

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**FINANCIAL STATEMENTS**

**Year Ended September 30, 2021**

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Certified Public Accountants

## INDEPENDENT AUDITOR'S REPORT

To the Honorable Kelvin Soto,  
Osceola County, Florida Clerk of the Circuit Court

### Report on the Financial Statements

We have audited the accompanying financial statements of the Osceola County, Florida Clerk of the Circuit Court (the "Clerk") as of and for the fiscal year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise the Clerk's financial statements, as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Clerk's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Clerk's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Clerk as of September 30, 2021, the respective changes in financial position, and the respective budgetary comparisons for the General Fund, Public Records Modernization Trust Fund, and Public Records Information Technology Fund for the fiscal year then ended in conformity with accounting principles generally accepted in the United States of America.

To the Honorable Kelvin Soto,  
Osceola County, Florida Clerk of the Circuit Court

### **Emphasis-of-Matter**

As described in Note 1 to the financial statements, the accompanying financial statements were prepared for the purpose of complying with Section 218.39, Florida Statutes, and Section 10.557(3), *Rules of the Auditor General for Local Governmental Entity Audits*. These financial statements are not intended to be a complete presentation of the financial position of Osceola County, Florida as of September 30, 2021, and the changes in its financial position for the fiscal year then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

#### *Change in Accounting Principle*

As discussed in Note 1 to the financial statements, in the fiscal year ended September 30, 2021, the Clerk adopted the provisions of Government Accounting Standards Board Statement (“GASBS”) Number 84, *Fiduciary Activities*. As a result of the implementation of GASBS 84, the Clerk reported a restatement for the change in accounting principle. Our opinion is not modified with respect to this matter.

### **Other Matters**

#### *Supplementary Information*

Our audit was conducted for the purpose of forming an opinion on the financial statements taken as a whole. The accompanying supplementary information, as listed in the table of contents, is presented for purposes of additional analysis and is not a required part of the financial statements. The accompanying supplementary information is the responsibility of management and was derived from, and relates directly to, the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain other procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the financial statements taken as a whole.

### **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated March 3, 2022 on our consideration of the Clerk’s internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Clerk’s internal control over financial reporting and compliance.

**MSL, P.A.**

Certified Public Accountants

Orlando, Florida

March 3, 2022

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**BALANCE SHEET - GOVERNMENTAL FUNDS**

**September 30, 2021**

	<b>General Fund</b>	<b>Public Records Modernization Trust Fund</b>	<b>Public Records Information Technology Fund</b>	<b>Total Governmental Funds</b>
<b>ASSETS</b>				
Cash and investments	\$ 1,915,084	\$ 2,047,112	996,150	\$ 4,958,346
Accounts receivable	5,211	-	5,260	10,471
Due from other county units	1,279	-	-	1,279
Due from other governments	155,123	-	-	155,123
Prepays	8,553	74,411	-	82,964
TOTAL ASSETS	\$ 2,085,250	\$ 2,121,523	\$ 1,001,410	\$ 5,208,183
<b>LIABILITIES AND FUND BALANCES</b>				
<b>LIABILITIES:</b>				
Accounts payable	\$ 51,379	\$ 4,059	\$ 870	\$ 56,308
Accrued liabilities	338,606	-	33,325	371,931
Due to other county units	553,293	-	-	553,293
Due to other governments	1,119,274	-	-	1,119,274
Due to other funds - custodial	17,938	-	-	17,938
Unearned revenue	4,760	-	-	4,760
TOTAL LIABILITIES	2,085,250	4,059	34,195	2,123,504
<b>FUND BALANCES:</b>				
Nonspendable	8,553	-	-	8,553
Restricted for records modernization	-	2,117,464	-	2,117,464
Restricted for information technology	-	-	967,215	967,215
Unassigned	(8,553)	-	-	(8,553)
TOTAL FUND BALANCE	-	2,117,464	967,215	3,084,679
TOTAL LIABILITIES AND FUND BALANCES	\$ 2,085,250	\$ 2,121,523	\$ 1,001,410	\$ 5,208,183

The accompanying notes are an integral part of the financial statements.

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN  
FUND BALANCES - GOVERNMENTAL FUNDS**

**Year Ended September 30, 2021**

	<u>General Fund</u>	<u>Public Records Modernization Trust Fund</u>	<u>Public Records Information Technology Fund</u>	<u>Total Governmental Funds</u>
<b>REVENUES</b>				
Intergovernmental	\$ 10,172,286	\$ -	\$ -	\$ 10,172,286
Fees, fines and service charges	4,222,307	420,666	1,279,783	5,922,756
Investment earnings	-	3,534	-	3,534
Miscellaneous	18,791	-	-	18,791
TOTAL REVENUES	<u>14,413,384</u>	<u>424,200</u>	<u>1,279,783</u>	<u>16,117,367</u>
<b>EXPENDITURES</b>				
Current				
General government:				
Personal services	11,340,646	-	781,033	12,121,679
Operating	1,486,635	365,251	-	1,851,886
Capital outlay	81,226	44,203	-	125,429
TOTAL EXPENDITURES	<u>12,908,507</u>	<u>409,454</u>	<u>781,033</u>	<u>14,098,994</u>
EXCESS OF REVENUES OVER EXPENDITURES	<u>1,504,877</u>	<u>14,746</u>	<u>498,750</u>	<u>2,018,373</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in	1,590,270	-	-	1,590,270.00
Transfers out:				
Osceola County Board of County Commissioners	(371,394)	-	-	(371,394)
Remittances to Florida Department of Revenue	<u>(2,723,753)</u>	<u>-</u>	<u>-</u>	<u>(2,723,753)</u>
TOTAL OTHER FINANCING SOURCES (USES)	<u>(1,504,877)</u>	<u>-</u>	<u>-</u>	<u>(1,504,877)</u>
NET CHANGE IN FUND BALANCES	-	14,746	498,750	513,496
FUND BALANCES, AT BEGINNING OF YEAR	<u>-</u>	<u>2,102,718</u>	<u>468,465</u>	<u>2,571,183</u>
FUND BALANCES, AT END OF YEAR	<u>\$ -</u>	<u>\$ 2,117,464</u>	<u>\$ 967,215</u>	<u>\$ 3,084,679</u>

The accompanying notes are an integral part of the financial statements.

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN  
FUND BALANCES - GOVERNMENTAL FUNDS - BUDGET AND ACTUAL -  
GENERAL FUND**

**Year Ended September 30, 2021**

	<b>General Fund</b>			
	<b>Budgeted Amounts</b>		<b>Actual</b>	<b>Variance with Final Budget</b>
	<b>Original</b>	<b>Final</b>		
REVENUES				
Intergovernmental	\$ 10,899,270	\$ 10,899,270	\$ 10,172,286	\$ (726,984)
Fees, fines and service charges	3,741,000	3,741,000	4,222,307	481,307
Miscellaneous	1,000	1,000	18,791	17,791
TOTAL REVENUES	<u>14,641,270</u>	<u>14,641,270</u>	<u>14,413,384</u>	<u>(227,886)</u>
EXPENDITURES				
Current				
General government:				
Personal services	11,765,364	11,765,364	11,340,646	424,718
Operating	2,874,102	2,874,102	1,486,635	1,387,467
Capital outlay	-	-	81,226	(81,226)
TOTAL EXPENDITURES	<u>14,639,466</u>	<u>14,639,466</u>	<u>12,908,507</u>	<u>1,730,959</u>
EXCESS OF REVENUES OVER EXPENDITURES	<u>1,804</u>	<u>1,804</u>	<u>1,504,877</u>	<u>1,503,073</u>
OTHER FINANCING SOURCES (USES)				
Transfers in	-	-	1,590,270	1,590,270
Transfers out:				
Osceola County Board of County Commissioners	-	-	(371,394)	(371,394)
Remittances to Florida Department of Revenue	(1,804)	(1,804)	(2,723,753)	(2,721,949)
TOTAL OTHER FINANCING SOURCES (USES)	<u>(1,804)</u>	<u>(1,804)</u>	<u>(1,504,877)</u>	<u>(1,503,073)</u>
NET CHANGE IN FUND BALANCES	-	-	-	-
FUND BALANCES, AT BEGINNING OF YEAR	-	-	-	-
FUND BALANCES, AT END OF YEAR	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

The accompanying notes are an integral part of the financial statements.

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN  
FUND BALANCES - GOVERNMENTAL FUNDS - BUDGET AND ACTUAL -  
PUBLIC RECORDS MODERNIZATION TRUST FUND**

**Year Ended September 30, 2021**

		<b>Public Records Modernization Trust Fund</b>			
		<b>Budgeted Amounts</b>			<b>Variance with</b>
		<b>Original</b>	<b>Final</b>	<b>Actual</b>	<b>Final Budget</b>
<b>REVENUES</b>					
	Fees, fines and service charges	\$ 300,000	\$ 300,000	\$ 420,666	\$ 120,666
	Investment earnings	30,000	30,000	3,534	(26,466)
	TOTAL REVENUES	<u>330,000</u>	<u>330,000</u>	<u>424,200</u>	<u>94,200</u>
<b>EXPENDITURES</b>					
Current					
General government:					
	Operating	774,450	774,450	365,251	409,199
	Capital outlay	56,000	56,000	44,203	11,797
	TOTAL EXPENDITURES	<u>830,450</u>	<u>830,450</u>	<u>409,454</u>	<u>420,996</u>
	EXCESS OF REVENUES OVER EXPENDITURES	<u>(500,450)</u>	<u>(500,450)</u>	<u>14,746</u>	<u>515,196</u>
	NET CHANGE IN FUND BALANCES	(500,450)	(500,450)	14,746	515,196
	FUND BALANCES, AT BEGINNING OF YEAR	<u>500,450</u>	<u>500,450</u>	<u>2,102,718</u>	<u>1,602,268</u>
	FUND BALANCES, AT END OF YEAR	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 2,117,464</u>	<u>\$ 2,117,464</u>

The accompanying notes are an integral part of the financial statements.



**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN  
FUND BALANCES - GOVERNMENTAL FUNDS - BUDGET AND ACTUAL -  
PUBLIC RECORDS INFORMATION TECHNOLOGY FUND**

**Year Ended September 30, 2021**

	<b>Public Records Information Technology Fund</b>			
	<b>Budgeted Amounts</b>		<b>Actual</b>	<b>Variance with Final Budget</b>
	<b>Original</b>	<b>Final</b>		
REVENUES				
Fees, fines and service charges	\$ 890,000	\$ 890,000	\$ 1,279,783	\$ 389,783
TOTAL REVENUES	<u>890,000</u>	<u>890,000</u>	<u>1,279,783</u>	<u>389,783</u>
EXPENDITURES				
Current				
General government:				
Personal services	1,200,201	1,200,201	781,033	419,168
TOTAL EXPENDITURES	<u>1,200,201</u>	<u>1,200,201</u>	<u>781,033</u>	<u>419,168</u>
EXCESS OF REVENUES OVER EXPENDITURES	<u>(310,201)</u>	<u>(310,201)</u>	<u>498,750</u>	<u>808,951</u>
NET CHANGE IN FUND BALANCES	(310,201)	(310,201)	498,750	808,951
FUND BALANCES, AT BEGINNING OF YEAR	<u>310,201.00</u>	<u>310,201</u>	<u>468,465</u>	<u>158,264</u>
FUND BALANCES, AT END OF YEAR	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 967,215</u>	<u>\$ 967,215</u>

The accompanying notes are an integral part of the financial statements.

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**STATEMENT OF FIDUCIARY NET POSITION  
CUSTODIAL FUNDS**

**September 30, 2021**

ASSETS		
Cash		<u>\$ 14,408,433</u>
RECEIVABLES		
Accounts receivable		485,523
Due from other funds		17,938
Due from other county units		<u>40,599</u>
	TOTAL RECEIVABLES	<u>544,060</u>
	TOTAL ASSETS	<u>14,952,493</u>
LIABILITIES		
Accounts payable and accrued liabilities		545,647
Due to Board of County Commissioners		344,911
Due to other governments		<u>2,411,125</u>
	TOTAL LIABILITIES	<u>3,301,683</u>
NET POSITION		
Restricted for:		
Individuals and other governments		<u><u>11,650,810</u></u>

The accompanying notes are an integral part of the financial statements.

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT**

**STATEMENT OF CHANGES IN FIDUCIARY NET POSITION  
CUSTODIAL FUNDS**

**Year Ended September 30, 2021**

ADDITIONS	
Miscellaneous	\$ 14,642,790
Recording fees	208,452,973
Fines and forfeitures	24,889,062
Registry fees	<u>16,523,820</u>
TOTAL ADDITIONS	<u>264,508,645</u>
DEDUCTIONS	
Payments to OCBOCC	8,397,662
Payments to state	235,464,293
Other payments	<u>18,175,686</u>
TOTAL DEDUCTIONS	<u>262,037,641</u>
Net increase (decrease) in fiduciary net position	2,471,004
Net Position - Beginning of the year, as originally stated	-
Net Position - Restatement (Note 1)	<u>9,179,806</u>
Net Position - Beginning of the year, as restated	<u>9,179,806</u>
Net Position - End of the year	<u><u>\$ 11,650,810</u></u>

The accompanying notes are an integral part of the financial statements.

**OSCEOLA COUNTY  
CLERK OF THE CIRCUIT COURT  
NOTES TO FINANCIAL STATEMENTS**

**Year Ended September 30, 2021**

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

Osceola County (the “County”) is a political subdivision of the State of Florida (the “State”) located in the central portion of the state. The County was established under Article VIII, Section (1), *Constitution of the State of Florida*. The County operates under a Home Rule Charter.

The Clerk of the Circuit Court (the “Clerk”) is an elected Constitutional Officer of the County. For financial statement and reporting purposes, the Clerk is a separate constitutional officer, as provided by Chapter 218, Florida Statutes. However, the Clerk does not meet the definition of a legally separate organization and is not considered to be a component unit. Accordingly, the Clerk is considered to be part of the primary government of the County and the financial activities of the Clerk are included as such in the County’s annual financial report, along with the other Constitutional Officers and the County’s Board of County Commissioners (the “Board”). The financial statements contained herein represent the financial transactions of the Clerk only. There are no component units for the Clerk to consider for inclusion in the fund financial statements.

The Clerk is a fee officer whose operating budget is funded solely from fees, fines, and service charges relating to various statutory court and non-court services provided by the office. No funds are received from the Board other than applicable fees.

The accounting policies of the Clerk conform to accounting principles generally accepted in the United States of America (“GAAP”), as applicable to governmental units. The following is a summary of the more significant policies:

**Basis of Presentation**

These financial statements are fund financial statements that have been prepared in conformity with the accounting principles and reporting guidelines established by the Governmental Accounting Standards Board (“GASB”) and are presented to comply with the requirements of Section 218.39, Florida Statutes, and Section 10.557(3) of the *Rules of the Auditor General for Local Governmental Entity Audits*.

**Fund Accounting**

The financial activities of the Clerk are recorded in separate funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures. Government resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent, and the means by which spending activities are controlled.

## NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *(Continued)*

The purpose of the Clerk's various funds are categorized and described as follows:

### **Governmental Fund Types:**

#### ***General Fund***

The General Fund is used to account for all revenues and expenditures applicable to the general operations of the Clerk that are not required either legally or by GAAP to be accounted for in another fund. The General Fund measurement focus is based upon determination of financial position and changes in financial position (sources, uses, and balances of financial resources, rather than upon net income determination).

#### ***Special Revenue Funds***

The Special Revenue Fund is used to account for the proceeds of specific revenue sources that are legally or administratively restricted to expenditures for specified purposes. The Clerk has two Special Revenue Funds: Public Records Modernization Trust Fund, and the Public Records Information Technology Fund.

### **Fiduciary Fund Type:**

Custodial Funds – The Clerk maintains Custodial Funds. These funds are used to account for assets held by the Clerk in a trustee capacity or as an agent for individuals, private organizations, and other governments.

### **Basis of Accounting**

Basis of accounting refers to the method by which revenues and expenditures are recognized in the accounts and reported in the fund financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The accounts of the Governmental Funds are maintained on the modified accrual basis. Under the modified accrual basis, revenues are recognized when they are received in cash or when they are considered both measurable and available and, as such, are susceptible to accrual. Expenditures are recorded when the liability is incurred and/or will be paid from expendable available financial resources.

The focus on fiduciary type fund financial statements is by fund type, not major fund. The Clerk only has one fiduciary fund type, the custodial fund type. Accordingly, there is only one column in the fiduciary fund financial statements. Custodial funds are accounted for under the economic resources method and accrual basis of accounting.

The Clerk considers receivables collected within 30 days after year-end to be available and susceptible to accrual as revenues of the current year. The following major revenues are considered susceptible to accrual: intergovernmental revenue, charges for services, and interest earned. Intergovernmental revenue, consisting of a cost reimbursement grant, is recognized as revenue as the related expenditures are incurred.

**NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**Budgets and Budgetary Accounting**

During the 2009 legislative session, the Florida Legislature reduced statewide funding for clerks' budgets. The Legislature changed any future budget to a State fiscal year of July 1 to June 30. The Clerk's funding process was also changed to an appropriation from the State, rather than the existing revenue model. All court revenues will be collected and disbursed monthly to the State. The fiscal year for the Clerk continues to be from October 1 to September 30, and any unexpended appropriation for the Clerk's budget is rolled into the subsequent State's fiscal year.

Expenditures are controlled by appropriations in accordance with the budget requirements set forth in the Florida Statutes. Formal budgetary integration is employed as a management control device during the year for the Clerk's General Fund. Appropriations lapse at the close of the fiscal year to the extent they have not been expended, except for the Clerk's funds, which lapse at the end of the State's fiscal year on June 30. Budgets are adopted on a basis consistent with accounting principles generally accepted in the United States of America.

The Clerk follows these procedures in establishing the budgetary data reflected in the financial statements:

Section 218.35 of the Florida Statutes provides the budget requirements for county fee officers and refers to budget requirements of Section 28.36 of the Florida Statutes for court-related functions of the Clerk. The budget must be balanced and segregated by funds. The proposed budget is required to be filed with the county governing authority by September 1 preceding the fiscal year of the budget. Subsequent balanced budget amendments relating to non-court operations may be approved by the Clerk.

Section 28.36 of the Florida Statutes requires the Clerk to prepare a separate budget for the court-related functions of the Clerk. Only those functions specified by Section 28.35(3)(a) of the Florida Statutes may be funded from court-related fees, service charges, court costs, and fines retained by the Clerk. The proposed budget is filed with the Clerk's Operations Corporation (the "Corporation") by October 1 preceding the fiscal year of the budget, in the format required by the Corporation. The Corporation verifies that the proposed budget is limited to court-related functions. Section 28.36 also defines the maximum annual budget permitted. With the 2009 legislative changes, the Corporation submits a legislative budget request for all clerks that will result in an appropriation by the Florida Legislature.

Increases to the court functions budget must be submitted to and approved by the Corporation. Transfers of approved budget funds between accounts and appropriation categories (personal services, operating expenses, capital outlay, and non-operating) may be approved by the Clerk.

## **NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)**

### **Budgets and Budgetary Accounting (Continued)**

The budgeted revenues and expenditures in the accompanying budgetary comparison statement reflect the Clerk's original adopted budget and the final budget with all amendments approved by the Clerk or the Corporation. Budgetary authority is exercised at the fund level. Revenues and expenditures for the Public Records Modernization Trust Fund and the Public Records Information Technology Fund were budgeted in the current year in the General Fund. Expenditures for the Public Records Modernization Trust Fund are authorized on a five-year budget in the Public Records Modernization Trust Fund Report. The amounts included in the budgetary comparison statement reflect actual amounts spent in the current year. The total amounts available to be budgeted for the Public Records Modernization Trust Fund and the Public Records Information Technology Fund for the current year were \$330,000 and \$890,000, respectively.

### **Investments**

Investments in external investment pools that follow Securities and Exchange Commission ("SEC") Rule 2a-7 regulations are reported at amortized cost, which approximates fair value.

### **Capital Assets**

Capital assets purchased in the Governmental Fund Types are recorded as expenditures (capital outlay) at the time of purchase. The tangible personal property used by the Clerk is reported to and recorded by the Board as capital assets, at cost, in the statement of net assets in the government-wide financial statements of the County. The Clerk maintains custodial responsibility for the capital assets used by the Clerk.

### **Compensated Absences**

Employees accrue vacation leave based on their employment date or seniority date and length of employment. They may accrue from 12 to 22.5 days of vacation per year. Annual leave in excess of 30 days is forfeited on December 31 following the end of the fiscal year. Employees are not paid for vacation leave in lieu of taking a vacation. An employee is paid for earned vacation leave only upon separation of employment.

Employees earn one day of sick leave for each month of employment. Upon separation, employees who have at least 20 years of continuous service will be paid for all accrued hours of sick leave. Employees with less than 20 years and two or more years of continuous service will be paid for all hours in excess of 40 hours.

The Clerk uses the vesting method to calculate the liability for compensated absences. The Clerk does not, nor is he legally required to, accumulate expendable available financial resources to liquidate these obligations. Accordingly, the liability for compensated absences is not reported in the General Fund, but is included in the statement of net assets in the government-wide financial statements of the County.

## NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

### Transfers In and Out

The Clerk collects fees pursuant to Section 28.24(12)(e), Florida Statutes, that are legally restricted to expenditures for court-related information technology needs. These fees are accounted for in a special revenue fund. The amount needed to fund the General Fund's court-related information technology expenditures is recorded as a transfer in by the General Fund and as a transfer out by the special revenue fund on the financial statements of the Clerk. Unexpended amounts are transferred back to the special revenue fund at the end of the fiscal year.

In accordance with Section 218.36, Florida Statutes, all General Fund non-court-related revenues in excess of non-court-related expenditures during the fiscal year are distributed to the Board within 31 days following the end of the fiscal year. Accordingly, such amounts are recorded as liabilities due to other county units and as transfers out to the Board on the financial statements of the Clerk.

### Fund Balance

In accordance with accounting principles generally accepted in the United States of America, the Clerk classified governmental fund balances as follows:

Nonspendable Fund Balance - represents fund balance that is (a) not in a spendable form, such as prepaid items and inventories, or (b) legally or contractually required to be maintained intact, such as an endowment. There was a \$8,553 nonspendable fund balance at September 30, 2021.

Restricted Fund Balance - consists of amounts that can be spent only on the specific purposes stipulated by law or by the external providers of those resources. There was \$2,117,464 restricted fund balance for the Special Revenue Public Modernization Trust Fund and \$967,215 for the Special Revenue Fund Public Records Information Technology Fund at September 30, 2021.

Unassigned Fund Balance - represents the residual classification or fund balance and includes all spendable amounts not contained within the other classifications of the General Fund. There was a (\$8,553) unassigned fund balance at September 30, 2021.

### Change in Accounting Principle

Government Accounting Standards Board Statement No. 84, *Fiduciary Activities*, was implemented by the Clerk during the 2020-21 fiscal year. It established criteria for identifying and reporting fiduciary activities of state and local governments. As a result of implementing this standard, the beginning net position of the fiduciary funds was increased by \$9,177,391.



## NOTE 2 - CASH AND INVESTMENTS

As of September 30, 2021, the Clerk had the following in cash and investments:

	<b>Carrying Amount</b>
Cash on Hand	\$ 14,705
Deposits in Qualified Public Depositories	17,079,261
Florida PRIME	2,272,813
Total Cash and Investments	<u>\$ 19,366,779</u>

### **Credit Risk**

The Clerk's investment practices are governed by Section 218.415(17), Florida Statutes, and include the following investments:

1. The Florida PRIME (formerly the Local Government Surplus Trust Funds Investment Pool) administered by the State Board of Administration ("SBA"), or any authorized intergovernmental investment pool;
2. SEC-registered money market funds with the highest credit quality rating from a nationally-recognized rating agency;
3. Interest-bearing time deposits or savings accounts in qualified public depositories; and
4. Direct obligations of the U.S. Treasury.

The Clerk does not have an investment policy that would further limit its investment choices.

Florida PRIME is administered by the SBA. Florida PRIME is an external investment pool that is not a registrant with the SEC; however, the SBA has adopted operating procedures consistent with the requirements for a SEC Rule 2a-7 fund. Florida PRIME is governed by Chapter 19-7 of the *Florida Administrative Code*, which identifies the rules of the SBA. These rules provide guidance and establish the general operating procedures for the administration of Florida PRIME. Additionally, the State of Florida, Office of the Auditor General, performs the operational audit of the activities and investments of the SBA. The fair value of the Clerk's position in the pool approximates the value of pool shares. Investments in Florida PRIME are not evidenced by securities that exist in physical or book entry form. The current rating for Florida PRIME is AAAM by Standard and Poor's. The weighted average days to maturity of Florida PRIME at September 30, 2021 is 37 days. The hierarchy of fair value investments does not apply to Florida PRIME and there are no restrictions or limitations on withdrawals.

As of September 30, 2021, the Clerk's Public Records Special Revenue Funds had \$2,272,813 invested in SBA.

SBA issues separate financial statements that may be obtained from its website, <https://www.sbafla.com/prime>, or by calling (850) 488-4406.

## **NOTE 2 - CASH AND INVESTMENTS *(Continued)***

### **Custodial Credit Risk**

Custodial credit risk is the risk that, in the event of a failure of the counterparty, the government's deposits may not be returned to it or the organization may not be able to recover the value of its investments that are in possession of an outside party.

Qualified public depositories of public funds are required to provide collateral each month pursuant to Section 280.04, Florida Statutes. The collateral is held by the Florida Division of Treasury or other custodian with full legal rights maintained by the Florida Division of Treasury to transfer ownership. Any loss not covered by the pledged securities, and deposit insurance would be assessed by the Florida Division of Treasury and paid by the other public depositories.

The Clerk's deposits are considered fully insured or collateralized. Bank balances at September 30, 2021 were \$21,343,636.

## **NOTE 3 - EMPLOYEES' RETIREMENT AND BENEFIT PLANS**

### **Retirement Plan**

The Clerk's employees participate in the Florida Retirement System ("FRS"), a multiple-employer, cost-sharing, defined-benefit retirement system, administered by the Florida Department of Administration. As a general rule, membership in the FRS is compulsory for all employees working in a regularly established position for a state agency, county government, district school board, state university, community college, or a participating city or special district within the state of Florida.

For financial reporting purposes, the Clerk is deemed to be part of the primary government of the County. A liability, if any, related to the Clerk's proportionate share of the FRS retirement benefits, along with a detailed plan description, is reported in the financial statements of the County for the fiscal year ended September 30, 2021.

### **Funding Policy**

The employer retirement contributions paid for the fiscal years ended September 30, 2019 through 2021 were \$812,782, \$913,003, and \$994,076 respectively, which is equal to the required contribution for each year.

Employees are required to contribute 3% towards the FRS. Employee withholdings for this purpose amounted to \$206,456, \$210,638, and \$227,144 for the fiscal years ended September 30, 2019 through 2021, respectively, which were equal to the required contribution for each fiscal year.

**NOTE 4 - LONG-TERM LIABILITIES**

A summary of changes in the long-term liabilities of the Clerk is as follows:

	<b>Balance October 1, 2020</b>	<b>Additions</b>	<b>Retirements</b>	<b>Balance September 30, 2021</b>
Liability for compensated absences	\$ 773,262	\$ 725,357	\$ 813,208	\$ 685,411

Of the \$685,411 liability for accrued compensated absences, management estimates that \$342,706 will be due and payable within one year. The long-term liabilities are not reported in the financial statements of the Clerk, since they are not payable from available resources at September 30, 2021. As discussed in Note 1, they are reported in the statement of net assets in the government-wide financial statements of the County.

**NOTE 5 - OTHER POSTEMPLOYMENT BENEFITS**

All eligible employees of the Clerk participate in the County’s plan. A detailed plan description and the amount of any liability for the employees of the Clerk has been reported in the County’s September 30, 2021 Annual Comprehensive Financial Report.

**NOTE 6 - RISK MANAGEMENT**

The County maintains a self-insured risk management program that provides for coverage of risks of loss related to workers’ compensation claims. This fund is administered by a third-party administrator. The Clerk makes payments to the County based upon payroll exposure in the amounts needed to pay prior and current year claims. The workers’ compensation contribution required for the fiscal year ended September 30, 2021 was \$15,102. Excess coverage with a commercial carrier is also in force for each claim exceeding \$500,000.

**NOTE 7 - INTERFUND RECEIVABLES AND PAYABLES**

Individual fund interfund receivable and payable balances at September 30, 2021 are as follows:

<b>Fund</b>	<b>Interfund Receivable</b>	<b>Interfund Payable</b>
General	\$ -	\$ 17,938
Fiduciary:		
Recording	17,938	-
Total all funds	<u>\$ 17,938</u>	<u>\$ 17,938</u>

The interfund receivables and payable between the General Fund and the Recording Agency Fund are due to timing differences created by how the State pays the Clerk.

## **SUPPLEMENTARY INFORMATION**

**OSCEOLA COUNTY CLERK OF THE CIRCUIT COURT**  
**COMBINING STATEMENT OF FIDUCIARY NET POSITION - ALL CUSTODIAL FUNDS**

September 30, 2021

	<u>Recording Funds</u>	<u>Fine &amp; Forfeiture Funds</u>	<u>County Circuit/Civil Funds</u>	<u>Bond Holding Funds</u>	<u>Civil Support Funds</u>	<u>Civil Non Interest Funds</u>	<u>Other Civil Funds</u>	<u>Jury Funds</u>	<u>Total Funds</u>
<b>ASSETS</b>									
Cash and cash equivalents	\$ 5,733,592	\$ 1,338,026	\$ 170,409	\$ 449,773	\$ 10,502	\$ 1,106,267	\$ 5,585,145	\$ 14,719	\$ 14,408,433
<b>RECEIVABLES</b>									
Accounts receivable	393,977	55,518	26,062	-	791	9,175	-	-	485,523
Due from other governments	-	-	-	40,599	-	-	-	-	40,599
Due from other fund	17,938	-	-	-	-	-	-	-	17,938
<b>TOTAL RECEIVABLES</b>	<b>411,915</b>	<b>55,518</b>	<b>26,062</b>	<b>40,599</b>	<b>791</b>	<b>9,175.00</b>	<b>-</b>	<b>-</b>	<b>544,060</b>
<b>TOTAL ASSETS</b>	<b>6,145,507</b>	<b>1,393,544</b>	<b>196,471</b>	<b>490,372</b>	<b>11,293</b>	<b>1,115,442</b>	<b>5,585,145</b>	<b>14,719</b>	<b>14,952,493</b>
<b>LIABILITIES</b>									
Accounts payable and accrued liabilities	2,342,753	431,750	157,255	-	11,128	(833)	-	14,719	2,956,772
Due to Board of County Commissioners	120,138	224,753	20	-	-	-	-	-	344,911
<b>TOTAL LIABILITIES</b>	<b>2,462,891</b>	<b>656,503</b>	<b>157,275</b>	<b>-</b>	<b>11,128</b>	<b>(833)</b>	<b>-</b>	<b>14,719</b>	<b>3,301,683</b>
<b>NET POSITION</b>									
Individuals, organizations, and other governments	\$ 3,682,616	\$ 737,041	\$ 39,196	\$ 490,372	\$ 165	\$ 1,116,275	\$ 5,585,145	\$ -	\$ 11,650,810

**OSCEOLA COUNTY CLERK OF THE CIRCUIT COURT**

**COMBINING STATEMENT OF AND CHANGES IN FIDUCIARY NET POSITION -  
ALL CUSTODIAL FUNDS**

**Year Ended September 30, 2021**

	<b>Recording Funds</b>	<b>Fine &amp; Forfeiture Funds</b>	<b>County Circuit/Civil Funds</b>	<b>Bond Holding Funds</b>	<b>Civil Support Funds</b>	<b>Civil Non Interest Funds</b>	<b>Other Civil Funds</b>	<b>Jury Funds</b>	<b>Total Funds</b>
<b>ADDITIONS</b>									
Miscellaneous	\$ -	\$ -	\$ 11,771,439	\$ 1,229,059	\$ 815,459	\$ 687,582	\$ -	\$ 139,251	\$ 14,642,790
Recording fees	208,452,973	-	-	-	-	-	-	-	208,452,973
Fines and forfeitures	-	24,889,062	-	-	-	-	-	-	24,889,062
Registry fees	-	-	-	-	-	-	16,523,820	-	16,523,820
<b>TOTAL ADDITIONS</b>	<b>208,452,973</b>	<b>24,889,062</b>	<b>11,771,439</b>	<b>1,229,059</b>	<b>815,459</b>	<b>687,582</b>	<b>16,523,820</b>	<b>139,251</b>	<b>264,508,645</b>
<b>DEDUCTIONS</b>									
Payments to OCBOCC	4,673,204	3,723,245	1,213	-	-	-	-	-	8,397,662
Payments to state	204,204,458	19,368,313	11,711,119	-	-	-	38,737	141,666	235,464,293
Other payments	334,950	1,586,522	53,735	1,326,362	815,459	589,432	13,469,226	-	18,175,686
<b>TOTAL DEDUCTIONS</b>	<b>209,212,612</b>	<b>24,678,080</b>	<b>11,766,067</b>	<b>1,326,362</b>	<b>815,459</b>	<b>589,432</b>	<b>13,507,963</b>	<b>141,666</b>	<b>262,037,641</b>
Net increase (decrease) in fiduciary net position	(759,639)	210,982	5,372	(97,303)	-	98,150	3,015,857	(2,415)	2,471,004
Net Position - Beginning of the year, as originally stated	-	-	-	-	-	-	-	-	-
Net Position - Restatement (Note 1)	4,442,255	526,059	33,824	587,675	165	1,018,125	2,569,288	2,415	9,179,806
Net Position - Beginning of the year, as restated	4,442,255	526,059	33,824	587,675	165	1,018,125	2,569,288	2,415	9,179,806
Net Position - End of the year	\$ 3,682,616	\$ 737,041	\$ 39,196	\$ 490,372	\$ 165	\$ 1,116,275	\$ 5,585,145	\$ -	\$ 11,650,810



**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED  
IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

To the Honorable Kelvin Soto,  
Osceola County, Florida Clerk of the Circuit Court

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Osceola County, Florida Clerk of the Circuit Court (the “Clerk”) as of and for the fiscal year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise the Clerk’s basic financial statements, and have issued our report thereon dated March 3, 2022.

**Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Clerk’s internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Clerk’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Clerk’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

To the Honorable Kelvin Soto,  
Osceola County, Florida Clerk of the Circuit Court

### **Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Clerk's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

### **Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

**MSL, P.A.**

Certified Public Accountants

Orlando, Florida  
March 3, 2022





## INDEPENDENT ACCOUNTANT'S REPORT

To the Honorable Kelvin Soto,  
Osceola County, Florida Clerk of the Circuit Court

We have examined the Osceola County, Florida Clerk of the Circuit Court's (the "Clerk") compliance with the requirements of Sections 28.35, 28.36, 61.181 and 218.415, Florida Statutes, during the fiscal year ended September 30, 2021. Management is responsible for the Clerk's compliance with those requirements. Our responsibility is to express an opinion on the Clerk's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Clerk is in accordance with those requirements, in all material respects. An examination involves performing procedures to obtain evidence about the Clerk's compliance with those requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion. Our examination does not provide a legal determination on the Clerk's compliance with specified requirements.

In our opinion, the Clerk complied, in all material respects, with the aforementioned requirements for the fiscal year ended September 30, 2021.

**MSL, P.A.**

Certified Public Accountants

Orlando, Florida  
March 3, 2022



## INDEPENDENT AUDITOR'S MANAGEMENT LETTER

To the Honorable Kelvin Soto,  
Osceola County, Florida Clerk of the Circuit Court

We have audited the financial statements of the Osceola County, Florida Clerk of the Circuit Court (the "Clerk") as of and for the fiscal year ended September 30, 2021, and have issued our report thereon dated March 3, 2022.

### **Auditor's Responsibility**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States.

### **Other Reporting Requirements**

We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*; and Independent Accountant's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, *Rules of the Auditor General*. Disclosures in those reports, which are dated March 3, 2022, should be considered in conjunction with this management letter.

### **Prior Audit Findings**

Section 10.554(1)(i)1., *Rules of the Auditor General*, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. In connection with the preceding audit, there were no findings and recommendations.

### **Official Title and Legal Authority**

Section 10.554(1)(i)4., *Rules of the Auditor General*, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. The legal authority is disclosed in the notes to the financial statements.

### **Financial Management**

Section 10.554(1)(i)2., *Rules of the Auditor General*, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

To the Honorable Kelvin Soto,  
Osceola County, Florida Clerk of the Circuit Court

**Additional Matters**

Section 10.554(1)(i)3., *Rules of the Auditor General*, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

**Purpose of this Letter**

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, federal and other granting agencies, the Clerk of the Circuit Court, and applicable management, and is not intended to be, and should not be, used by anyone other than these specified parties.

**MSL, P.A.**

Certified Public Accountants

Orlando, Florida  
March 3, 2022