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Opinion

Corruption report catches eyes in high places

Collier Clerk of Courts Dwight Brock and Gov. Rick Scott are on the same page.

Page 63 of the report of the 19th Statewide Grand Jury, to be exact.



Brent Batten

The grand jury report examining public corruption in Florida came out in late December, a few days before Scott took office. It recommends steps to reduce unethical behavior in

government and makes note of the systems already in place.

Brock singles out one passage of the 124-page document as being particularly gratifying.

On page 63, the report's authors write, "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."

The finding validates what Brock has been arguing in court for years: Clerks of court have a duty to watch over county spending, not just rubber stamp checks as they go out.

Not that Brock needs further validation. The Florida Supreme Court in November declined to review an appeals court ruling to that effect, essentially handing Brock a victory in a legal dispute with county commissioners, who sought to limit his role as an auditor.

In its ruling, the appeals court also embraced the idea of the clerk as a fraud-fighting watchdog. "We conclude that the trial court's ruling prohibiting the clerk from investigating county funds that have not been placed in his custody unduly limits the clerk's ability to carry out his responsibilities as the custodian of all county funds. A public officer with the right and responsibility to maintain custody of public funds necessarily has the authority both to investigate circumstances in which public funds have wrongfully been withheld from the officer's custody and to seek to obtain custody of the withheld funds. Restricting the clerk's authority to do so is inconsistent

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with the goal of protecting public funds from misappropriation."

The grand jury report wasn't Scott's first order of business after he was sworn in Tuesday. Nor was it his second. But it was his third.

On Tuesday, Scott signed executive order 11-03 pertaining to ethics and open government.

It directs the governor's general counsel to review the report and to find ways to implement suggestions of the grand jury, either through executive orders or through new laws.

In addition to making better use of clerks of courts, the grand jury recommends broadening the definition of a public official to include people working for private

companies doing work for the government, strengthening the rules against bid tampering and enhancing penalties for those convicted of public corruption.

State Sen. Garrett Richter of Naples sits on the Senate Ethics Committee and he expects the recommendations of the grand jury to be written into bills that will come before the committee in the legislative session that begins in March.

One thing that is clear from the grand jury report is that anti-corruption laws are only as good as the avenues of enforcing them.

Clerks of courts are once again affirmed as one such avenue.

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