

FOUNDATION FOR FREEDOM | CONSTITUTIONAL COUNTY TOOLKIT

CONSTITUTIONAL COMPLIANCE COMMITTEE MODEL

A Model Advisory Structure for Citizen Complaints, Constitutional Review, Due Process, and Public Accountability

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1. Purpose

The Constitutional Compliance Committee (CCC) is a model advisory body designed to give citizens a clear, orderly process for raising concerns that a county policy, proposed action, ordinance, regulation, enforcement practice, emergency measure, or use of county resources may implicate constitutional rights or exceed lawful county authority.

The Committee is intended to strengthen constitutional literacy, due process, transparency, and communication. It should not function as a substitute court, prosecutor, law-enforcement agency, ethics commission, inspector general, or independent source of coercive governmental power.

Core function: receive documented concerns, conduct a fair preliminary review, identify the appropriate governmental forum, make nonbinding recommendations where authorized, and report transparently to the body that created it.

2. Recommended Legal Form

For a Florida county, the safest general model is an advisory committee created by the Board of County Commissioners through a properly reviewed resolution or ordinance. Its exact authority, composition, records obligations, meeting procedures, and relationship to county staff should be defined in the creating instrument.

The Board should obtain county-attorney review before creation. Florida law gives county commissions broad governing powers subject to general and special law, but it also expressly prohibits a county from creating or expanding a governmental unit to exercise powers allocated exclusively to constitutional officers such as the Sheriff or Supervisor of Elections.

Design principle: the Committee advises, reviews, educates, refers, and recommends; it does not assume powers assigned by law to another constitutional officer or branch.

3. What the Committee May Do

Receive citizen constitutional concern forms and supporting documents.

Screen submissions for completeness, jurisdiction, duplication, and appropriate referral.

Request publicly available records and factual information through lawful channels.

Hold noticed public meetings when required and receive public comment.

Identify constitutional provisions, statutes, ordinances, policies, and legal questions implicated by a complaint.

Request legal guidance from authorized county counsel through procedures established by the Board.

Recommend that the Board review, amend, repeal, clarify, or further investigate a county policy or ordinance.

Recommend referral to the Sheriff, Supervisor of Elections, Clerk, ethics body, inspector general, administrative agency, or court when that office has the relevant authority.

Recommend additional public education, training, or policy safeguards.

Issue periodic public reports summarizing matters reviewed and recommendations made, subject to public-record and confidentiality law.

4. What the Committee Should Not Do

Declare a state or federal law legally void or issue binding judicial determinations.

Order the Sheriff, courts, Supervisor of Elections, Clerk, or other constitutional officers to exercise their exclusive powers in a particular way.

Direct criminal investigations, arrests, prosecutions, or charging decisions.

Adjudicate guilt, civil liability, damages, or constitutional violations as a court would.

Interfere with pending litigation, criminal investigations, elections, or judicial proceedings.

Disclose information made confidential or exempt from public disclosure by law.

Use the complaint process to harass private citizens or public employees.

Create penalties or enforcement powers that are not expressly authorized by valid law.

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5. Suggested Membership

A five- to seven-member committee is generally large enough to provide diverse experience while remaining workable.

POSSIBLE SEAT	DESIRED EXPERIENCE
Citizen / Community Representative	Civic involvement and knowledge of local government.
Constitutional / Legal Perspective	Attorney or other qualified person able to identify legal questions; role subject to county ethics and counsel rules.
Law Enforcement / Public Safety Perspective	Experience with law-enforcement operations without displacing the Sheriff's authority.
Business / Property Rights Perspective	Understanding of regulation, property, economic impacts, and local business.

Faith / Civil Liberties Perspective	Experience with religious liberty, speech, assembly, or community service.
Government Administration Perspective	Knowledge of county procedure, records, budgeting, or administration.
At-Large Member	Additional community expertise appropriate to local needs.

The creating instrument should define appointment method, residency requirements, terms, removal, vacancies, attendance, and whether county employees or constitutional-office representatives serve as voting members, nonvoting liaisons, or invited resources.

6. Officers & Administrative Support

Chair — presides, approves agendas with staff, and maintains orderly proceedings.

Vice Chair — acts when the Chair is unavailable.

Secretary or Staff Liaison — maintains agendas, minutes, submissions, referrals, and required records.

County Attorney Liaison — if authorized, provides or coordinates legal advice to the Board/Committee without turning the Committee into an independent legal tribunal.

Constitutional Officer Liaisons — may be invited where appropriate, but participation should respect each office's independence and legal authority.

7. Standards of Conduct

Impartiality: members should evaluate facts and law rather than political identity.

Respect: complainants, officials, employees, and witnesses should be treated professionally.

Evidence: conclusions should be based on documents, testimony, official records, and identified legal authorities.

Conflicts: members should disclose financial, personal, political, or litigation conflicts and recuse when required.

No prejudice: receipt of a complaint is not proof of wrongdoing.

Confidentiality: information protected by law must not be publicly disclosed.

Noninterference: members should not contact judges, jurors, investigators, or parties in a manner that could improperly affect pending proceedings.

8. Complaint Intake

The Committee should use a standardized Citizen Constitutional Complaint Form. At minimum, the form should request:

Complainant name and contact information, subject to applicable public-record law.

Government agency, office, policy, action, or official involved.

Date and location of the challenged action.

Constitutional right or legal principle believed to be affected.

Clear factual description of what occurred.

Supporting documents, correspondence, photographs, video links, policies, orders, or other evidence.

Steps already taken to resolve the issue.

Whether litigation, criminal proceedings, administrative appeals, ethics proceedings, or other reviews are pending.

Requested outcome or remedy.

Certification that the submission is accurate to the complainant's knowledge.

9. Initial Screening

Staff or designated Committee members should conduct an initial screening before placing a matter on an agenda.

SCREENING QUESTION	POSSIBLE ACTION
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Is the submission complete enough to understand?	Request missing information.
Does it concern county government or county resources?	Proceed or identify the appropriate external forum.
Is another constitutional officer's exclusive authority implicated?	Refer or invite lawful coordination; do not assume that authority.
Is a court case, criminal investigation, election contest, or administrative appeal pending?	Consult counsel; defer or limit review to avoid interference.
Is the complaint duplicative or previously resolved?	Close or consolidate with explanation.
Does the allegation present a credible constitutional or legal question within the Committee's advisory scope?	Place on a future agenda or refer for legal/factual review.

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10. Review Process

- 1. Intake** — Assign a tracking number and acknowledge receipt.
- 2. Screening** — Determine completeness, scope, conflicts, pending proceedings, and proper forum.
- 3. Notice** — Provide reasonable notice to affected county offices or employees when fairness requires and law permits.
- 4. Fact Development** — Review submitted evidence, official policies, public records, and authorized staff information.
- 5. Legal Framing** — Identify—not conclusively adjudicate—the constitutional provisions and legal authorities potentially implicated.

6. Public Meeting — Discuss the matter at a properly noticed meeting when required, receive presentations, and allow appropriate public comment.

7. Findings / Recommendation — Adopt a written advisory recommendation supported by identified facts and authorities.

8. Referral — Transmit the recommendation to the Board or other lawful authority.

9. Follow-Up — Track the response and report the disposition publicly when lawful.

10. Closure — Close the file with a written disposition and preserve records according to applicable retention requirements.

11. Due Process Safeguards

Provide reasonable notice when a named official or employee may be criticized in a formal Committee finding.

Give affected persons a meaningful opportunity to provide documents or a response, consistent with law.

Separate allegations from established facts.

Identify disputed facts rather than resolving them by assumption.

Use written standards consistently across complainants and viewpoints.

Recuse members with material conflicts.

Do not impose penalties unless a valid ordinance and lawful authority expressly provide them through an appropriate decision-maker.

Provide a written explanation for dismissal, referral, or recommendation whenever practical.

12. Public Meetings, Records & Transparency

If the Committee is created by a Florida county to advise the Board, its meetings and records may be subject to Florida's Government-in-the-Sunshine and public-record requirements. The county attorney should establish operating procedures for notice, minutes, communications among members, retention, exemptions, and use of email or electronic collaboration.

Publish agendas and supporting public materials in advance when practicable.

Keep minutes of official meetings.

Route member communications through approved practices to avoid improper deliberation outside public meetings.

Maintain a complaint log showing status without unlawfully disclosing exempt information.

Use written recusal and conflict disclosures.

Publish periodic activity reports and recommendations.

13. Recommended Decision Categories

Outside Committee Scope — matter belongs to another agency, constitutional officer, court, or process.

Insufficient Information — complainant may supplement the submission.

No Further Action Recommended — available information does not support further county review.

Policy Review Recommended — Board or department should review a county policy or practice.

Legal Review Recommended — county counsel or other authorized counsel should evaluate a defined legal question.

Referral Recommended — matter should be sent to the official or body with lawful jurisdiction.

Corrective Action Recommended — nonbinding recommendation that an authorized county body amend, clarify, suspend, or reconsider a county action.

Education / Training Recommended — constitutional or procedural training could reduce recurrence.

14. Model Written Recommendation Format

Case / Tracking Number

Question Presented

Committee Jurisdiction and Limitations

Relevant Facts

Disputed or Unresolved Facts

Constitutional / Legal Provisions Identified

Analysis

Committee Recommendation

Referral or Follow-Up Requested

Vote of the Committee

Recusals / Conflicts

Date and Chair Certification

15. Relationship to the Four Pillars

County Commissioners — The Committee may advise the Board on county policy and refer recommendations to it; the Board retains its lawful legislative and governing authority.

County Sheriff — The Committee should not duplicate or direct powers allocated exclusively to the Sheriff. Law-enforcement concerns should be referred or coordinated through lawful channels.

Local Judiciary — The Committee does not act as a court and should not interfere with pending cases. Judicial remedies remain available for disputes requiring authoritative adjudication.

Supervisor of Elections — Election matters should respect the Supervisor's exclusive constitutional and statutory responsibilities and any specialized election-contest procedures.

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16. Model Committee Workflow

CITIZEN CONCERN → INTAKE → SCREENING → FACT / LEGAL REVIEW → PUBLIC PROCESS → RECOMMENDATION → REFERRAL → FOLLOW-UP

At every stage, the Committee should ask two questions: (1) What is the lawful forum for this issue? and (2) What process is fair to everyone affected?

17. Suggested Creation Provisions

A county resolution or ordinance establishing the Committee should address:

Name and purpose

Advisory status and limits of authority

Membership and appointment

Terms, vacancies, and removal

Officers and staff support

Meeting frequency

Sunshine/public-record compliance

Complaint intake and screening

Conflicts and recusals

Relationship to county attorney and constitutional officers

Reporting requirements

Prohibition on interference with pending proceedings

Records retention

Annual review or sunset provision

Severability and effective date, if created by ordinance

18. Model Mission Statement

Mission: To promote constitutional literacy and accountable county government by providing a transparent, fair, and lawful advisory process for receiving citizen concerns, identifying constitutional and legal issues affecting county action, recommending appropriate review or corrective measures, and referring matters to the public official, constitutional officer, agency, or court having lawful authority.

19. Model Scope Clause

The Constitutional Compliance Committee is advisory only unless a specific power is expressly granted by valid law. Nothing in its creating instrument shall be construed to confer judicial power, prosecutorial power, law-enforcement authority, or any power allocated exclusively by the Florida Constitution or general law to a county constitutional officer.

20. Committee Startup Checklist

- ☐ Obtain county-attorney review of proposed structure
- ☐ Choose resolution or ordinance as creating instrument
- ☐ Define advisory scope and explicit limitations
- ☐ Confirm compliance with Florida constitutional-officer protections
- ☐ Establish membership and appointment process
- ☐ Adopt conflict / recusal rules
- ☐ Adopt Sunshine and public-record procedures
- ☐ Create Citizen Constitutional Complaint Form

- ☐ Create intake and screening checklist
- ☐ Create tracking-number and case-log system
- ☐ Adopt written recommendation format
- ☐ Establish referral procedures
- ☐ Train members before accepting complaints
- ☐ Publish public instructions
- ☐ Set first annual review date

21. Recommended Toolkit Resources

What Is a Constitutional County?

Constitutional County Strategy Overview

How to Organize a Constitutional County Team

County Commissioner Outreach Guide

Sheriff Outreach Guide

Citizen Constitutional Complaint Form

Petition for Redress Template

Sample County Resolution

Model Constitutional County Ordinance

Florida-Specific Legal Guardrail

Florida law expressly protects the exclusive powers of county constitutional officers. Any county-created Constitutional Compliance Committee should therefore be drafted so that it does not duplicate or exercise authority allocated exclusively to the Sheriff, Supervisor of Elections, Clerk of the Circuit Court, Tax Collector, or Property Appraiser. This issue should receive specific county-attorney review before adoption.

Educational & Legal Notice

This model is provided for educational and policy-development purposes and is not legal advice. It is a framework, not a ready-to-adopt ordinance. Florida Sunshine Law, public-record law, ethics rules, county charters, local ordinances, collective bargaining obligations, due-process requirements, constitutional-officer authority, and other state or federal law may affect the design and operation of a committee. Qualified county counsel should review and customize any creating instrument and operating procedures before adoption.

A FAIR PROCESS STRENGTHENS CONSTITUTIONAL ACCOUNTABILITY.

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