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MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Madeline Clodfelter /

Complaint No. 07-17

**PUBLIC REPORT AND ORDER DISMISSING COMPLAINT**

Juan Pintado filed the above-captioned complaint against Madeline Clodfelter ("Respondent") for alleged violation of Section (A) (3) (public records) of the Citizens' Bill of Rights. The complaint alleged the Respondent failed to provide public records in the possession of the Miami-Dade Housing Agency.

The Respondent is Chief of Administrative Services for the Miami-Dade Housing Agency. In that capacity, the Respondent functions as Personnel Director for the department. On April 26, 2007, the Respondent made a public records request to the Miami-Dade Housing Agency for a complaint filed against the Respondent by Marianela Moreno. On Pintado's request, he listed an erroneous date for the document. The Miami-Dade Housing Agency stated that a document for the date provided by the Respondent did not exist.

Subsequently, Pintado made a similar public records request to the Employee Relations Department and provided a range of dates for the document. The Employee Relations Department informed Pintado that the Respondent told them that the requested document did not exist. Pintado later sought a copy of the document from Moreno and his district commissioner. Finally, on June 16, 2007, the Respondent received a copy of the document from the Miami-Dade Housing Agency.

Upon review of the complaint and being otherwise advised in the premises, the Ethics Commission dismissed the complaint because the matter concerned a violation of the Citizens' Bill of Rights.

**ORDERED AND ADJUDGED** that the complaint is hereby **DISMISSED** because it concerns a violation of the Citizens' Bill of Rights.

**DONE AND ORDERED** by the Commission on Ethics and Public Trust in public session on August 17, 2007.

**MIAMI-DADE COUNTY COMMISSION  
ON ETHICS AND PUBLIC TRUST**

By: 

Kerry Rosenthal  
Chairperson

cc: Madeline Clodfelter  
Juan Pintado



MIAMI-DADE COUNTY  
COMMISSION ON ETHICS & PUBLIC TRUST

In Re: SECTION (A) (3) OF THE CITIZENS' BILL OF RIGHTS

LETTER OF INSTRUCTION

The Ethics Commission was presented with the issue of the degree of specificity required of a public record request and what constitutes a reasonable period of time for complying with public record requests. Pursuant to Section 2-1072(b), the Ethics Commission is rendering this interpretation of the Citizens' Bill of Rights.

Section (A) (3) of the Citizens' Bill of Rights

Section (A) (3) provides that " all audits, reports, minutes, documents and other public records of the county and municipalities and their agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public."

Analysis

Section (A) (3) requires all county and municipal governments, agencies, instrumentalities and authorities in Miami-Dade County to furnish requested public record information to the public. A person who requests a document covered by this section of the Citizens' Bill of Rights is only required to identify the requested document in a way that is sufficient to identify the requested record. Florida Courts have consistently held that an agency may not refuse to produce a record because the request did not list a particular title or date as long as the requested item could be identified. See Wooten v. Cook, 590 So.2d 1039 (1st DCA 1990); FLA AGO 92-38.

The Citizens' Bill of Rights further requires that records be produced in a reasonable time frame. Although what is reasonable will vary based on type and size of request, a reasonable time frame is generally the length of time

necessary to retrieve the requested record and delete the portions of the record that are confidential or exempt. Tribune Company v. Cannella, 458 So.2d 1075 (Fla. 1984). Accordingly, an entity covered by the Citizens' Bill of Rights may not unreasonably delay production of a single recently produced document for several weeks or months.

**Holding**

An entity covered by the Citizens' Bill of Rights is required to produce a requested document as long as the request is sufficiently specific to identify the requested record. The requestor is not required to specify title or date of the requested record. Further, a requested record should be produced in the length of time necessary to retrieve the requested information and redact confidential or exempt material.

**DONE AND ORDERED** by the Miami-Dade Commission on Ethics and Public Trust in public session on September 20, 2007.