

Press Release

Grand Jury Report: “Clerk is first constitutional check on local spending”

The Nineteenth Statewide Grand Jury Report, *“A Study of Public Corruption in Florida and Recommended Solutions”*, dated December 17, 2010, identified the role of the Clerks of Court as the first constitutional check on local spending in the State of Florida.

On pages 63 - 64 of the Grand Jury Report (quoted below) the roles of the Auditor General and the Clerks of Court are discussed.

B. Auditors and Clerks of Court

The check and balance system established by our founders at the national level is applied in various methods at Florida’s state and county level as well. The Auditor General is a state constitutional officer who has fiscal auditing duties for state government. **Likewise, each county has a clerk who is responsible for the disbursement of proper expenditures. It is this constitutional check on spending that serves our counties’ citizens as a fiscal watchdog.**

While we see the value and importance of inspector’s general, the first constitutional check on local spending comes from our state’s clerks. Their efforts may be supplemented and assisted by inspector’s general, sheriffs, local police and other fraud-fighting components of government, but their role is fundamental, and because of this, their liability is personal. This is an important area of government that should be more fully utilized in some areas of our state.

If we hope to slow the theft and mismanagement of government resources, audits must be conducted in a meaningful way. Over the last ten months we have learned corruption by theft and mismanagement will not be slowed until the procedures and systems are in place to dissuade those who would choose to violate the law.

Read the entire Grand Jury Report.

[http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/\\$file/19thSWGJInterimReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/JFAO-8CLT9A/$file/19thSWGJInterimReport.pdf)

The Grand Jury Report comes less than two months after the Florida Supreme Court upheld a Florida Second District Court of Appeals ruling reaffirming the Clerk of Courts’ role as auditor and custodian of all county funds.

The Supreme Court decision was described as “a victory for the public” by Dwight Brock when the ruling was announced on November 10, 2010.

Read official Court ruling. <http://www.collierclerk.com/pdf/SCOfficialRuling>

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