clerks of the Circuit Courts do not exceed the total estimated revenues available for court-related expenditures as determined by the most recent Revenue Estimating Conference.

The Chief Financial Officer has contracted with the CCOC to establish a process for auditing the court-related expenditures of the individual Clerks pursuant to State law.<sup>6</sup> The audits are conducted by the DFS Bureau of Auditing, Article V section. It is the practice of the Department to conduct these audits every three to five years.

<sup>1</sup>Section 34.031, Florida Statutes.

<sup>2</sup>Sections 28.35(3)(a) and 28.37(5), Florida Statutes.

<sup>3</sup>Chapter 2013-44, Laws of Florida.

<sup>4</sup>Chapter 2017-126, Laws of Florida.

<sup>5</sup>Section 28.36, Florida Statutes.

<sup>6</sup>Section 28.35(2)(e), Florida Statutes.

## SCOPE

The audit of the Lee County Clerk of the Circuit Court's Office covered County Fiscal Year (CFY) 16-17, and CFY 17-18. The audit included both a desk review for analysis and sample selection and an on-site visit for review of supporting documentation.

## OBJECTIVES & METHODOLOGIES

The following objectives have been established for the audit of court-related expenditures:

- Evaluate whether court-related expenditures were in compliance with State laws.<sup>7</sup>
- Evaluate whether court-related expenditures were properly authorized, recorded and supported.
- Evaluate whether the Clerk used other funding sources (from the County or any of the 10% of fines from the Modernization Trust Fund (TF)) to subsidize the court-related budget and/or expenditures (prior to July 1, 2017).
- Evaluate whether expenditures were within the budgeted appropriations.
- Evaluate the accuracy and completeness of expenditures reported on the Clerk of Court Expenditure and Collections Report.
- Evaluate whether the Clerk's salary and total payroll costs were within the applicable caps established by the Florida Legislature's Office of Economic and Demographic Research.
- Evaluate the Clerk's methodology for allocating payroll costs between court and non-court related functions.

Our audit included an examination of accounts, records and the sampling of various court-related transactions related to administrative and payroll expenditures.

Table 1 shows the court-related budgeted and actual expenditures for each fiscal year reviewed. Source: CCOC Budget Letter and Expenditure and Collection (EC) reports. CFY 16-17 includes juror expenditures through June 2017. CFY 17-18 does not include juror expenditures.

Table 1		
Year	Budgeted	Actual
CFY 16-17	\$11,082,890	\$10,269,017
CFY 17-18	\$10,509,814	\$10,506,502

The Lee County Clerk of the Circuit Court serves a population of 680,539.<sup>8</sup>

The budgeted growth from October 2016 through September 2018 was -5.17%.

Table 2 reflects the budgeted and actual full-time equivalent (FTE) positions, who charge either all or a portion of employee time to court-related duties. The budgeted number of FTEs includes vacant positions. The actual number of FTEs includes only filled positions.

<sup>7</sup>Sections 28.35(3)(a) and 28.37(5), Florida Statutes.

<sup>8</sup>The Florida Legislature's Office of Economic and Demographic Research Report Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2017-2018, September 2017.

**Table 2**

<b>Year</b>	<b>Budgeted FTEs</b>	<b>Actual FTEs</b>
<b>CFY 16-17</b>	220.67	164.80
<b>CFY 17-18</b>	189.42	164.80

The budgeted FTEs decreased by -14.16% for the period October 2016 through September 2018.

## **OBSERVATIONS AND RECOMMENDATIONS**

The Clerk's office indicated it uses management estimates based on the job descriptions and specific duties for the allocation of FTE overhead between court and non-court related functions. Accounting estimates, however, should be based on an accumulation of relevant, sufficient, and reliable data and compared to subsequent actual data to determine the reliability of the estimate. The Clerk's office was unable to provide supporting documentation for the time and effort employees spent working on court related functions.

Without accurate time-keeping of court and non-court related functions, the Clerk's office has no assurance that the estimates used for budgeting purposes were accurate or need to be revised for the next budget cycle.

We recommend the Clerk office establish a method for tracking employees' time and effort between court-related and non-court related activities to ensure accuracy in the budgeting process and the appropriation of State funds. The methodology should include a basis for concluding whether the budgetary estimates are accurate. The Clerk's office might consider using a sampling method similar to the Title IV-D child support process that includes random moment sampling or a time study.

March 14, 2019

Jim Parker  
Financial Administrator, Article V  
Florida Department of Financial Services  
Division of Accounting & Auditing

Mr. Parker,

Thank you for the opportunity to respond to the Lee County compliance audit observations and recommendations. Although we believe our FTE allocation schedule and analysis are accurate and appropriately reflect the FTE overhead between court and non-court related functions, we will inquire with other Clerk's regarding alternate methods used for FTE shared allocations.

Regards,

Linda Doggett  
Lee County Clerk of Court & Comptroller