

**Audit of the Orange County Clerk of the Circuit and County Courts-  
Financial Controls and Revenue Collection Procedures**

# **AUDIT REPORT**

**Report by the  
Office of the County Comptroller**

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County Comptroller**

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**Audit of the Orange County Clerk of the  
Circuit and County Courts-Financial Controls  
and Revenue Collection Procedures**

The audit was limited to a review of financial controls and revenue collection procedures. The Clerk is an elected constitutional official who keeps the progress dockets for both the Circuit and County Courts and issues or attests all appropriate processes, notices, subpoenas, and writs. The Clerk also maintains the records and files of both the Circuit and County Courts.

**June 1999  
Report No. 277**

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June 18, 1999

Linda W. Chapin, Clerk of the Circuit and County Courts

We have conducted an audit of the Office of the Orange County Clerk of the Circuit and County Courts. The audit was limited to an examination of financial controls and revenue collection procedures. The period audited was October 1, 1997 through June 30, 1998. Our audit was conducted in accordance with generally accepted government auditing standards and included such tests as we considered necessary in the circumstances.

Responses to our Recommendations for Improvement were received from the Clerk's Office and are incorporated herein.

We appreciate the cooperation of the personnel of the Clerk of the Circuit and County Courts during the course of the audit.

Martha O. Haynie, CPA  
County Comptroller

c: Orange County Board of County Commissioners

# EXECUTIVE SUMMARY

## Executive Summary

We have conducted an audit of the Orange County Clerk of the Circuit and County Courts (hereinafter Clerk's Office). The audit was limited to a review of financial controls and revenue collection. The period reviewed was October 1, 1997 through June 30, 1998. Overall, we found that the financial controls relating to revenue collection objectives were adequate. However, improvements are needed as stated below:

We could not locate any law specifically stating that the Clerk's Office can charge Orange County for circuit civil indigent actions that are reimbursed by the County on the monthly term bill invoice containing charges for court filing and docket fees. Further, no agreement exists between the Clerk's Office and the County for the reimbursement of such actions. An agreement would define the rights, duties, and responsibilities of both parties involved. As to the monthly term bill invoice, we found that some of the amounts on the term bill did not always agree with supporting documentation. In addition, we noted five percent (5 of 97 entries) of the subpoena fees could not be located on the term bill for reimbursement by the County.

We found some internal control weaknesses relating to revenue collection. No immediate proof of receipts is being maintained for checks received through the mail in all divisions. A mail list should be maintained and, periodically, a reconciliation of the mail listings with other accounting records should be performed to ensure monies were deposited. Other internal control weaknesses include cash not adequately secured, voided transactions not adequately authorized, transfer of monies not documented, and too many employees having access to the safe in certain divisions. Further, a fraud policy should be implemented to help prevent and detect fraud in the work place.

The certification fee for marriage licenses was not being remitted to the Orange County Comptroller's Office although they are the ones who actually perform this function. During the audit period, the Clerk's Office turned over \$8,280 to the Comptroller's Office and will continue to remit the fee on a monthly basis.

The Clerk's Office computerized cash control system is not integrated with the computerized general ledger system in the Accounting Division. With these systems integrated, receipts could be posted to the general ledger in a more timely manner, and the risk of errors due to manually posting the entries would be decreased.

We found that eminent domain interest received by the Clerk's Office for investment of monies deposited into the registry of court account was not allocated to the correct entities by the Clerk's Office as directed by Florida Statutes.

Except for partially concurring with two recommendations relating to implementing a mail list and employees having access to the safe, the Clerk's Office concurred with all of our recommendations for improvement and corrective action is either planned, underway, or completed as noted herein.

# ACTION PLAN

Audit of the Clerk of the Circuit and County Courts-Financial Controls and Revenue Collection Procedures  
Action Plan

| NO. | MANAGEMENT RESPONSE |                  |               | IMPLEMENTATION STATUS |         | RECOMMENDATIONS                                                                                                                                                                                                                                               |
|-----|---------------------|------------------|---------------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | CONCUR              | PARTIALLY CONCUR | DO NOT CONCUR | UNDERWAY              | PLANNED |                                                                                                                                                                                                                                                               |
| 1.  |                     | X                |               | X                     |         | Divisions within the Clerk's Office maintain a mail listing of all monies received through the mail. Periodically, a reconciliation to the accounting records should be performed by a person independent of the mail listing and revenue recording function. |
| 2.  | X                   |                  |               | COMPLETED             |         | The Clerk's Office continues to remit the marriage license fee to the Orange County Comptroller on a monthly basis.                                                                                                                                           |
| 3.  | X                   |                  |               | X                     |         | The Clerk's Office cash control system be electronically linked to the financial accounting system.                                                                                                                                                           |
| 4.  | X                   |                  |               | X                     |         | The Clerk's Office creates and implements a fraud policy.                                                                                                                                                                                                     |
| 5.  | X                   |                  |               | COMPLETED             |         | Management documents authorization of voids on the cash register tape.                                                                                                                                                                                        |
| 6.  | X                   |                  |               |                       | X       | The Clerk's Office creates and implements standard written procedures for the receipt of copy/research requests, issuance of copies or researches and the receipt of copy/research revenue.                                                                   |
| 7.  | X                   |                  |               | X                     |         | The Clerk's Office examines the possibility of depositing receipts collected by the outside courts to a bank branch near the outside court.                                                                                                                   |
| 8.  | X                   |                  |               | COMPLETED             |         | The Accounting and County Civil Divisions continue to utilize the transfer documents to account for the transfer of monies.                                                                                                                                   |
| 9.  | X                   |                  |               | COMPLETED             |         | The Accounting Division refrains from cashing employees' checks.                                                                                                                                                                                              |
| 10. | X                   |                  |               | COMPLETED             |         | The Accounting Division allocates interest earned from investing eminent domain funds to the correct entities and retains and attaches the Registry of Court Ledger Status to the eminent domain interest spreadsheet each month.                             |
| 11. | X                   |                  |               | COMPLETED             |         | The Accounting Division ensures the term bill submitted to Orange County is accurate.                                                                                                                                                                         |



Audit of the Clerk of the Circuit and County Courts-Financial Controls and Revenue Collection Procedures  
Action Plan

| NO. | MANAGEMENT RESPONSE |                  |               | IMPLEMENTATION STATUS |         | RECOMMENDATIONS                                                                                                                                                                                                            |
|-----|---------------------|------------------|---------------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | CONCUR              | PARTIALLY CONCUR | DO NOT CONCUR | UNDERWAY              | PLANNED |                                                                                                                                                                                                                            |
| 12. | X                   |                  |               | COMPLETED             |         | The Accounting Division ensures cash is adequately secured until deposited.                                                                                                                                                |
| 13. | X                   |                  |               | COMPLETED             |         | The County Civil Division implements the written policy of recording shortages and cashiers not being allowed to make up shortages with personal funds.                                                                    |
| 14. |                     | X                |               | COMPLETED             |         | The Child Support, Domestic Relations, Circuit Criminal and the Traffic Division limit access to their safes to two or fewer employees.                                                                                    |
| 15. | X                   |                  |               | X                     |         | The Circuit Criminal Division works with the Information Services Division to ensure that all criminal case subpoenas issued via electronic request are properly charged on the Criminal Daily Charges/Fee Summary report. |
| 16. | X                   |                  |               |                       | X       | The Clerk's Office pursues an agreement with Orange County regarding monthly reimbursements of circuit civil indigent fees on the term bill.                                                                               |

# INTRODUCTION

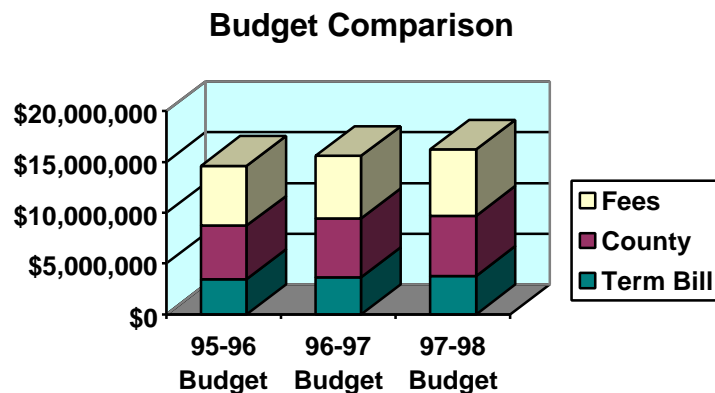
## INTRODUCTION



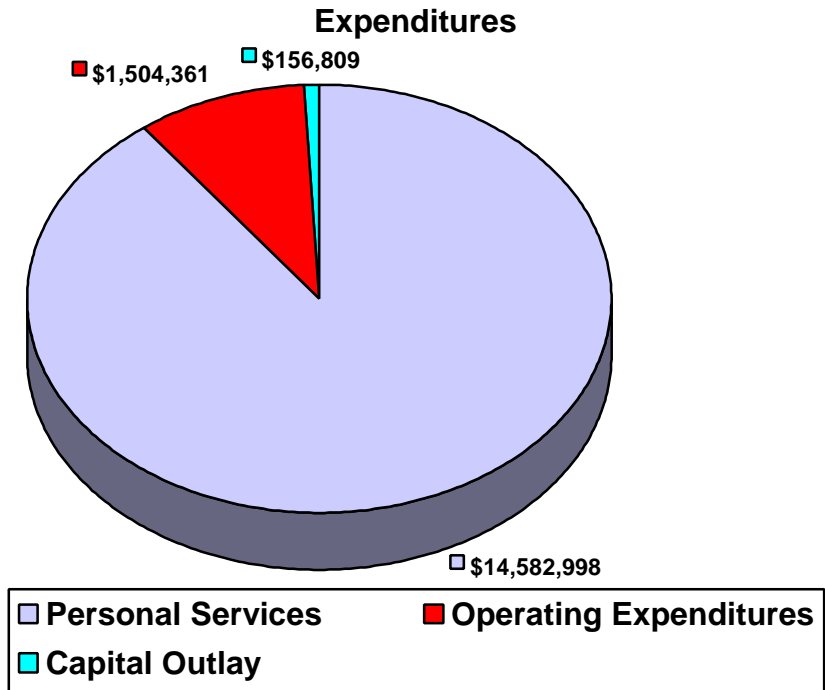
### Background

The Orange County Clerk of the Circuit and County Courts is an elected constitutional officer governed by the Constitution of the State of Florida. The Clerk of the Circuit and County Courts (hereinafter Clerk's Office) keeps the progress dockets for both the Circuit and County Courts and issues or attests all appropriate processes, notices, subpoenas, and writs. The Clerk's Office also maintains the records and files of both courts as to all litigation, proceedings, and matters within the courts' respective jurisdictions. These duties are assigned to the Clerk's Office by Chapters 28 and 34 of the Florida Statutes and various other legal regulations. The Clerk's Office performs other duties as prescribed by the Florida Supreme Court and the Chief Judge of the Ninth Judicial Circuit.

The approved General Fund budget for fiscal year 1997-1998 was \$9,710,301 which consisted of charges for services to the County (term bill charges) of \$3,780,057 and commissions and fees of \$5,930,244 (County subsidy). Other revenue included \$6,533,867 for fees charged for court services for a total budget of \$16,244,168. See the chart below for the budget comparisons of fiscal years 1995-96, 1996-97, and 1997-98:



Budgeted expenditures for FY 1997-98 include the following:



The Clerk’s Office had 432 authorized positions with a projected workload of 352,742 cases to be filed.

The Clerk’s Office consists of a Chief Administrative Officer in charge of the Administration, Accounting, Human Resources, and Information Services Divisions; and three Chief Deputy Clerks for Civil, Criminal, and Operations.

Per section 938.35, Florida Statutes, collection of court-related financial obligations, “any provision of law notwithstanding, a county may pursue the collection of any fines, court costs, or other costs imposed by the court which remain unpaid for 90 days or more.” It was noted during our review that the Board of County Commissioners has contracted with a collection agency to collect outstanding fines and court costs. Prior to the end of the audit fieldwork stage, the Clerk’s Office turned over 11,975 traffic cases totaling \$1,877,499.53 for collection with \$63,499 collected

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## INTRODUCTION



thus far. It is not yet determined whether other types of cases will be turned over for collection.

In addition to the background matters noted above, it came to our attention during our audit that a cashier in the Traffic Division had stolen monies of \$2100, which consisted of \$25 payments for the reinstatement of driver's licenses. Since the misappropriation, management has implemented reconciliation procedures. The cashier was dismissed, charges were filed, and sentencing was on September 15, 1998. The sentence included four years of supervised probation and \$8,496 of restitution payable at \$200 per month.

### **Scope, Objectives, and Methodology**

The audit scope was limited to an examination of financial controls and revenue collection procedures. The audit period was from October 1, 1997 through June 30, 1998. Certain other matters outside the audit period were also reviewed. The audit objectives were as follows:

1. To ensure financial controls and accounting procedures are adequate.
2. To ensure monies collected are accurately accounted for and properly safeguarded.
3. To ensure fees are correctly assessed according to legal regulations.
4. To ensure monies collected are correctly recorded and dispersed according to policies and federal and state law.
5. To determine the adequacy of procedures for accounts receivable.
6. To determine if the Clerk's Office has a comprehensive investment policy and that objectives of the policy are being met.

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## INTRODUCTION



To ensure financial controls and accounting procedures were adequate, we obtained internal policies and procedures for each division and reviewed them for adequacy.

To ensure monies collected were accurately accounted for and properly safeguarded, we interviewed and observed appropriate personnel in each division regarding their responsibilities. Internal control procedures were reviewed for adequacy and the Internal Control Questionnaire was completed for each division. We selected a sample of case files in each division and ensured the correct fees were collected, if applicable, and required documents were present. We traced a sample of divisions' receipts to deposit, ensured voids were appropriate, and that amounts were correctly posted to the general ledger. We also traced a sample of miscellaneous receipts collected by the Accounting Division to deposit. We then traced a sample of Circuit Criminal case charges to the Criminal Daily Charges/Fee Summary report to ensure amounts were billed correctly to the Board of County Commissioners. We ensured that bond forfeiture procedures were adequate and correct payments were received. We also tested appeals cases to ensure that the file contained the notice of appeal and the correct filing fee was charged.

In addition to case file review, we selected a sample of deferred payment financial contracts in the Traffic Division to determine that contract amounts were correct, there was proper follow up on late payments, and appropriate procedures were performed according to policy.

To ensure fees were correctly assessed according to legal regulations, we reviewed the applicable fee schedule and determined if fees for each division were in accordance with statute, ordinance, law, etc.

To ensure monies collected were correctly recorded and dispersed according to policies and federal and state law, we selected a sample of three months in the audit period and ensured the invoices submitted to the Board of County Commissioners for witness fees were accurate and the monies were collected and deposited timely. We traced a

sample of twenty witness payments to the supporting documents and traced a sample of twenty subpoenas back to witness payments. We selected a sample of juror payroll statements submitted to the State for reimbursement or refund and reviewed them for accuracy. We determined whether a reimbursement was received and deposited or a refund to the State was submitted in a timely manner. We then selected a sample of twenty paid jurors and traced the days served to juror service records. We selected a sample of Cash Bond Transmittal Reports from the Orange County Corrections Division where defendants have bonded out of jail and traced the money to receipt and deposit by the Clerk's Office. We also selected a sample of Criminal Cash Bond Disbursement Transmittals from bond disbursements made by the Clerk's Office for the audit period and ensured the amount was correct, an order was issued to release the bond, and the amounts were posted correctly. In addition, we selected a sample of other disbursements from the Trust and Agency Account and Fine and Forfeiture Account, where the revenue was collected by the Clerk's Office, for each month in the audit period and ensured the amounts were correct, supported, and the check was remitted appropriately. Finally, we performed an analytical review of selected revenues and disbursements for fiscal years 1996, 1997, and 1998 and investigated any large variances.

To determine the adequacy of procedures for accounts receivable, we determined whether accounts receivable exists and ensured procedures were written and were appropriate.

To determine if the Clerk's Office has a comprehensive investment policy and that objectives of the policy are being met, we obtained a copy of the investment policy and ensured the scope and objectives were appropriate and all-inclusive and that authorized investment instruments were allowable by Florida Statutes. In addition, we obtained trust statements for the audit period, and selected a sample of investment transactions. We reviewed them for correctness and appropriateness. We obtained the Clerk's Office Master Repurchase Agreement and reviewed it to ensure assets were safeguarded. We also ensured fidelity coverage was

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## INTRODUCTION



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present for persons involved in the investment process and we evaluated the adequacy of the coverage in terms of the amount of monies being managed.

We did not perform an internal control review of the Juvenile Division of the Clerk's Office, nor did we perform any testing in this area.

We did not examine the propriety of the arrangement of the County's agreement with the third party vendor for the collection of outstanding fines and court costs, nor did we review the efficiency or effectiveness of the means of collection. We also did not perform any testing in the area of monies turned over to the third party vendor by the Clerk's Office.

## Overall Evaluation

In our opinion, the financial controls and procedures relating to revenue collection objectives noted in this report were adequate. However, improvements are needed as outlined in this report.



RECOMMENDATIONS  
FOR  
IMPROVEMENT

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## RECOMMENDATIONS FOR IMPROVEMENT



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### **A Mail Listing Is Not Maintained For Cash Receipts**

#### **1. An Immediate Proof Of Receipts Should Be Maintained**

An immediate proof of all receipts is not recorded for checks received through the mail for the divisions within the Clerk's Office. These receipts include rejected or unidentifiable checks received from the lock box bank for the Traffic and Child Support Divisions and other fees received through the mail such as filing fees and copy charges. Good internal controls require that a mail listing be created for monies received through the mail. Periodically, a reconciliation of the mail listings with other receipt accounting records should be performed to ensure the monies were appropriately recorded. This procedure should be performed by a person independent of the mail listing and revenue recording function. Without such a record being maintained, we cannot be assured that all monies received through the mail were deposited.

**We Recommend** divisions within the Clerk's Office maintain a mail listing of all monies received through the mail. Periodically, a reconciliation to the accounting records should be performed by a person independent of the mail listing and revenue recording function.

#### **Management's Response:**

Partially concur. Underway. The new process has been implemented in the Accounting Division; however, staff time for criminal divisions will be impacted greatly. We are continuing to evaluate options in these areas and will present a recommendation to the Clerk of Courts by 9/1/99.

### **Marriage License Certification Fees Are Not Being Sent To The Comptroller**

#### **2. Marriage License Certification Fees Should Be Remitted To The Orange County Comptroller**

The \$2.00 fee for certification of a marriage license collected by the Clerk's Office was not remitted to the Orange County Comptroller's Office (hereinafter Comptroller's Office) who actually performs the certification and mailing of the marriage license. The Comptroller has been certifying these

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## RECOMMENDATIONS FOR IMPROVEMENT



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marriage licenses since March 1998. According to section 28.24, Florida Statutes, the Clerk's Office can charge \$2.00 to validate certificates.

During our review, the Clerk's Office remitted \$8,280 to the Comptroller for the period March 1998 through July 1998 for marriage licenses that the Comptroller has been certifying and mailing. Per mutual agreement, Clerk's Office has been remitting the marriage license certification fee to the Comptroller on a monthly basis.

**We Recommend** the Clerk's Office continues to remit the marriage license fee to the Orange County Comptroller on a monthly basis.

**Management's Response:**

Concur. Completed.

**3. The Clerk's Office Cash Control System Should Be Linked To The Financial Accounting System**

**The Cash Control System Is Not Linked To The Accounting System**

The Clerk's Office computerized cash control system is not integrated with the computerized general ledger system in the Accounting Division. The general ledger clerk has to manually input each division's Cash Control Report into the general ledger to post the receipts. An efficiency measure would be to link each division's cash control system to the financial accounting system so that receipts are automatically updated to the general ledger. Receipts could be posted to the general ledger in a more timely manner, and the risk of errors due to manually posting the entries would be decreased.

**We Recommend** the Clerk's Office cash control system be electronically linked to the financial accounting system.

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**RECOMMENDATIONS  
FOR IMPROVEMENT**



**Management's Response:**

Concur. Underway. We are currently evaluating a new cash control system. The new system should be operational by 6/1/00.

**A Fraud Policy Helps  
To Deter And Detect  
Fraud**

**4. A Fraud Policy Should Be Implemented**

The Clerk's Office does not have a written fraud policy in effect. Good internal controls require the creation and implementation of a fraud policy to help prevent and detect fraud in the work place. A fraud policy would specify the roles and responsibilities of those who review and investigate fraud allegations. Without a fraud policy, employees may not be encouraged and comfortable to report suspicions of fraud or know to whom to report such allegations of fraud. In addition, employees may not know what is considered fraudulent acts or the consequences of unethical behavior.

**We Recommend** the Clerk's Office creates and implements a fraud policy.

**Management's Response:**

Concur. Underway. Legal Counsel is working on this and should be completed by 8/1/99.

**Voids Were Not  
Properly Authorized**

**5. Voids Should Be Authorized**

During our review of the cash control system of the Clerk's Office, 16 percent (10 out of 62) of voids tested were not properly authorized by management on the cash register tapes. Voids were not authorized as noted by the lack of management signatures, initials, or dates. Good internal controls require the signature of voids by management to ensure transactions are not voided improperly. Without authorization, there is no assurance that funds recorded as voided were not misappropriated.

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**RECOMMENDATIONS  
FOR IMPROVEMENT**



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**We Recommend** management documents authorization of voids on the cash register tape.

**Management's Response:**

Concur. Completed.

**6. No Standard Procedure Exists For The Receipt Of Copy/Research Revenue**

**Copy/Research  
Revenue Procedures  
Should Be  
Standardized**

Standard written procedures do not exist for the processing of copy/research requests for all divisions within the Clerk's Office. Good internal control requires that procedures exist to account for the receipt of copy/research request, issuance of copies and researches, and the receipt of revenue for those copies or researches made. Without a procedure and proper accountability, copy/research revenue may be misappropriated and not detected in a timely manner.

**We Recommend** the Clerk's Office creates and implements standard written procedures for the receipt of copy/research request, issuance of copies or researches and the receipt of copy/research revenue.

**Management's Response:**

Concur. Planned. New procedures will be completed by 10/1/99.

**7. Outer Court Revenue Should Be Directly Deposited**

**Outer Court Receipts  
Should Be Deposited  
Into Branch Bank**

Three outside courts located in Winter Park, Ocoee, and Apopka have their revenue collections and balancing documents sent to the Accounting Division in the downtown Courthouse via courier and not directly deposited into the bank. This revenue is then re-counted, balanced and deposited with revenue collected in the other divisions by the Accounting Division. Good internal controls require the outside courts to deposit their collections directly into a bank

branch and send necessary deposit documents to the Accounting Division. Transferring monies from one place to another unnecessarily increases the risk of loss of funds.

**We Recommend** the Clerk's Office examines the possibility of depositing receipts collected by the outside courts to a bank branch near the outside court.

**Management's Response:**

Concur. Underway. The Clerk's Office has examined depositing receipts from outside courts to a bank branch and has found it to be feasible. Branch deposits should be underway by 6/7/99.

**8. Transfer Of Monies Should Be Documented**

**No Receipt Of  
Monies Being  
Transferred**

A receipt is not obtained by the Accounting Division to document the transfer and receipt of the prior day's revenue collection and accounting support documentation for each of the divisions within the Clerk's Office. Each division transfers the revenue collected and accounting documentation to the Accounting Division to be counted and deposited. Also, a receipt is not obtained for monies being transferred from the County Civil Division to the Circuit Civil Division for appeal cases. These monies are not rung in the register until received by the Circuit Civil Division. Good internal controls require documentation of the chain of custody of monies being transferred from one place to another. Without such, monies could be lost or stolen without proper accountability.

During our audit, we brought this to the attention of the Accounting and County Civil Manager. In both divisions, a transfer document was created and implemented to account for the monies being transferred.

**We Recommend** the Accounting and County Civil Divisions continue to utilize the transfer documents to account for the transfer of monies.

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**RECOMMENDATIONS  
FOR IMPROVEMENT**



**Management's Response:**

Concur. Completed.

**9. Personal Checks Should Not Be Cashed By The Accounting Division**

**Employee Personal Checks Should Not Be Cashed**

We found that personal checks are cashed in the Accounting Division for Accounting Division employees from revenue on-hand. The checks are placed in the miscellaneous receipts and cash is taken from one of the other general ledger accounts to disburse to the employee. Good accounting procedures direct that receipts get deposited into the account for which it is collected. Deposits are posted incorrectly when checks replace the day's cash deposit. As such, misappropriation of funds could occur without detection.

**We Recommend** the Accounting Division refrains from cashing employees' checks.

**Management's Response:**

Concur. Completed. While this practice has been discontinued and while there is no evidence of any misappropriation of funds, the Clerk's Office has strengthened internally the term "refrains" to "will not allow".

**10. Eminent Domain Interest Should Be Allocated To The Correct Entities**

**Interest Should Be Allocated Correctly**

The Clerk's Office invests eminent domain funds from the registry of court account in an investment account with a bank. An eminent domain spreadsheet is updated each month by the Accounting Manager or Assistant to allocate interest earned to the depositors of the account. A Registry of Court Ledger Status is run from the accounting system to verify the amounts are correct. We found that the Clerk's Office did not allocate the interest earned on the eminent domain cases in the registry of court account correctly.

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**RECOMMENDATIONS  
FOR IMPROVEMENT**



Section 28.33, Florida Statutes, allows the Clerk's Office to invest moneys deposited into the registry of the court and to retain a fee of 10 percent of the interest earned on the funds with the balance to be allocated in accordance with their proportionate share of depositors' funds. The month of June 1998 was the only month that the Registry of Court Ledger Status was retained and attached to the updated eminent domain interest spreadsheet to verify that the amounts and percentages on the eminent domain spreadsheet were accurate. When re-calculating the eminent domain spreadsheet for the month of June 1998, we found that \$1,245 of the \$13,365 interest paid to entities was not allocated correctly.

**We Recommend** the Accounting Division allocates interest earned from investing eminent domain funds to the correct entities and retains and attaches the Registry of Court Ledger Status to the eminent domain interest spreadsheet each month.

**Management's Response:**

Concur. Completed.

**11. The Monthly Term Bill To The Orange County Board Of County Commissioners Should Be Accurate**

**Term Bill Amounts  
Were Incorrect**

The Clerk's Office remits a monthly invoice called a term bill to the Orange County Board of County Commissioners (hereinafter Orange County) for reimbursements of filing and docket fees. We found that some of the amounts on the term bill did not always agree with supporting documentation. The bill submitted for October 1997 was \$2,120 short and the bill for January was \$80 over. Although the amounts were not material to the total amount, our review included only a sample of the items on selected invoices submitted to Orange County during the audit period. Sections 28.24 and 28.241, Florida Statutes, allow the Clerk's Office to bill Orange County for certain charges in court cases. Good accounting policies ensure amounts



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**RECOMMENDATIONS  
FOR IMPROVEMENT**



reported on the term bills submitted for payment agree with reports on filing and docket fees used to support these amounts. Errors on the bill cause Orange County to overpay or underpay the Clerk's Office.

**We Recommend** the Accounting Division ensures the term bill submitted to Orange County is accurate.

**Management's Response:**

Concur. Completed.

**12. Cash Should Be Secured**

**Audited Cash Should  
Be Locked**

We found that the audited cash in the Accounting Division is placed in an unlocked cabinet before the deposit is made. However, security measures are taken such as having an audit clerk always present in the area and the entrance to the Accounting Division having a combination lock. According to Section 219.02, Florida Statutes, a public officer is required to secure all the public money collected by him or her. Without funds being safeguarded, misappropriation of cash could occur without timely detection and there is also greater risk and difficulty of assigning responsibility if money is lost, stolen or misplaced.

**We Recommend** the Accounting Division ensures cash is adequately secured until deposited.

**Management's Response:**

Concur. Completed.

**13. Shortages Should Be Recorded**

**Overages/Shortages  
Should Be  
Documented**

Cashiers in the County Civil Division are allowed to make up a shortage in the register with their own personal funds. Good internal controls require the balancing of cash registers when closing and recording any overages/

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## RECOMMENDATIONS FOR IMPROVEMENT



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shortages for each cashier. Without such, shortages could occur without accountability from the cashiers.

When brought to management's attention during our review, written procedures were changed so that shortages were to be recorded and no cashier was allowed to make up shortages with personal funds.

**We Recommend** the County Civil Division implements the written policy of recording shortages and cashiers not being allowed to make up shortages with personal funds.

### **Management's Response:**

Concur. Completed. Written procedures have been implemented within the County Civil Division that complies with the recommendation and provides greater cashier accountability.

## **14. Access To The Safe Should Be Limited To Two Or Fewer Persons**

### **Access To Safe Should Be Limited For Accountability**

The Child Support and Domestic Relations Divisions share a safe between them with nine employees having access to the combination. Approximately \$30,000 is kept in the safe overnight between the two divisions. Seven employees of the Circuit Criminal Division and nine employees of the Traffic Division have access to the safe located in those divisions. An adequate system of internal control should limit access to the safe to as few employees as possible. The more employees who have access to the safe, the higher the risk and possibilities that unauthorized and unnecessary entry could occur. There is also greater risk and difficulty in assigning responsibility if money is lost, stolen or misplaced.

**We Recommend** the Child Support, Domestic Relations, Circuit Criminal and the Traffic Division limit access to their safes to two or fewer employees.

**Management's Response:**

Partially concur. Completed. Although not practical to reduce the number having access to their safes to the recommended amount, due to illness, vacations, etc., the Clerk's Office has reduced the number to what is felt to be the minimum workable solution. Child Support=2, Domestic Relations=2, Circuit Criminal=4, and Traffic=5.

**15. Subpoena Fees Should Be Properly Charged On The Criminal Daily Charges/Fee Summary Report**

**Subpoena Fees  
Should Be Billed  
Correctly To Orange  
County**

We noted five percent (5 of 97 entries) of the \$4 subpoena fees docketed to a court case could not be located on the Criminal Daily Charges/Fee Summary report. The subpoenas were issued via electronic request by the State Attorney's office and for this reason the Circuit Criminal Division does not manually docket them into the computer system. Further, the subpoenas should have automatically been recorded on the monthly term billing to Orange County for the day of the electronic request. Section 28.24(21)(a), Florida Statutes, sets the guidelines for filing the \$4 fee. Once the fee has been docketed to a case, it is recorded on the criminal action docket screen. When the Information Services Division of the Clerk's Office runs the nightly term bill, all of the day's docketed filing fees appear on the report which is used to bill Orange County. The entries did not appear on that day's term billing report for which they were docketed. The Circuit Criminal Division may not have collected all of the revenue due them according to Florida Statutes.

**We Recommend** the Circuit Criminal Division works with the Information Services Division to ensure that all criminal case subpoenas issued via electronic request are properly charged on the Criminal Daily Charges/Fee Summary report.

**Management's Response:**

Concur. Underway. ISD modifying existing procedures. As of 5/15/99, a report and audit trail will be generated for each division, which will show the cases and subpoenas issued.

**16. The Clerk's Office Should Pursue An Agreement With Orange County Regarding Monthly Reimbursements On The Term Bill**

**No Agreement Exists  
Between The Clerk's  
Office And Orange  
County For  
Reimbursements**

Orange County reimbursed the Clerk's Office approximately \$3.7 million in fiscal year 1998 for court filing and docket fees on the monthly term bills. The term bill includes charges for criminal, juvenile, and circuit civil indigent actions. Section 28.241(2), Florida Statutes, indicates a clerk who operates his or her office from fees and service charges shall be paid by the county for all services performed in any criminal or juvenile action or proceeding in such court. Also, section 57.081, Florida Statutes, states that any indigent person shall receive services by the clerk without charge. However, we could not locate any law specifically stating that the Clerk's Office can charge the County for circuit civil indigent actions. We requested an opinion from a law firm in Orlando. The firm responded that they found no specific authority that authorizes the practice of reimbursing for circuit civil indigent actions or any authority that prohibits Orange County and the Clerk's Office from entering into an agreement for the payment of such charges.

An agreement would define the rights, duties, and responsibilities of both parties involved. Absent such an agreement, there is no authority for Orange County to reimburse the Clerk's Office for circuit civil indigent fees.

**We Recommend** the Clerk's Office pursues an agreement with Orange County regarding monthly reimbursements of circuit civil indigent fees on the term bill.

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**RECOMMENDATIONS  
FOR IMPROVEMENT**



Audit of the Clerk of Courts- Financial Controls  
and Revenue Collection Procedures

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**Management's Response:**

Concur. Planned. The Clerk's Office will contact Orange County to begin discussions to formalize an accepted practice that has been going on for the past 26 years. Agreement should be in place by 12/31/99.