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CHIEF FINANCIAL OFFICER
STATE OF FLORIDA**

Florida Department of Financial Services

**LAFAYETTE COUNTY
CLERK OF THE CIRCUIT COURT
PERFORMANCE AND COMPLIANCE REVIEW**

**Report No. 2012-01
July 19, 2012**

SUMMARY

The Chief Financial Officer for the State of Florida is authorized by law to conduct performance and compliance reviews for each of the Clerk of the Circuit Court's accounting of Article V State funding. The Department of Financial Services has completed a review of the Lafayette County Clerk of Circuit Court's Office as required by Section 28.36(8), 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 every three years.

- The Lafayette County Clerk of Circuit Court serves a population of 8,870.
- The review verified the Clerk's budgeting practices for each county fiscal year (CFY), October through September, and each state fiscal year (SFY), July through June, are in compliance with the Florida Clerks of Court Operations Corporation (CCOC) guidelines.
- The review verified the Clerk's remittances and recording of revenues/liabilities due to the State were accurate, but not always timely, as required by Section 28.245, F.S.
- The review verified the Clerk's court-related expenditures were limited to those that are allowable and compliant with Sections 28.35(3) and 29.008, F.S.
- The Clerk's office was able to meet or exceed all performance standards established by the CCOC.

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 of Court.

The organization that governs the Clerks, the CCOC, is now administratively housed in the Justice Administrative Commission. The CCOC is responsible for developing the budgets and certifying a uniform system of performance measures for Clerks. Under the current model, all fines, fees, service charges, and court costs, except as otherwise provided in Sections 28.241 and 34.041, F.S., are 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., requires Clerks' collections of court-related fines, fees, service charges, and costs to be considered liabilities due to the State and are required to be remitted to the Clerks of Court Trust Fund by the 20th of the month immediately following the month in which the monies are collected. Beginning July 2010, Section 28.245, F.S., requires Clerks to remit liabilities to the Clerks of Court Trust Fund by the 10th of the month immediately following the month in which the monies are collected. The Clerks are now funded by the State appropriations process.

SCOPE

The Article V performance and compliance review of the Lafayette County Clerk of the Circuit Court's Office covered CFY 07-08, CFY 08-09, SFY 09-10, SFY 10-11, and SFY 11-12 through April 2012 court-related budgets certified by the CCOC, pursuant to Section 28.35, F.S. The review was conducted May 21 through May 23, 2012 at the Lafayette County Clerk of Circuit Court's Office.

OBJECTIVES & METHODOLOGY

The performance and compliance review was conducted to ensure Clerk budget methodologies, expenditures, revenues/liabilities due to the State, and performance measures were accurately implemented and recorded according to law.

BUDGETS

The review of the Clerk's budgets verified that the budgets were funded from fines, fees, service charges, and court costs, pursuant to Section 28.37(1), F.S., and were prepared according to the CCOC instructions.

The table below reflects the budgeted expenditures and revenues/liabilities for each fiscal year reviewed, and reflects the budgeted surplus/deficit amounts certified by the CCOC.

Fiscal Year	Expenditures	Revenues/ Liabilities	Surplus/ (Deficit)
CFY 07-08	\$ 259,664	\$ 174,593	\$ (85,071)
CFY 08-09	\$ 275,984	\$ 182,000	\$ (93,984)

The Clerk's office was budgeted as a "deficit" county by the CCOC for CFY 07-08 and CFY 08-09. The Clerk's office was scheduled to receive monthly payments from the Clerks of Court Trust Fund based on the "deficit" county designation. The Clerk's budgeted deficit increased from CFY 07-08 to CFY 08-09 by approximately 10.48%.

The table below reflects the revised budgeted expenditures and revenues/liabilities following the budget reductions implemented in May 2009.

Fiscal Year	Expenditures	Revenues/ Liabilities	Surplus/ (Deficit)
CFY 08-09¹	\$ 204,805	\$ 89,656	\$ (115,149)
SFY 09-10	\$ 265,220	\$ 119,083	\$ (146,137)
SFY 10-11	\$ 261,474 ²	\$ 124,150	\$ (137,324)
SFY 11-12	\$ 262,818 ³	\$ 114,700	\$ (148,118)

Note 1: CFY 08-09 budgeted expenditures and revenues/liabilities are for the nine month period of October 2008 through June 2009.

Note 2: SFY 10-11 budgeted expenditures was changed on May 6, 2011, due to the 4th quarter true-up process conducted by the CCOC for all clerks as required by Section 28.36(b), F.S. The budgeted deficit decreased as a result of the reduction.

Note 3: SFY 11-12 budgeted expenditures will be subject to the same 4th quarter true-up process as SFY 10-11; however, that process had not been conducted at the time of the review.

Clerks are now required to budget according to State Fiscal Year (July 1 through June 30) and are provided funding through the State GAA. The CCOC released appropriations in the amount of one-twelfth of each Clerk's approved budget each month for SFY 09-10, SFY 10-11 and SFY 11-12.

The table below reflects the budgeted 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
CFY 07-08	3.68	0.90	4.58	7.00	65.36%
CFY 08-09	3.87	0.91	4.78	7.10	67.30%
SFY 09-10	3.20	1.10	4.30	7.10	60.61%
SFY 10-11	3.20	1.10	4.30	7.10	60.61%
SFY 11-12	3.12	1.47	4.59	7.00	65.55%

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 percentage of time each overhead position's duties are performed for court-related activities. The allocation methodologies applied by the Clerk's office are within the approved budget guidelines set by the CCOC. The budgeted total court-related FTEs increased from CFY 07-08 to SFY 11-12 by approximately .22%. The budgeted cost allocation increased from CFY 07-08 to SFY 11-12 by approximately .29%.

EXPENDITURES

The review sampled various court-related expenditure accounts and transactions to determine if the Clerk's office was in compliance with Section 28.35, F.S. The expenditure sample confirmed court-related expenditures were in compliance with Section 28.35, F.S., and funds were expended for allowable court-related costs.

The Clerk's CCOC Technology Expense Monthly Tracking Report was in compliance with guidelines set by the CCOC. The Clerk's salary was within the salary requirements developed by the Office of Economic and Demographic Research. 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 review confirmed the accuracy of the expenditures listed on the Clerk's General Ledger by reconciling with the expenditures reported on the CCOC Clerks' Trust Fund Collections Tracking Report for each fiscal year.

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

	Budgeted	Actual
CFY 07-08	\$ 259,644	\$ 259,644
CFY 08-09¹	\$ 204,805	\$ 175,597
SFY 09-10	\$ 265,220	\$ 262,836
SFY 10-11	\$ 261,474	\$ 261,299
SFY 11-12	\$ 262,818	\$ 181,229 ²

Note 1: CFY 08-09 budgeted and actual expenditures are for the nine month period of October 2008 through June 2009.

Note 2: SFY 11-12 actual revenues/liabilities are for the ten month period of July 2011 through April 2012.

The budgeted expenditures increased from CFY 07-08 to SFY 11-12 by 1.22%. The Clerk's actual expenditures were below budgeted expenditures in CFY 08-09, SFY 09-10 and SFY 10-11. Actual expenditures were equal to budgeted expenditures in CFY 07-08.

The table below reflects the budget categories that make up total budgeted expenditures for each fiscal year reviewed.

Fiscal Year	Personal Services	Operating Expenses	Capital Outlay	Budget Reserve	Total Expenditures
CFY 07-08	\$ 220,822	\$ 29,615	\$ -	\$ 9,227	\$ 259,664
CFY 08-09	\$ 241,372	\$ 29,200	\$ -	\$ 5,411	\$ 275,984
CFY 08-09^{1,2}	N/A	N/A	N/A	N/A	\$ 204,805
SFY 09-10²	N/A	N/A	N/A	N/A	\$ 265,220
SFY 10-11²	N/A	N/A	N/A	N/A	\$ 261,474
SFY 11-12²	N/A	N/A	N/A	N/A	\$ 262,818

Note 1: CFY 08-09 represents revised CFY 08-09 budgeted figures for the nine month period of October 2008 through June 2009, based on the May 2009 budget reductions implemented by the CCOC.

Note 2: The categories of Personal Services, Operating Expenses, Capital Outlay, and Budget Reserve are listed as N/A in CFY 08-09, SFY 09-10, SFY 10-11, and SFY 11-12 due to the implementation of budget reductions in May 2009.

The Clerk's office budgets personnel related costs (employee salaries and benefits) in the budget category of personal services. The total budgeted expenditures in each fiscal year reviewed were approximately 85% personnel related.

REVENUES/LIABILITIES DUE TO THE STATE

The review confirmed that fines, fees, service charges, and court costs collected by the Clerk's office were remitted to the Department of Revenue for deposit into the Clerks of Court Trust Fund. The collections were submitted late by the Clerk's office several times which placed the Clerk in non compliance with Section 28.245, F.S. Pursuant to Section 28.245, F.S., funds are

required to be remitted to the Clerks of Court Trust Fund by the 20th of the month immediately following the month in which the monies were collected. Beginning July 2010, Section 28.245, F.S., requires Clerks to remit liabilities to the Clerks of Court Trust Fund by the 10th of the month immediately following the month in which the monies are collected. The review confirmed the accuracy of the revenues/liabilities listed on the Clerk's General Ledger by reconciling with the revenues/liabilities reported on the CCOC Clerks' Trust Fund Collections Tracking Report for each fiscal year. The Clerk's office is not recording the collections in the proper liability account as required by the Uniform Accounting System Manual (UASM). The Clerk's office was in noncompliance with Florida Laws Chapter 2008-111, due to the untimely remittances and not properly recording the collections in accordance to the UASM.

The table below reflects the budgeted and actual revenues/liabilities for each fiscal year reviewed.

	Budgeted	Actual
CFY 07-08	\$ 174,593	\$ 180,840
CFY 08-09¹	\$ 89,656	\$ 87,237
SFY 09-10	\$ 119,083	\$ 110,343
SFY 10-11	\$ 124,150	\$ 92,461
SFY 11-12	\$ 114,700	\$ 74,902 ²

Note 1: CFY 08-09 budgeted and actual revenues/liabilities are for the nine month period of October 2008 through June 2009.

Note 2: SFY 11-12 actual revenues/liabilities are for the ten month period of July 2011 through April 2012.

The budgeted revenues/liabilities decreased from CFY 07-08 to SFY 11-12 by 34.30%. The Clerk's actual revenues/liabilities were above budgeted revenues/liabilities for CFY 07-08. The Clerk's actual revenues/liabilities were below budgeted revenues/liabilities for CFY 08-09, SFY 09-10 and SFY 10-12.

The table below reflects the budgeted and actual remittances made to the Clerks of Court Trust Fund for each fiscal year reviewed.

Fiscal Year	Budgeted Surplus/(Deficit) Remittances	Actual Payments from the Trust Fund	Actual Remittances to the Trust Fund	Settle Up Remittance to Trust Fund	Total Remittances to/ (from)Trust
CFY 07-08	\$ (84,006)	\$ 84,000	\$ -	\$ 5,196	\$ (78,804)
CFY 08-09 ¹	\$ (110,488)	\$ 110,488	\$ -	\$ 22,128	\$ (88,360)
SFY 09-10 ^{2,3}	\$ (146,137)	\$ 265,220	\$ 110,343	\$ 2,384	\$ (152,493)
SFY 10-11	\$ (141,069)	\$ 263,230	\$ 92,461	\$ 1,931	\$ (168,838)
SFY 11-12 ⁴	\$ (148,118)	\$ 219,015	\$ 74,902	N/A	N/A

Note 1: CFY 08-09 budgeted deficit remittances were based on the nine month period of October 2008 through June 2009.

Note 2: Beginning SFY 09-10, actual payments from the trust fund was the monthly amount received as appropriated by the state, in accordance with 28.36, F.S.

Note 3: Beginning SFY 09-10, actual remittances to the trust fund was the monthly collections remitted by the clerks' offices to the state, in accordance with 28.245 F.S.

Note 4: SFY 11-12 budgeted deficit remittances were based on the twelve month period of July 2011 through June 2012. The actual payments and remittances were for the 10 month period of July 2011 - April 2012. The settle up remittance and total remittances was not available at the time of the review.

PERFORMANCE MEASURES

The CCOC has the responsibility of developing and certifying a uniform system of performance measures and applicable performance standards for the court-related functions, pursuant to Section 28.35(3)(a), F.S. The review confirmed the Clerk's office to be in compliance with the performance measure guidelines and standards defined by the CCOC. The Clerk's independent audit report confirmed the Clerk's office to be in compliance with Section 28.35, F.S., for CFY 07-08, CFY 08-09 and CFY 09-10. The review verified the Clerk maintains a partial fee payment system, pursuant to Section 28.246, F.S.

The table below reflects the standards of timeliness, collections, fiscal management, and juror payments achieved by the Clerk's office for each fiscal year reviewed.

TIMELINESS	CFY 07-08	CFY 08-09	SFY 09-10	SFY 10-11	SFY 11-12
Standard	12 of 20	12 of 20	12 of 20	12 of 20	12 of 20
Clerk Reported	20 of 20	20 of 20	20 of 20	20 of 20	20 of 20 ¹
COLLECTIONS	CFY 07-08	CFY 08-09	CFY 09-10	SFY 10-11	SFY 11-12
Standard	5 of 9	5 of 9	5 of 9	5 of 9	5 of 9
Clerk Reported	9 of 9	8 of 9	8 of 9	8 of 9	7 of 9 ¹
FISCAL MANAGEMENT	CFY 07-08	CFY 08-09	SFY 09-10	SFY 10-11	SFY 11-12
Standard	6 of 9	6 of 9	6 of 8	6 of 9	6 of 9
Clerk Reported	9 of 9	9 of 9	8 of 8	9 of 9	9 of 9
JUROR PAYMENTS	CFY 07-08	CFY 08-09	SFY 09-10	SFY 10-11	SFY 11-12
Standard	100%	100%	100%	100%	100%
Clerk Reported	100%	100%	100%	100%	100% ¹

Note 1: SFY 11-12 timeliness, collections and juror payments data was reported through March 2012.

The table below reflects the Clerk's cases, defendants and financial receipts for each fiscal year reviewed.

TOTAL REPORTED	CFY 07-08	CFY 08-09	SFY 09-10	SFY 10-11	SFY 11-12
Cases	1,130	905	1,150	892	265 ¹
Defendants	313	202	277	368	859 ¹
Financial Receipts	1,666	1,475	1,605	1,214	N/A ²

Note 1: SFY 11-12 cases and defendants are for the period of July 2011 through April 2012.

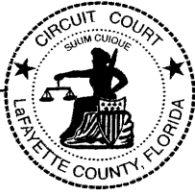
Note 2: SFY 11-12 financial receipts data not available at the time of the review.

OBSERVATIONS & RECOMMENDATIONS**Observation Number One:**

Based upon our review, we found the Lafayette County Clerk of Court's budgeting practices and expenditures and revenues methodologies for State funds to be accurate. However, the Clerk's Office wasn't always timely in their remittances of revenues/liabilities and Florida Laws Chapter 2008-111 revenues to the Department of Revenue for deposit into the Clerks of Court Trust Fund as prescribed by Section 28.245, F.S. In addition, the Clerk is not recording their collections in the proper liability account code as required by the Uniform Accounting System Manual (UASM).

Recommendation Number One:

The Lafayette County Clerk's Office should closely adhere to and follow all Florida Laws Chapter 2008-111 and revenues/liabilities requirements prescribed in Florida Statutes. The Clerk should record their collections in the proper liability account code in accordance with the UASM.



RICKY LYONS
CLERK OF COURT
LAFAYETTE COUNTY, FLORIDA

July 26, 2012

Florida Department of Financial Services
Sally Huggins
Financial Administrator
Bureau of Auditing

Dear Mrs. Huggins,

The Clerk of Court and I have reviewed the report from the audit performed by the Department of Financial Services on May 21-23, 2012. We agree with the findings and will make the changes necessary to comply with the recommendations. It was a pleasure to work with you and your staff and we look forward to working together in the future.

Sincerely,



Steve Land
Finance Director
Lafayette County Clerk of Court