



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

May 8, 2017

The Honorable J. K. Irby
Clerk of Circuit Court
Alachua County
201 East University Avenue
Gainesville, Florida 32601

Dear Mr. Irby:

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

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

Please contact Mark Merry at (850) 413-3074 or mark.merry@myfloridacfo.com if you have any questions.

Sincerely,

A black rectangular box redacting the signature of Christina Smith.

Christina Smith
CS:jhf

Enclosure



**JEFF ATWATER
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA**

Florida Department of Financial Services

**ALACHUA COUNTY
CLERK OF THE CIRCUIT COURT
COMPLIANCE REVIEW**

**Report No. 2017-13
May 8, 2017**

SUMMARY

The Department of Financial Services has completed a review of the Alachua County Clerk of Circuit Court's Office pursuant to Section 28.35 2(e), 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 Alachua County Clerk of Circuit Court serves a population of 248,002.¹
- The auditors sampled administrative and payroll court-related expenditure accounts and transactions to determine if the Clerk's office was in compliance with Sections 28.35(3), 28.37(5), 28.24(12) and 29.008, F.S. The expenditure samples confirmed court-related expenditures were in compliance and funds were expended for allowable court-related costs.

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. Prior to July 1, 2009, Clerks prepared budgets using a revenue-based model independent of the State appropriations process. Clerks collected fines, fees, service charges, and court costs to fund their approved budgets and remitted any excess revenues to the Department of Revenue for deposit into the Clerks of Court Trust Fund. The Florida Legislature passed Florida Laws Chapter 2009-61 and Chapter 2009-204, placing the Clerks' court-related budgets under the State appropriations process beginning July 1, 2009. The Florida Legislature appropriated the total amount for the Clerks' budgets in the General Appropriations Act (GAA).

The organization that governs the Clerks, the Clerks of Court Operations Corporation (CCOC), is responsible for developing the budgets and certifying a uniform system of performance measures for Clerks. Under the model enacted July 1, 2009, all fines, fees, service charges, and court costs, except as otherwise provided in Sections 28.241 and 34.041, F.S., were 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., required Clerks' collections of court-related fines, fees, service charges, and costs to be considered liabilities due to the State and were required

¹ Office of Economic and Demographic Research Report Salaries of Elected County Constitutional Officer and School District Officials for Fiscal Year 2015-16, October 2015

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., required 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 were collected. The Clerks were funded by the State appropriations process from July 1, 2009 through June 30, 2013.

In 2013, the Florida Legislature passed Florida Laws Chapter 2013-44, which returned the Clerks to the pre-2009 funding model and removed the Clerks from the State appropriations process. Beginning November 2013, the Clerks remit to the State the excess of 1/12 of their budget for the previous months' collections. For those Clerks who collect fees less than their approved budgets, the shortage is disbursed from the State of Florida's Clerk of the Court Trust Fund. In addition, the Department of Financial Services' role was changed to providing audits of the Clerks' court-related expenditures only.

SCOPE

The Article V compliance review of the Alachua County Clerk of the Circuit Court's Office covered County Fiscal Year (CFY) 13-14, CFY 14-15, and CFY 15-16 for court-related expenditures. The review was conducted as an on-site review by the Article V section within the Bureau of Auditing.

OBJECTIVES & METHODOLOGY

EXPENDITURES

The auditors sampled various court-related expenditure accounts and transactions to determine if the Clerk's office was in compliance with Sections 28.35(3), 28.37(2) and 28.24(12)(d) F.S. The expenditure review confirmed court-related expenditures were in compliance with these Statutes.

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 and testing court-related expenditures reported on the CCOC Clerks' Expenditures and Collections Tracking Report for each fiscal year.

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

	Budgeted	Actual
CFY 13-14	\$5,856,294	\$5,522,569
CFY 14-15	\$5,583,175	\$5,525,601
CFY 15-16	\$5,381,559	\$5,182,218

The budgeted growth from October 2013 through Sept 2016 is -8.1%.

The auditors confirmed certain court-related payroll expenditures were in compliance with Section 28.35(3), F.S. and budget guidelines established by the CCOC. The Clerk's salary was within the salary requirements developed by the Office of Economic and Demographic Research.

The table below reflects the budgeted Full-time Employees (FTEs) for each fiscal year reviewed. These cost allocations are the basis for the Clerk's annual budget submitted to the CCOC and, ultimately, become the basis for State appropriations for court-related functions.

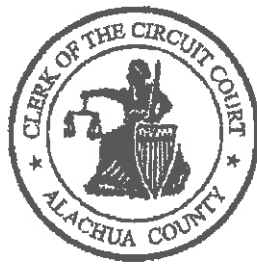
Fiscal Year	Total Court-Related FTEs*	Shared Administrative Overhead FTE's	Total Non-Court FTEs	All FTEs*	Cost Allocation Percentage
FY 13-14	123.00	4.00	44.77	167.77	73.31%
FY 14-15	123.00	4.00	44.77	167.77	73.31%
FY 15-16	123.00	4.00	44.77	167.77	73.31%

*The total court related FTEs of 123.00 include 2.93 of court side shared overhead and the 44.77 non-court FTEs include 1.07 of non-court shared overhead for a total of 4 FTEs shared administrative overhead. Therefore, these 4 FTEs are not included in the total of 167.77 FTEs because they were allocated between court and non-court.

In addition to allocating the Clerk's budget between court and non-court related functions, the cost allocation percentage is used to allocate the time for shared administrative overhead positions (i.e. personnel, general accounting, etc.). The percentage is based on the estimated time employees spend on direct court-related activities compared to the combined total amount of time spent working on direct-court and non-court related activities.

OBSERVATIONS & RECOMMENDATIONS

Based upon our review, we found the Clerk's expenditure methodologies for State funds to be efficient and accurate. There are no recommendations.



CLERK OF THE CIRCUIT AND COUNTY COURTS

EIGHTH JUDICIAL CIRCUIT

ALACHUA COUNTY COURTHOUSE

201 EAST UNIVERSITY AVENUE

GAINESVILLE, FLORIDA 32601

J. K. "JESS" IRBY
CLERK

TELEPHONE
352-374-3636

May 16, 2017

Jeff Atwater, Chief Financial Officer
Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0353

Re: Compliance Review, Report No. 2017-13 Date: May 08, 2017

Dear Mr. Atwater:

Thank you for the opportunity to respond to the Alachua County Clerk of Circuit Court Compliance Review dated May 08, 2017. I am pleased that the results of the Observations and Recommendations indicated that the Clerk's budgeting practices and expenditure and revenue methodologies for State funds to be compliant with Florida Statutes and the guidelines established by the CCOC. In addition, the review confirmed that we are in compliance with the performance measure guidelines and standards.

Thank you, it was a pleasure working with your staff.

Sincerely,

J.K. "Jess" Irby, Clerk
Alachua County Clerk of Court