



# Help Preserve Checks & Balances on County Government

SHARON R. BOCK  
Clerk & Comptroller  
Palm Beach County

Dear Friends,

Currently, the office of the Clerk & Comptroller is being challenged statewide because of a lawsuit filed last summer by the Collier County Board of County Commissioners against the Collier County Clerk. The facts were clear--A local fire department diverted funds into a separate account not under the custody and control of the Clerk. Attempts by the Collier County Clerk to audit the fire department's bank account were blocked



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by the Collier County Commissioners. At the hearing, the issue before the court was whether the Clerk, as custodian of all County funds, had the right to audit.

In the 1976 landmark Florida Supreme Court case, *Alachua County v Powers*, the Clerk's role as County auditor was affirmed. In fact, the court held that the County could have **other** auditors, but they could **not** remove the independent audit role of the Clerk **without a vote by the electorate**.

However, even with the Florida Constitution and forty years of case law as precedents, the Collier County Judge found **for** Collier County, stating that lacking constitutional or statutory authority, clerks derive their powers **from** the Board of County Commissioners!

Ben Wilcox, Executive Director of Florida Common Cause, characterized the court's decision in an editorial stating, "The Collier County Commission has an inherent conflict of interest if it alone has the power to determine when and how the transactions it votes on will be audited."

If you believe that the office of the Clerk & Comptroller should continue to provide a check and balance on County government spending, as the Florida Association of Court Clerks and Comptrollers does, contact your legislators and ask them to support House Bill 703 and Senate Bill 1216.

Best regards,

Sharon R. Bock  
Clerk & Comptroller  
Palm Beach County

To read about the proposed legislation that clarifies the Clerk's constitutional role as the independent auditor of County government, visit:  
[www.mypalmbeachclerk.com](http://www.mypalmbeachclerk.com)  
and click on "Get the Facts."

To contact your legislators, or to look up these bills, visit  
[www.myfloridahouse.gov](http://www.myfloridahouse.gov)  
and [www.flsenate.gov](http://www.flsenate.gov).

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