



ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

Gadsden County Clerk of Circuit Court Budget Review

REPORT DATE:
June 22, 2007

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CHIEF FINANCIAL OFFICER

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INTRODUCTION

The Department of Financial Services (DFS) has completed a review of the budget certifications made by the Gadsden 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 2004-2005 (FY 04-05), 2005-2006 (FY 05-06) and 2006-2007 (FY 06-07).

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 04-05, FY 05-06 and FY 06-07 approved budgets were \$1,095,331, \$1,046,174 and \$1,270,313 respectively.
- Gadsden County has a population of 48,408 and had 23.75, 25.60 and 27.78 Full Time Employees (FTEs) budgeted to be directly supporting court-related activities for FY 04-05, FY 05-06 and FY 06-07 respectively.
- Budgeted revenues for FY 04-05 were \$1,099,709. Actual revenues and expenditures as reported by the Clerk were \$1,112,032 and \$1,080,050 respectively, resulting in a \$31,982 surplus for FY 04-05. The Clerk remitted the FY 04-05 surplus to the Department of Revenue (DOR) on January 31, 2006, for deposit in the General Revenue Fund pursuant to the provisions of Section 28.37(4), F.S.

- Projected revenues for FY 05-06 were \$1,046,174. Actual revenues and expenditures as reported by the Clerk were \$1,110,527 and \$998,783 respectively, resulting in an \$111,744 surplus for FY 05-06. The Clerk remitted the FY 05-06 surplus to DOR on December 29, 2006, for deposit in the General Revenue Fund pursuant to the provisions of Section 28.37(4), F.S.
- Projected revenues and expenditures for FY 06-07 are \$1,274,463 and \$1,270,313 respectively, resulting in a \$4,150 budgeted surplus. Monthly remittances to the Clerks of the Court Trust Fund are scheduled to liquidate this projected surplus.
- The Clerk currently 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 04-05, FY 05-06 and FY 06-07 budgets. Our review was conducted on May 9 - 10, 2007, at the Gadsden 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 Gadsden County Clerk's Office applied a 67.38 and 72.62 percent cost allocation rate to the FY 04-05 and 05-06 certified annual budgets. A 70.78 percent cost allocation rate is being utilized for the FY 06-07 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 Gadsden County Clerk's Office budgeted 23.75 of 35.25, 25.60 of 35.25 and 27.78 of 39.25 FTEs for FY 04-05, FY 05-06 and FY 06-07 respectively, to be directly supportive of court-related functions.

- o General Fund Expenditures – The final approved budget for FY 04-05 was \$1,095,331. Major expenditure categories were: Personal Services (\$1,009,984) and Operating Expenses (\$85,347). The final approved budget for FY 05-06 was \$1,046,174. Major expenditure categories were: Personal Services (\$920,494), Operating Expenses (\$115,680) and Capital Outlay (\$10,000). The approved budget for FY 06-07 is \$1,270,313, which includes a reserve of \$71,905. Major expenditure categories are: Personal Services (\$1,082,733), Operating Expenses (\$109,276) and Capital Outlay (\$6,400).
 - o Revenue Forecasting – Budgeted revenues of \$1,099,709, \$1,046,174 and \$1,274,463 were calculated for FY 04-05, FY 05-06 and FY 06-07 respectively, based on prior period data and management’s assessment of future operational activities.
 - o Our review determined the Clerk’s FY 04-05, FY 05-06 and FY 06-07 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 04-05 and FY 05-06 were assessed pursuant to the provisions of Chapter 28, F.S. The Clerk’s budget for FY 06-07 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 Gadsden County Clerk’s Office is currently utilizing an internal database system to account for partial fee payments. The Clerk is currently contracting with an external collection agency (S.C. Services and Associates, Inc.) to assist with collecting outstanding aged receivables (over 90 days).
- The Gadsden County Clerk of Court was designated a “donor” office for FY 04-05 by CCOC based upon a budgeted surplus of \$4,378. Monthly remittances to the Clerks of the Court Trust Fund were scheduled to liquidate the Clerk’s projected surplus, pursuant to CCOC directive. Based on actual revenues and expenditures of \$1,112,032 and \$1,080,050 respectively, the Clerk reported a surplus of \$31,982 during FY 04-05. The Clerk remitted the FY 04-05 surplus to DOR on January 31, 2006, for deposit in the General Revenue Fund pursuant to the provisions of Section 28.37(4), F.S.

- The Gadsden County Clerk of Court was designated a “break-even” office for FY 05-06 by CCOC based upon budgeted revenues and expenditures of \$1,046,174. Based on actual revenues and expenditures of \$1,110,527 and \$998,783 respectively, the Clerk reported a non-projected surplus of \$111,744 during FY05-06. The Clerk remitted the FY 05-06 non-projected surplus to DOR on December 29, 2006, for deposit in the General Revenue Fund pursuant to the provisions of Section 28.37(4), F.S.
- The Gadsden County Clerk of Court is designated a “donor” office for FY 06-07 by CCOC based upon a budgeted surplus of \$4,150. Projected revenues and expenditures for FY 06-07 are \$1,274,463 and \$1,270,313 respectively. Monthly remittances to the Clerks of the Court Trust Fund are scheduled to liquidate the Clerk’s projected surplus, pursuant to CCOC directive. Through the time of our review (March 2007), the Clerk’s Office reported an actual FY 06-07 surplus of \$141,046 based on revenues and expenditures of \$696,976 and \$555,930 respectively. Clerks are required to remit monthly, one-third of all excess revenues, pursuant to Section 28.37(2), F.S. Our review concluded the Gadsden County Clerk’s Office current one-third revenue remittance requirement was \$47,015 while actual year to date remittances totaled \$2,075.
- The following performance measures were adopted by CCOC, pursuant to Section 28.35, F.S., for FY 04-05, FY 05-06 and FY 06-07:
 - o 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 16,713 new cases filed and 5,604 defendants during FY 04-05. The Clerk reported 17,881 new cases filed and 3,970 defendants during FY 05-06. The Clerk reported 11,053 new cases filed and 2,472 defendants through the first two quarters of FY 06-07.
 - o 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 14 of 20 timeliness performance standards to CCOC for FY 04-05. The Clerk reported meeting or exceeding 19 of 20 performance standards to CCOC for FY 05-06. The Clerk reported meeting or exceeding 20 of 20 performance standards to CCOC through the first two quarters of FY 06-07.

- Collection Rate – The collection rate is calculated by dividing collections by the adjusted assessments. The Clerk failed to report collections performance standards to CCOC for FY 04-05. The Clerk reported meeting or exceeding 3 of 9 collections performance standards to CCOC for FY 05-06. The Clerk reported meeting or exceeding 6 of 9 collections performance standards to CCOC through the first two quarters of FY 06-07.

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 Gadsden County Clerk's Office is currently able to report on all required performance standards. However, through the time of our review in FY 06-07, the Gadsden County Clerk's Office is not in compliance with the revenue remittance directives prescribed in Section 28.37(2), F.S.

Recommendation Number 1:

The Clerk should closely adhere to and follow all revenue remittance requirements as directed by Section 28.37(2), F.S. Our review concluded that \$44,940 should be remitted to the Clerks of the Court Trust Fund to ensure statutory compliance for FY 06-07.

REVIEW TEAM

Burton Marshall, *Chief, Bureau of Local Government*
Charles Culp, *Financial Administrator*
Angie Lawson, *Professional Accountant Specialist*
Mark Gressel, *Professional Accountant Specialist*
Bob Johnson, *Professional Accountant Specialist*

APPENDIX

Appendix A



ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

March 19, 2007

The Honorable Nicholas Thomas
Clerk of Circuit Court
Gadsden County
10 East Jefferson Street
Quincy, Florida 32351

Dear Mr. Thomas:

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 May 9 - 10, 2007. 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 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.
4. Listing of GL codes (500-700 range) used in conjunction with the chart of accounts.
5. General ledger report of court-related revenues and expenditures for FY 04-05, FY 05-06 and FY 06-07 (through March 2007).
6. Revenue and Expenditure Tracking Reports submitted to CCOC for FY 04-05, FY 05-06 and FY 06-07 (through March 2007).
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.
9. Contract, outstanding balance of accounts assigned, and supporting records for remittances by collection agency for FY 04-05, FY 05-06 and FY 06-07, if applicable.

DOUGLAS A. DARLING • DIRECTOR
DIVISION OF ACCOUNTING AND AUDITING
200 EAST GAINES STREET • TALLAHASSEE, FLORIDA 32399-0353 • TEL. 850-413-5510 • FAX 850-413-5547 • SC 293-5510
EMAIL • DOUG.DARLING@FLDFS.COM

AFFIRMATIVE ACTION • EQUAL OPPORTUNITY EMPLOYER

Appendix A (continued)

The Honorable Nicholas Thomas
March 19, 2007
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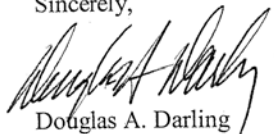
10. Documentation supporting transfers of surplus funds to the County or funding from the County for the period 10/1/03-6/30/04.
11. Submissions of timeliness and collections performance measure data and any related supporting documentation to CCOC for FY 04-05, FY 05-06, and FY 06-07.
12. Any internal documentation used to complete a Budget Amendment Request(s) approved by CCOC, if applicable.
13. Annual Financial Report and Audit Report for FY 04-05 and FY 05-06.

Please have the requested information available for fiscal years 2004-2005, 2005-2006 and 2006-2007, as our review will cover all three periods. Mr. Mark Gressel and Ms. Angie Lawson 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 Mr. Charles Culp as our primary point of contact at (850) 413-5592 or charles.culp@fldfs.com.

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

Sincerely,



Douglas A. Darling

DAD:cc

Appendix B

JUN-21-2007(THU) 12:52

Gadsden County Clerk of Court

(FAX) 850 875 6102

P. 002/002

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

June 19, 2007

Douglas Darling
Division of Accounting and Auditing
200 East Gaines Street
Tallahassee, FL 32399-0353

Dear Douglas Darling,

This letter is in response to your email dated June 14, 2007, which included your draft copy of Gadsden County's Budget Review report. This report included your findings and recommendations for corrective action.

Finding Number 1:

We have reviewed Section 28.37(2), F.S. and will abide by the statute. The Gadsden County Clerk's office has complied with the recommendation and has remitted the required revenue to the Clerks of the Court Trust Fund.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas Thomas".

Nicholas Thomas
Clerk of the Circuit Court