



REPRESENTING
ALEX SINK
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA

GILCHRIST COUNTY
CLERK OF CIRCUIT COURT
BUDGET REVIEW

REPORT DATE:
September 18, 2008

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ALEX SINK

CHIEF FINANCIAL OFFICER

INTRODUCTION

The Department of Financial Services (DFS) has completed a review of the budget certifications made by the Gilchrist 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 2005-2006 (FY 05-06), 2006-2007 (FY 06-07) and 2007-2008 (FY 07-08).

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 05-06, FY 06-07 and FY 07-08 approved budgets were \$446,717, \$517,249 and \$638,562 respectively.
- Gilchrist County has a population of 17,106 and had 10.35, 9.34, and 9.34 Full Time Employees (FTEs) budgeted to support court-related activities for FY 05-06, FY 06-07 and FY 07-08 respectively.
- Budgeted revenues and expenditures for FY 05-06 were \$284,415 and \$446,717 respectively, resulting in a budgeted deficit of \$162,302. Actual revenues and expenditures as reported by the Clerk for FY 05-06 detailed a surplus of \$35,615. The Clerk remitted the FY 05-06 surplus to the Department of Revenue (DOR) on December 27, 2006 for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- Budgeted revenues and expenditures for FY 06-07 were \$320,563 and \$517,249 respectively, resulting in a budgeted deficit of \$196,686. Actual revenues and expenditures as reported by the Clerk for FY 06-07 detailed a surplus of \$114,986. The Clerk remitted the FY 06-07 surplus to DOR on December 27, 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 are \$415,628 and \$638,562 respectively, resulting in a \$222,934 budgeted deficit. 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 AND METHODOLOGY

Scope

The Scope of our review included an analysis of the development of the Clerk's FY 05-06, FY 06-07 and FY 07-08 budgets. Our review was conducted on May 21 - 23, 2008 at the Gilchrist 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:
 - Overhead Cost Allocation – The Gilchrist County Clerk's Office applied a 52.41 and 48.63 percent cost allocation rate to the FY 05-06 and FY 06-07 certified annual budgets. A 48.63 percent cost allocation rate is being utilized for the FY 07-08 budget.
 - Our review of supporting documentation disclosed that the methodologies used to calculate and distribute overhead costs were reasonable.
 - Distribution of Court-Related FTEs – The Gilchrist County Clerk's Office budgeted 10.35 of 19.75, 9.34 of 19.20 and 9.34 of 19.20 FTEs for FY 05-06, FY 06-07 and FY 07-08 respectively, to support court-related functions.
 - General Fund Expenditures – The final approved budget for FY 05-06 was \$446,717 which included a budget reserve of \$21,274. Major expenditure categories were: Personal Services (\$358,443), Operating Expenses (\$56,000) and Capital (\$11,000). The final approved budget for FY 06-07 was \$517,249 which included a budget reserve of \$24,631. Major expenditure categories were: Personal Services (\$420,894), Operating Expenses (\$57,079) and Capital (\$14,645).

The final approved budget for FY 07-08 was \$638,562 which included a budget reserve of \$49,262. Major expenditure categories are: Personal Services (\$517,576), Operating Expenses (\$57,079) and Capital (\$14,645).

- Revenue Forecasting – Budgeted revenues of \$284,415, \$320,563 and \$415,628 were calculated for FY 05-06, FY 06-07 and FY 07-08 respectively, based on prior period data and management’s assessment of future operational activities.
 - Our review determined that the Clerk’s FY 05-06, FY 06-07 and FY 07-08 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 05-06 and FY 06-07 were assessed pursuant to the provisions of Chapter 28, F.S. The Clerk’s budget for FY 07-08 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 Gilchrist County Clerk’s Office is currently utilizing an internal database system to account for partial fee payments. The Clerk is contracting with an external collection agency to assist collecting delinquent accounts 120 days past due. However, our review concluded that the Gilchrist County Clerk’s Office is receiving administrative fees from the contracted collection agency.
- Gilchrist County Clerk of Court was designated a “recipient” office for FY 05-06 by CCOC based upon a budgeted deficit of \$162,302. Monthly remittances 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 05-06 surplus of \$35,615 based on actual revenues and expenditures of \$479,845 and \$444,230 respectively. The Clerk remitted the FY 05-06 surplus to DOR on December 27, 2006 for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.
- Gilchrist County Clerk of Court was designated a “recipient” office for FY 06-07 by CCOC based upon a budgeted deficit of \$196,686. Monthly remittances 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 \$114,986 based on actual revenues and expenditures of \$607,476 and \$492,490 respectively. The Clerk remitted the FY 06-07 surplus to DOR on December 27, 2007 for deposit in the General Revenue Fund, pursuant to the provisions of Section 28.37(4), F.S.

- The Gilchrist County Clerk of Court is designated a “recipient” office for FY 07-08 by CCOC based upon a budgeted deficit of \$222,934. Projected revenues and expenditures for FY 07-08 are \$415,628 and \$638,562 respectively. Through the time of our review (based on report data through March 2008), the Clerk’s Office reported a FY 07-08 surplus of \$80,377 based on revenues and expenditures of \$319,696 and \$239,319 respectively.
- The following performance measures were adopted by CCOC, pursuant to Section 28.35, F.S., for FY 05-06, FY 06-07 and FY 07-08:
 - 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 3,569 new cases filed and 1,486 defendants during FY 05-06. The Clerk reported 4,230 new cases filed and 1,563 defendants during FY 06-07. The Clerk reported 1,908 new cases filed and 623 defendants for the first half of FY 07-08.
 - 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 17 of 20 performance standards to CCOC for FY 05-06. 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 the first half of FY 07-08.
 - 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 05-06. The Clerk reported meeting or exceeding 9 of 9 collections performance standards to CCOC for FY 06-07. The Clerk reported meeting or exceeding 7 of 9 collections performance standards to CCOC through the second quarter of FY 07-08.
 - 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.
 - Jury Management Measures – Percentage of juror payments issued timely:
 - Jurors Report – The Clerk reported meeting or exceeding 100% of juror payments issued timely to CCOC for the first half of FY 07-08.

FINDINGS AND RECOMMENDATIONS

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 Gilchrist County Clerk's Office is currently able to report on all required performance standards. However, the Clerk's Office is receiving administrative fees from the contracted collection agency. The Clerk of the Court is not authorized to charge a fee to the collection agent or attorney for support services provided by the Clerk, when an unpaid amount owed to the Clerk is referred to an agent for collection, pursuant to the Florida Attorney General's opinion (AGO 2007-52). Any administrative support costs incurred by the Clerk after referring unpaid fines and fees for collection should most appropriately be paid from "filing fee, services charges, court costs, and fines" as provided in section 28.35(4)(a), Florida Statutes.

Recommendation Number 1:

The Gilchrist County Clerk's Office should closely adhere to the Attorney General's opinion regarding unauthorized collection of administrative fees received from collection agents.

Clerk Response:

The Clerk's Office has reviewed its procedures with the collection agency and advised the agency in writing that the Clerk's Office is not entitled to, nor will it receive any administrative fees for collection services.

DFS Response:

The department has received a written letter from the Clerk's Office to the collection agency stating that the Clerk's Office will not receive any fees for collections. However, the department requests the collection contract between the Clerk and the collection agency be amended to reflect the Attorney General's opinion (AGO 2007-52), within 30 days of receiving this report.

REVIEW TEAM

Burton Marshall, *Chief, Bureau of Local Government*

Priscilla Bailey-Brown, *Financial Administrator*

Mark Gressel, *Professional Accountant Specialist*

Bob Johnson, *Professional Accountant Specialist*

Angie Lawson, *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

March 19, 2008

The Honorable Joseph W. Gilliam
Clerk of Circuit Court
Gilchrist County
112 South Main Street
Trenton, Florida 32693

Dear Mr. Gilliam:

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 21 – 23, 2008. 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. Do not include Social Security Numbers on documentation.
4. Listing of General Ledger codes (500-700 range) used in conjunction with the chart of accounts.
5. General Ledger report of court-related revenues and expenditures for FY 05-06, FY 06-07 and FY 07-08 (through March 2008).
6. Revenue and Expenditure Tracking Reports submitted to CCOC for FY 05-06, FY 06-07 and FY 07-08 (through March 2008).
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.

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 • SC 293-5588
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Affirmative Action • Equal Opportunity Employer

Appendix A (continued)

The Honorable Joseph W. Gilliam
March 19, 2008
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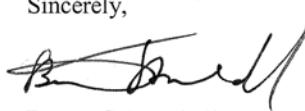
9. Contract, outstanding balance of accounts assigned, and supporting records for remittances by collection agency for FY 05-06, FY 06-07 and FY 07-08 (through March 2008), if applicable.
10. Submissions of timeliness and collections performance measure data and any related supporting documentation to CCOC for FY 05-06, FY 06-07 and FY 07-08 (through March 2008).
11. Any internal documentation used to complete a Budget Amendment Request(s) approved by CCOC, if applicable.
12. Audit Report for FY 05-06 and FY 06-07.
13. Fiscal Management Measures Status Report Form to CCOC for FY 05-06 and FY 06-07.
14. FY 07-08 Rebasing worksheets for Budget Submission to the CCOC.

Please have the requested information available for fiscal years 2005-2006, 2006-2007 and 2007-2008, as our review will cover these periods. Mr. Mark Gressel, Ms. Angie Lawson and Mr. Jeremy Smith 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



**JOSEPH W. GILLIAM
CLERK**

**OFFICE OF CLERK
OF THE CIRCUIT COURT**
P. O. BOX 37, TRENTON, FLORIDA 32693
(352) 463-3170 or 1-800-267-3182
Fax: (352) 463-3166

CLERK OF THE CIRCUIT COURT
COUNTY COURT
BOARD OF COUNTY COMMISSIONERS

September 8, 2008

Burton S. Marshall, CPA, Chief
Florida Department of Financial Services
Division of Accounting and Auditing
200 E. Gaines St.
Tallahassee, FL 32399-0354

RE: Budget Review, Gilchrist County Clerk of Circuit Court

Dear Mr. Marshall;

Please accept this letter in response to the Gilchrist County Clerk of Circuit Court Budget Review dated August 27, 2008.

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 Gilchrist County Clerk's Office is currently able to report on all required performance standards. However, the Clerk's Office is receiving administrative fees from the contracted collection agency. The Clerk of the Court is not authorized to charge a fee to the collection agent or attorney for support services provided by the Clerk, when an unpaid amount owed to the Clerk is referred to an agent for collection, pursuant to the Florida Attorney General's opinion (AGO 2007-52). Any administrative support costs incurred by the Clerk after referring unpaid fines and fees for collection should most appropriately be paid from "filing fee, services charges, court costs, and fines" as provided in section 28.35(4)(a), Florida Statutes.

Response Number 1:

The Clerk's Office has reviewed its procedures with the collection agency and advised the agency in writing that the Clerk's Office is not entitled to, nor will it receive any administrative fees for collection services.

If you have any questions, please contact me at 352-463-3170. Thank you.

Sincerely,


Joseph W. Gilliam
Clerk of Circuit Court

Vision Statement

Our vision for Gilchrist County in 2020 is rural communities working in harmony to provide opportunities for all its citizens through balanced growth and enhanced education, while preserving our proud heritage, natural resources and agriculture.