

**CHARLOTTE REVIEW COMMISSION  
CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33948**



**Constitutional Officers Subcommittee**

**FINAL REPORT  
December 13, 2021**

**Committee Members:**

William B. Schafer, Chairperson  
Patricia W. Aho  
Donald McCormick  
Bob White  
Suzanne T. Graham, Alternate

**Introduction:**

The Constitutional Officers Subcommittee was charged by the full Charter Review Commission to review the portion of the Charlotte County Charter as it relates to the Constitutional Officers. Accordingly, this subcommittee met seven times as follows:

June 9, 2021 – Organizational meeting to select subcommittee chairperson  
June 23, 2021 – Organizational meeting to establish future interview dates and questions  
August 4, 2021 – Interview with three Constitutional Officers  
August 25, 2021 – Interview with two Constitutional Officers  
October 13, 2021 – Meeting to orientate and welcome two new members  
November 22, 2021 – Meeting to discuss issues to include in the Final Report  
December 13, 2021 – Meeting to review and finalize Final Report

**Charlotte County Constitutional Officers interviewed:**

Vickie L. Potts, Tax Collector  
Paul L. Polk, Property Appraiser  
Paul Stamoulis, Supervisor of Elections  
Sheriff William Prummell, Jr  
Roger D. Eaton, Clerk of the Court

Each interview took approximately forty-five minutes to one hour to complete. The interviewees had been provided the list of questions prior to the meeting. Each Constitutional Officer was asked the same basic questions with some additional questions pertaining to each position. Full interview responses can be obtained by reading the posted meeting minutes of the interviews on the Charlotte County Charter Review Commission webpage.

- **What is your opinion of non-partisan elections for Constitutional Officers?**

Some of the opinions and comments of our constitutional officers were:

The belief in fair and equitable elections within a two-party system;

The belief that Charlotte County remains a conservative County, although, there have been many changes in the past 50 years;

Party affiliation speaks volumes to the voter and gives them some insight into the candidate's beliefs and ideas to help them pick the most qualified candidates;

It is important for voters to know a candidate's party affiliation; however, constitutional officers are required to perform their services without regard for party affiliation.

- **What is your opinion on setting term limits for Constitutional Officers?**

The constitutional officers are not in favor of term limits of any kind;

The strong belief that voters set the term limits for all Constitutional officers, every four years;

The belief that each Constitutional Officer must have the experience needed to fill their position;

- **Do you have any ballot suggestions for alternative forms of funding?**

**Vickie L. Potts, Tax Collector office** is funded on a fee for service basis. -

Not unless you want to discuss MSBU's, then yes. MSBU's need to be readdressed because they are an inequitable fee. Non-advalorem assessments put a hardship on the people less able to pay. However, Charlotte County has been under MSBU's too long to make the adjustment to millage rates.

**Paul L. Polk, Property Appraiser** - Non-advalorem. There are 213,00 accounts in Charlotte – 102,000 parcels where non-advalorem fees are higher than Advalorem taxes: 98,000 where taxes are higher than Non-advalorem fees.

**Paul Stamoulis, Supervisor of Elections** - No suggestions. Office is funded by Charlotte County but there are grants available for voting costs. The County sets our Budget approval if disapproved, then the Governor mediates between us. The Budget has never been turned down. **Private donations?** – Palm Beach County received some (earmarked for something) Bill Gates donation? State does not look at Budget – just the County as they fund us. I don't accept private donations.

**Sheriff William Prummell, Jr** - Under Chapter 30 of the Florida Statute, we are limited – much of my funding comes from Advalorem taxes, but we do aggressively seek grants from federal, state, and local organizations. We partner with local organizations to help provide for

programming and equipment. My Addiction Recovery Initiative is funded through the Archway Institute. Several years ago, I investigated a special taxing district for areas that use the law enforcement services more frequently. However, those areas are usually lower income districts. An additional tax I believe would be burdensome on those residents. I am not sure if that is a good idea.

**Roger D. Eaton, Clerk of the Court** - My funding comes from both the State and County. The Court is funded by the State. The support for the County, (i.e., minutes and board functions), the County pays directly. Official records mandated by Statute creates the revenue we bring in. We have a budget process, and the County pays directly. I have reduced my budget 10.8 percent between 2016-2021. Every year there has been a reduction; this year's budget is reduced 2.6%. Everything is electronic which does not happen in all counties. We try to keep as paperless as possible. The expectation of the Public is to have everything in real time, on-line and have it on their phone.

**Who maintains the servers?** If it is County records, it is provided for in my budget. If it is Court records, then it comes out of a different budget.

- **What are your observations regarding the relationship of Constitutional Officers and the Board of County Commissioners?**

The Constitutional Officers indicated that their working relationship with the Board of County Commissioners was exceptional and the relationship between their fellow Constitutional Officers was positive and supportive.

- **What Charter amendment would you propose is needed to improve the efficiency of your office?**

**Vickie L. Potts, Tax Collector** - office is funded on a fee for service basis. None. We are separate. Local government sets the standards of separation of powers.

**Paul L. Polk, Property Appraiser** - None, to my understanding of what the Charter does. We follow the rules of the Florida Constitution, Florida Statutes, and the Department of Revenue.

**Paul Stamoulis, Supervisor of Elections** - Voting Centers, however, they do not currently comply with the law, but we might be going that way in the future. Can be physically reviewed. Touch screens were nice, but the auditing was electronic – can't fool with paper ballots – sealed, signed and stored.

**Sheriff William Prummell, Jr** - The Charter has never positively or negatively affected me. When Amendment 10 passed that really cemented my role and those of the Constitutional Officers here in the County. **To clarify, Amendment 10 made constitutional offices an**

**Elected Official as opposed to Appointed.** The Amendment cemented the Constitutional Offices in the State Constitution so that each county will have elected Constitutional Officers.

**Roger D. Eaton, Clerk of the Court - Charlotte County Charter Article 3, Section 3.2**

*"No person shall be qualified as a candidate for the office of sheriff, property appraiser, tax collector, clerk of the circuit court, or supervisor of elections unless such person has resided for a least six (6) months in Charlotte County immediately prior to qualification."*

This residency requirement was not observed in my last election. We have this in place in our Charter and no one enforces it. It needs to be enforced so that it never happens again. This also happened in another election regarding the Airport Authority.

- **Do you feel that the Charter Review Commission is beneficial to your office?**

**Vickie L. Potts, Tax Collector** - Today, No. Before Amendment 10 it was very important to the Constitutional Officers. Now that we have Amendment 10 our Board of County Commissioners and Charter Review Commission like the Constitutional Officers as elected officials.

**Paul L. Polk, Property Appraiser** - The Charter does not impact the running of this office.

**Paul Stamoulis, Supervisor of Elections** - Yes. Laws are not static – they need to be reviewed and improved upon. Excellent procedure. Changes for improvement are discussed and opened to Citizen input. Three ways to amend the Charter – Board of County Commissioners, Citizen initiative and Charter Review.

**Sheriff William Prummell, Jr** - Never affected me either positively or negatively.

**Roger D. Eaton, Clerk of the Court** - This residency requirement was not observed in my last election. We have this in place in our Charter and no one enforces it. It needs to be enforced so that it never happens again. It was embarrassing. This also happened in another election regarding the Airport Authority. It is unacceptable to have a residency requirement and not enforce it.

- **Is your office funded by the State of Florida and/or the Charlotte County?**

**Vickie L. Potts, Tax Collector** - office funded on a fee for service basis, Charlotte County pays a fee to collect taxes, based on statute. Our budget is \$6 million a year, however, we return 2-2.5 million back to the County in excess fees each year, none goes to the State. The end of our business year (September), the budget goes to zero and begins again in October. The new Budget is based on population, number of transactions and services provided. The budget is then approved by the Florida Department of Revenue and compared to other county

budgets. The State provides the office with all materials it needs -computer programs, printer for driver's license, photos taken, forms, cards, registrations. Need more toner! Equipment and software are at no cost to the office.

**Paul L. Polk, Property Appraiser** - Funded by the County 99%. Once the Budget is developed and the Department of Revenue approves, then it goes to the Board of County Commissioner to approve. We have a Department of Revenue approved \$5.6 Million Budget that must be funded by the Board of County Commissioners

**Paul Stamoulis, Supervisor of Elections** - Charlotte County funds this office. We get additional funds through Grants.

**Sheriff William Prummell, Jr** - Other than grants – funding basically comes from the County. Certain impact fees can be used for capital projects, but I have not had to ask for it – my funding comes from advalorem taxes.

**Roger D. Eaton, Clerk of the Court** - My funding comes from both the State and County. The Court is funded by the State. The support for the County, (i.e., minutes and board functions), the County pays directly. Official records mandated by Statute creates the revenue we bring in. We have a budget process, and the County pays directly. I have reduced my budget 10.8 percent between 2016-2021. Every year there has been a reduction; this year's budget is reduced 2.6%.

- **What percentage of your budget is directly related to buildings and maintenance?**

The building and maintenance costs for the Tax Collector, Property Appraiser, Supervisor of Elections, Sheriff and Clerk of the Court offices are provided within the county Public Safety Budget.

- **What is your relationship in auditing by the Clerk of the Courts?**

**Vickie L. Potts, Tax Collector** - None – we are audited by the State. All elected officials participate with auditing the County and the Board of County Commissioners – we pick who will audit – the 5 Constitutional Officers are the audit committee.

**Paul L. Polk, Property Appraiser** – it is possible to check with the Clerk of the Court for data through jury summonses.

**Paul Stamoulis, Supervisor of Elections** - Interesting... We may be the only Constitutional Office audited by clerk of the court

**Sheriff William Prummell, Jr** - We are audited every year by the Board of County Commissioners who contracts with an outside source. Every five years all constitutional offices are audited.

**Roger D. Eaton, Clerk of the Court** - Internal Audits the clerk of the court is constitutionally responsible for as Clerk of Court – different County Boards and their aspect of responsibilities; Financial Audits – Ashley Brown – 3<sup>rd</sup> party -(Charlotte County) audits all the Constitutional Officers (budgets and appropriations). My office does not audit the budgets of the Constitutional Officers.

**Summary:** Our committee found all the Constitutional officers to be open to any question posed to them by the committee members. Personally, I feel the County residents are lucky to have such qualified constitutional officers heading each of their offices. I only wish that our residents could have participated in our interaction with each of the constitutional officers. These individuals are not “simply politicians”, they are very knowledgeable in their individual duties and seem to be proud of how well each of their offices is operated.

**Additional Questions Pertaining to a Specific Office:**

**Vickie L. Potts, Tax Collector:** None.

**Paul L. Polk, Property Appraiser:**

- **How do you enforce Homestead, Veterans and Survivors exemption eligibility?**

We look at rentals – short term/Air B & B is an issue. We do check short-term rentals. Renting part of the house – It is a Veterans Disability– paperwork is required, and we have a good working relationship with Veterans Administration.

**Paul Stamoulis, Supervisor of Elections**

- **Would a change to the Charter making election of county commissioners non-partisan be more expensive?**

There would be no change in cost. Non-party affiliation election just means the political party is or is not listed on the ballot.

- **What methods do you have in place to purge the voter rolls?**

Every odd year we are required to send notices to people we have not heard from in the past two years. If the notice comes back, we send a second registered notice asking them to respond. If we do not hear back, they are put on inactive status. The voter record is purged after two election cycles if not heard from.

If the voter died in Florida, we are notified automatically by the Dept. of Health. If voter dies out of state, we must rely on next of kin.

Recently some states banded together to share this information – Florida just joined. Previously we had 6,000 suspected voters of not being around and we have now reduced it down to 12 due to a change in our notification letter. This was so successful that we recently received an Email from the Division of Elections asking for a copy of our new letter stating they would like to send to all Supervisors of Elections in Florida

and suggest they use it.

- **Who is responsible for determining the eligibility of candidates and how should it be enforced?**

The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate. Only person in Charlotte County who cannot investigate is the Supervisor of Elections. Every other person can investigate and bring suit, opponent especially.

### **Sheriff William Prummell, Jr:**

- **What percentage of your budget is directly related to the following?**

- a) **Law Enforcement and the Sheriff's Department:** My primary function is law enforcement and the courts which is 66% of my budget, of which 5% is directed to communications.
- b) **The Jail and Jail Staff:** The Jail comprises 30% of the Budget.
- c) **Buildings and Building Maintenance:** Building costs stay within the Public Safety Budget which is the case for all Constitutional Offices- .01% of Budget. Courts are 4% of my Budget – for security of the courthouse.
- d) **How does the fee from housing "out of county" inmates affect your budget?** Housing of Inmates is a contract with the Marshall Services and is .05 % off my budget. We use about \$500,000 – \$750,000 of this revenue to offset costs in the Jail. We usually make more revenue. Any monies remaining at the end of the fiscal year is returned to the County, as I am not allowed to retain any excess.

- **Would you favor the Sheriff's Office no longer being the franchisee of the Jail?**

I believe it is more cost effective and efficient to be run by the Sheriff's department and prefer to run the Jail as it maintains a smoother operation between law enforcement and corrections. We must also to be wary of for-profit management as they can walk out with short notice if they are not making money. You are then left with a Jail full of inmates with no one to operate it

### **Roger D. Eaton, Clerk of the Court**

- **What are your observations and suggestions for improving your auditing functions?** - The County Clerk serves as the auditor for all the Constitutional Offices in Florida. Clerk audits but an independent Audit is done at the end of the year. No charge for us but we could hire an independent auditor if we wanted to pay for one.

- **What is your relationship in auditing the budgets - Internal Audits** - I am constitutionally responsible for as Clerk of Court – different County Boards and their aspect of responsibilities; Financial Audits – Ashley Brown – 3<sup>rd</sup> party -(Charlotte County) audits all the Constitutional Officers (budgets and appropriations). My office does not audit the budgets of the Constitutional Officers. We audit functions, while still looking at financials but do not audit budgets and expenses.
- **Who audits The Clerk of the Court?** - Department of Financial Revenue Services audits us every 6-7 years; they also perform the Child Support audit which happens annually. Cherry Becker is the company that audits the County, but we work with them because our office handles the financial systems.

**End Narrative:**

\*\*\*\*\*

**Recommendations:**

*Based on the interviews with all the Constitutional Officers, our research, discussions, and feedback from citizens in our community, the Constitutional Officers subcommittee has recommended the following issues be incorporated in the Charlotte County Home Rule Charter.*

**1. Enforcement of the Charter:** The duties of the Charter Review Commission should be amended in the Home Rule County Charter keeping the commission active until the next Charter Review Commission is established in six years. In the event there is a question of interpretation and/or enforcement of the current Home Rule County Charter, the remaining members of the Charter Review Commission will interpret/enforce any said violation through the Charlotte County Attorney’s Office. To include enforcement of Residency for all officials elected to office within the County. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court per Article III, Section 3.2.

**2. The Burden of the Non-Ad-Valorem fees from MSBU’s.** The burden from the fees imposed by MSBU’s is increasing and there is a need to review whether there are options for reducing or lessening this burden. While no mechanism was suggested for reducing or lessening the burden of the MSBU’s, it is suggested that a formal review process may provide options and suggestions for addressing this burden.

Submitted by:



William B. Schafer, Chairperson  
Constitutional Officers subcommittee