



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

BREVARD COUNTY
CLERK OF CIRCUIT COURT
BUDGET REVIEW

REPORT DATE:
June 5, 2009

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CHIEF FINANCIAL OFFICER

INTRODUCTION

The Department of Financial Services (DFS) has completed a review of the budget certifications made by the Brevard 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 \$15,794,478, \$16,494,154 and \$16,075,499 respectively.
- Brevard County has a population of 552,109 and had 478.00, 480.00 and 458.50 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 \$13,018,135 and \$15,794,478 respectively, resulting in a budgeted deficit of \$2,776,343. Actual revenues and expenditures for FY 06-07, which included payments from the Clerks of the Court Trust Fund, detailed a surplus of \$410,094. The Clerk remitted the FY 06-07 surplus to the Department of Revenue (DOR) on December 26, 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 \$13,186,614 and \$16,494,154 respectively, resulting in a budgeted deficit of \$3,307,540. Actual revenues and expenditures for FY 07-08, which included payments from the Clerks of the Court Trust Fund, detailed a surplus of \$513,451. The Clerk remitted the FY 07-08 surplus to DOR on December 30, 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 \$13,988,817 and \$16,075,499 respectively, resulting in a budgeted deficit of \$2,086,682. Monthly payments from the Clerks of the Court Trust Fund are scheduled to fund the Clerk's projected deficit 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 April 21 - 23, 2009, at the Brevard 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 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 Brevard County Clerk's Office applied a 72.41 and 73.15 percent cost allocation rate to the FY 06-07 and FY 07-08 certified annual budgets. A 81.32 percent cost allocation rate is being utilized for the FY 08-09 budget.
 - Our review of supporting documentation disclosed the methodologies used to calculate and distribute overhead costs were reasonable.
 - Distribution of Court-Related FTEs – The Brevard County Clerk's Office budgeted 346.10 of 478.00, 351.13 of 480.00 and 372.87 of 458.50 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 \$15,794,478. Major expenditure categories were: Personal Services (\$14,257,289) and Operating Expenses (\$1,537,189). The final approved budget for FY 07-08 was \$16,494,154. Major expenditure categories were: Personal Services (\$15,118,973) and Operating Expenses (\$1,375,181). The final approved budget for FY 08-09 was \$16,075,499. Major expenditure categories are: Personal Services (\$14,755,610) and Operating Expenses (\$1,319,889).
- Revenue Forecasting – Budgeted revenues of \$13,018,135, \$13,186,614 and \$13,988,817 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 Clerk 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 Clerk revenues for fees, services 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 Brevard County Clerk’s Office is currently utilizing an internal database system to account for partial fee payments. The Clerk is contracting with two external collection agencies to assist with collecting delinquent accounts 90 days past due.
- Brevard County Clerk of Court was designated a “recipient” office for FY 06-07 by CCOC based upon a budgeted deficit of \$2,776,343. Monthly payments from the Clerks of the Court Trust Fund were scheduled to fund the Clerk’s projected deficit pursuant to CCOC directive. The Clerk reported a FY 06-07 surplus of \$410,094 based on actual revenues and expenditures of \$16,204,572 and \$15,794,478 respectively, which included payments from the Clerks of the Court Trust Fund. The Clerk remitted the FY 06-07 surplus to DOR on December 26, 2007, for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.

- Brevard County Clerk of Court is designated a “recipient” office for FY 07-08 by CCOC based upon a budgeted deficit of \$3,307,540. Monthly payments from the Clerks of the Court Trust Fund were scheduled to fund the Clerk’s projected deficit pursuant to CCOC directive. The Clerk reported a FY 07-08 surplus of \$513,451 based on revenues and expenditures of \$17,007,605 and \$16,494,154 respectively, which included payments from the Clerks of the Court Trust Fund. The Clerk remitted the FY 07-08 surplus to DOR on December 30, 2008, for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- Brevard County Clerk of Court is designated a “recipient” office for FY 08-09 by CCOC based upon a budgeted deficit of \$2,086,682. Projected revenues and expenditures for FY 08-09 are \$13,988,817 and \$16,075,499 respectively. Through the time of our review (based on report data through February 2009), the Clerk’s Office reported a FY 08-09 deficit of \$591,182 based on revenues and expenditures of \$6,776,337 and \$7,367,519 respectively, which includes payments from the Clerks of the 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 125,541 cases filed and 42,907 defendants during FY 06-07. The Clerk reported a total case count of 144,536 for FY 07-08, which included re-openings and Notice of Appeals (NOAs). The Clerk’s Office reported a total number of defendants of 56,514 for FY 07-08, which included re-openings and NOAs. The Clerk reported a total case count of 62,860 for the first half of FY 08-09, which includes re-openings and NOAs. The Clerk’s Office reported total number of defendants of 29,199 for the first half of FY 08-09, which includes re-openings and NOAs. The Clerk reported 519,434 financial receipts for FY 07-08. The Clerk reported 261,142 financial receipts for the first half of FY 08-09.
 - 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. The Clerk reported meeting or exceeding 20 of 20 performance standards to CCOC for the first half of FY 08-09.
 - Collection Rate – The collection rate is calculated by dividing collections by the adjusted assessments. The Clerk reported meeting or exceeding 8 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 9 of 9 collections performance standards to CCOC for the first half 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 met 99.7 percent of juror payments issued timely to CCOC for FY 07-08. The Clerk met 100 percent of juror payments issued timely to CCOC for the first half of FY 08-09.

FINDINGS AND RECOMMENDATIONS

Finding Number 1:

We concluded the Brevard County Clerk’s Office is currently able to report on all required performance standards. However, the Brevard County Clerk’s Office did not meet 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 Brevard 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

April 16, 2009

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

Dear Mr. Ellis:

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 April 21 – 24, 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 February 2009).
6. Revenue and Expenditure Tracking Reports submitted to CCOC for FY 06-07, FY 07-08 and FY 08-09 (through February 2009).
7. Juror Expense Allocation Letters from CCOC for the fourth quarter of FY 07-08 and through the second quarter of FY 08-09.
8. General Ledger report of Juror Expenditures for the fourth quarter of FY 07-08 and through the second quarter of FY 08-09.
9. Copies of monthly transmittals to the Department of Revenue for revenues remitted during FY 06-07, FY 07-08 and FY 08-09, pursuant to Sections 28.214(1)(a), 28.241(2), 34.041(1)(b), 28.37(2) and 28.37(4), Florida Statutes.

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
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Affirmative Action • Equal Opportunity Employer

Appendix A (continued)

The Honorable Scott Ellis
April 16, 2009
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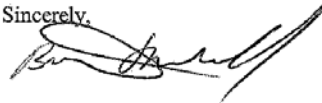
10. General Ledger report for the fourth quarter of FY 07-08 and through the second quarter of FY 08-09 for revenues related to Chapter 2008-111, Laws of Florida (SB 1790). Also, any internal documents used in tracking and reporting Chapter 2008-111 revenues.
11. DOR confirmations of remittances for the fourth quarter of FY 07-08 and through the second quarter of FY 08-09 for new revenues relating to Chapter 2008-111, Laws of Florida (SB 1790), with any relevant supporting documentation.
12. Quarterly Detail Revenue Report to CCOC (Attachment E) for the fourth quarter of FY 07-08 and through the second quarter of FY 08-09, pursuant to Chapter 2008-111, Laws of Florida (SB 1790).
13. Report detailing outstanding balance for each partial payment account.
14. Contract, outstanding balance of accounts assigned and supporting records for remittances by collection agency for FY 08-09, if applicable.
15. 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 February 2009).
16. Any internal documentation used to complete a Budget Amendment Request(s) approved by CCOC, if applicable.
17. Management Letter from the Annual Audit Report for FY 06-07 and FY 07-08 (if completed).
18. Fiscal Management Measures Status Report Form to CCOC for FY 06-07 and FY 07-08.
19. Financial Receipts data for FY 07-08 (reference the Cases Semi-Annual Report Form).
20. FY 07-08 and FY 08-09 Rebasing worksheets for Budget Submission to the CCOC.
21. Juror Report Form to the CCOC for FY 07-08 and FY 08-09 (First Half).
22. Juror Quarterly Payroll, Meals and Lodging Statement submitted to CCOC for FY 07-08 and FY 08-09.
23. Cases Semi-Annual Report Form submitted to CCOC for FY 06-07, FY 07-08 and FY 08-09 (First Half).

Please have the requested report information available for fiscal years 2006-2007, 2007-2008 and 2008-2009 (through February 2009), as our review will cover these periods. Ms. Priscilla Bailey-Brown, Ms. Angie Lawson, Mr. Jeremy Smith 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



Clerk of the Circuit Court Brevard County, Florida

400 South Street, P.O. Box 999, Titusville, Florida 32781-0999

Telephone (321) 637-2002 FAX (321) 225-3051

<http://www.brevardclerk.us>

Scott Ellis, Clerk

May 11, 2009

Florida Department of Financial Services
Bureau of Local Government
200 East Gaines Street
Tallahassee, FL 32399

Attention: Burton Marshall

Dear Sir:

The Brevard County Clerk's Office is in receipt of the Budget Review dated May 8, 2009 conducted by the 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 Brevard County Clerk's Office is currently able to report on all required performance standards. However, the Brevard County Clerk's Office did not meet 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 Brevard 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 Brevard County Clerk's Office has efficient and accurate budgeting practices and expenditure and revenue methodologies.

Section 40.32 F.S. requires payment of jurors within 20 days after completion of service. The Brevard County Clerk's Office will review our procedures to ensure timely payments are made.

Sincerely,

Scott Ellis
Clerk of Courts

SE/mmcd