



CHIEF FINANCIAL OFFICER
BLAISE INGOGLIA
STATE OF FLORIDA

September 19, 2025

The Honorable Gary Cooney
Clerk of Circuit Court & Comptroller
Lake County
550 West Main Street
Tavares, Florida 32778

Dear Clerk Cooney,

We completed our Article V Clerk of the Circuit Court Compliance Audit in accordance with Florida Statutes. Enclosed is a copy of our final report. Please provide a response within five (5) business days.

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

Please contact Kim Holland at (850) 413-5700 or Kim.Holland@myfloridacfo.com if you have any questions.

Sincerely,

A black rectangular box redacting the signature of Renée Hermeling.

Renée Hermeling

RH/avg

Enclosure



**BLAISE INGOGLIA
CHIEF FINANCIAL OFFICER
STATE OF FLORIDA**

Florida Department of Financial Services

**LAKE COUNTY
CLERK OF THE CIRCUIT COURT
COMPLIANCE AUDIT**

**Report No. 2025-146
September 19, 2025**

WHY WE DID THIS AUDIT

The Florida State Constitution requires that selected salaries, costs, and expenses of the state courts system and court-related functions shall be funded from a portion of the revenues derived from statutory fines, fees, service charges, and court costs collected by the clerks of the court and from adequate and appropriate supplemental funding from state revenues as appropriated by the Legislature.¹

In order to ensure compliance, the Chief Financial Officer (CFO) has contracted with the Florida Clerk of Court Operations Corporation (CCOC) to establish a process for auditing the State funded portion of court-related² expenditures of the individual Clerks pursuant to State law.³ The audits are conducted by the Department of Financial Services (DFS), Bureau of Auditing, Article V Section. It is the practice of the Department to conduct these audits every three to five years.

WHAT WE FOUND

We concluded that, overall, the sampled Clerk's office administrative and payroll expenditures generally complied with applicable State laws, and funds were expended for allowable court-related costs and that transactions were accurate, properly approved and recorded, and served a public purpose. Exceptions are noted in the Observations and Recommendations section below.

WHAT WE DID

Our audit included an examination of accounts and records, and the sampling of various court-related transactions related to administrative and payroll expenditures for County Fiscal Years (CFY) 22-23, CFY 23-24, and CFY 24-25 (through June 2025). The following objectives have been established for the audit of court-related expenditures:

- Evaluate whether court-related expenditures were in compliance with State laws.⁴
- Evaluate whether court-related expenditures were properly authorized, recorded, and supported.
- Evaluate whether expenditures were within the budgeted appropriations.
- Evaluate the accuracy and completeness of expenditures reported on the Clerk of Court Expenditure and Collections Report.
- Evaluate whether the Clerk's salary and total payroll costs were within the applicable caps established by the Florida Legislature's Office of Economic and Demographic Research.
- Evaluate the Clerk's methodology for allocating payroll costs between court and non-court related functions.

¹Section 14(b), Art. V, Florida Constitution.

²Court-related expenditures may be funded from county, State, or Federal sources.

³Section 28.35(2)(e), Florida Statutes.

⁴Sections 28.35(3)(a), 28.37(6), and 29.008, Florida Statutes.

- Evaluate whether ten percent (10%) of all court-related fines collected are deposited into the fines and forfeiture fund and used exclusively for court-related functions.⁵

LAKE COUNTY AT A GLANCE

The Lake County Clerk of the Circuit Court and Comptroller serves a population of 414,749.⁶



Table 1 shows the budgeted and actual expenditures for each fiscal year reviewed. Juror expenditures are not included.

Table 1

Year	Budgeted	Actual
CFY 22-23	\$6,312,466	\$5,867,053
CFY 23-24	\$6,710,257	\$6,612,665

Source: CCOC Budget Letter and Expenditure and Collection (EC) reports. Juror expenditures are not included.

The budgeted growth from October 2022 through September 2024 was 6.3%. The actual expenditures increased by 12.7% from October 2022 through September 2024.

Table 2 shows the budgeted and actual full-time equivalent (FTE) positions, who charge either all or a portion of employee time to court-related duties. The budgeted number of FTEs includes vacant positions. The actual number of FTEs includes only filled positions.

Table 2

Year	Budgeted FTEs	Actual FTEs
CFY 22-23	100.83	89.52
CFY 23-24	100.90	92.54

The budgeted FTEs increased .07% for the period October 2022 through September 2024. The actual number of FTEs increased by 3.4% over the same period.

STATUS OF PRIOR AUDIT RECOMMENDATIONS

The Department performed an audit of the Lake County Clerk of the Circuit Court in July 2017, Report No. 2017-15. The auditors noted the following recommendations:

1. We recommended the Clerk's office ensure that its court-related expenditures were allowable according to section (s.) 28.35 (3)(a), Florida Statutes (F.S.). We also recommended that the Clerk's office reimburse the State for any cell phone related expenditures paid from the Clerks of the Court Trust Fund for CFY 14-15. A follow-up audit was conducted in October 2021, Report No. 2021-75, and the recommendation had been implemented.

⁵ Section 28.37(6), Florida Statutes.

⁶ The Florida Legislature's Office of Economic and Demographic Research Report Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2024-2025, October 2024. <http://edr.state.fl.us/Content/local-government/reports/finsal24.pdf>.

2. We recommended the Clerk's office establish a method for tracking employees' time and effort between court related and non-court related activities, to ensure accuracy in the budgeting process and the appropriation of State funds. The methodology should include a basis for concluding whether the budgetary estimates are accurate. A follow-up audit was conducted in October 2021, Report No. 2021-75, and the auditors concluded that the recommendation had been implemented. Our review came to a different conclusion that is described in the verbal recommendations.

OBSERVATIONS AND RECOMMENDATIONS

Overall, the Clerk's court-related expenditures were in compliance with sections 28.35(3)(a) and 29.008, F.S., and internal controls and procedures were in place for proper reporting, except for the following items:

Unallowable Expenditures

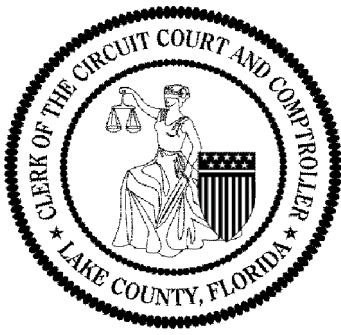
Section 29.008(1)(f)1, and 2, F.S., requires counties to fund the cost of communications services which include wireless communications, cellular telephones, facsimile equipment, all computer networks, systems, and equipment, including computer hardware and software, modems, printers, wiring, network connections, and maintenance.

Section 28.37(6), F.S., states that 10% of all court-related fines collected by the Clerk, except for penalties or fines distributed to counties or municipalities under s. 316.0083(1)(b)3, F.S. Or s. 318.18(15)(a), F.S., must be deposited into the fine and forfeiture fund to be used exclusively for clerk court-related functions, as provided in s. 28.35(3)(a), F.S.

During our testing of the Clerk's office administrative expenditures, we noted four (4) instances in which the expenditure, contrary to statutory guidance, had been allocated as court costs, or was not authorized of record as a reasonable administrative support cost. The Clerk's office was unable to provide documentation showing a methodology to track the expenditures against the 10% revenues collected for the following:

- In CFY 22-23, the Clerk's office purchased Acuity Scheduling cloud-based software in the amount of \$275, of which \$160 was allocated to the courts.
- In CFY 22-23, the Clerk's office purchased eight (8) Canon Laser Printers in the amount of \$1,280, all of which was allocated to the court.
- In CFY 22-23, the Clerk's office purchased Grammarly, a cloud-based writing software, in the amount of \$3,828, of which \$1,413 was allocated to the court.
- In CFY22-23, the Clerk's office purchased SQL Idera Software Suite to manage databases in the amount of \$3,377, of which \$1,959 was allocated to the court.

We recommend the Clerk's office ensure that its court-related expenditures are allowable according to s. 29.008(1)(f)1, F.S. We also recommend the Clerk's office track its 10% expenditures against its 10% revenues to ensure the expenditures are not exceeding the revenues.



Gary J. Cooney

Clerk of the Circuit Court and Comptroller
550 West Main Street, Post Office Box 7800
Tavares, Florida 32778-7800
352-742-4100 www.lakecountyclerk.org

September 26, 2025

Renée Hermeling, Director
Division of Accounting and Auditing
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, Florida 32399-0353

Re: 2025 Lake County Clerk of the Circuit Court Compliance Audit

Dear Ms. Hermeling:

My office is in receipt of your Report No. 2025-146 dated September 19, 2025 and received via email on September 22, 2025, including verbal recommendations. It is my understanding that I have the opportunity to respond to such report. What follows is my response thereto.

Observations and Recommendations

Unallowable Expenditures

The Office disagrees that the expenditures noted were not allowable under subparagraph 29.008(1)(f)1.

The introduction to this observation and recommendation misquotes subparagraphs 29.008(1)(f)1. and 2. Those paragraphs state in their entirety:

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.
2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel; training, supplies, and line charges necessary for an integrated computer system to support

the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, the guardian ad litem offices, the offices of criminal conflict and civil regional counsel, and the offices of the clerks of the circuit and county courts; and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communications services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to former s. 29.0086.

This observation and recommendation seems to imply that the county is wholly responsible for paying for the software and hardware needs for clerks of the circuit and county court. This is not the case.

Subparagraph 1 above does not address in any fashion the software and printers which are the subject of the observation and recommendation. Software and printers are addressed in subparagraph 2.

The first phrase of subparagraph 2. above reads “(a)ll computer networks, systems and equipment, including computer hardware and *software*, modems, *printers*, wiring, network connections, maintenance, support staff or services including any county-funded support staff *located in the offices of the circuit court, county courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel.* (emphasis added) The county is only wholly responsible for the expense of software and printers “located in the offices of the circuit court, county courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel.” The offices listed are not offices of the clerks of the circuit court and county court. Therefore, expenditures for software and printers made strictly for court purposes are charged against court funds. Expenditures for items which are used office wide are prorated.

During the 2009 legislative session, the Legislature tried to provide additional relief to clerks by allowing clerks to keep “10 percent of all court-related fines.” These monies were to be “used exclusively for additional clerk court-related operational needs and program enhancements.”

On August 31, 2011, the Florida Clerks of Court Operations Corporation, a public organization created by the Legislature, received an opinion from its attorney that clerks were allowed to expend state funds for IT purposes as part of administrative support for those court related

functions required of clerks under paragraph 28.35(3)(a), Florida Statutes.

From July 18, 2009 until June 16, 2017, the ten percent fine monies mentioned above were deposited into the clerk's Public Records Modernization Trust fund "to be used exclusively for additional clerk court-related operational needs and program enhancements." On the latter date, the law changed to allow for deposit of the ten percent fine monies into the fine and forfeiture fund to be used exclusively for clerk court-related functions, as provided in s. 28.35(3)(a), Florida Statutes. This change eliminated the requirement of depositing the ten percent fine monies into the separate Public Records Modernization Trust fund, and instead directed the monies into the more general fine and forfeiture fund. With this change, clerks were no longer required to track the ten percent fine monies on the expenditure side of the ledger. The legislative change was intended to remove any perceived restrictions on the functions for which the ten percent fine monies could be expended, not limit the functions.

With the above being the case, our Office believes it has always been appropriate to expend monies for IT purposes as part of administrative support for those court related functions required of clerks under paragraph 28.35(3)(a), Florida Statutes.

As Clerks are required to deposit ten percent fine monies into the fine and forfeiture fund to be used exclusively for clerk court-related functions, as provided in s. 28.35(3)(a), Florida Statutes, clerks no longer track expenditures of the ten percent fine monies.

Verbal Recommendations

Allocation Methodology

The Office disagrees with the characterization of the formula for determining cost allocations as being inaccurate, and also with the insinuation that the formula is somehow improper. The Office further disagrees that a sampling method or a time study would be more appropriate. The methodology used by the Office is the methodology initially adopted by OMB Circular A-87 and more recently adopted by Appendix V to Part 200 - State/Local Government Central Service Cost Allocation Plans.

Travel

The Office agrees that an employee desiring to have the airline provide an automated check-in for an additional fee should reimburse the Office.

Sincerely,



Gary J. Cooney
Clerk of the Circuit Court and Comptroller

cc: Tammy Williams