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April 24, 2012

Penelope Townsley, Supervisor of Elections  
Miami-Dade County Department of Elections  
2700 NW 87<sup>th</sup> Ave.  
Doral, FL 33172

**Re: RQO 12-08** The retention and maintenance of public records

Dear Ms. Townsley:

In a public meeting on April 23, 2012, the Miami-Dade Ethics Commission opined that maintaining scanned master records of County financial disclosure statements and County outside employment forms does not violate any subsection of the County Ethics Code.

Florida Statutes govern the maintenance and destruction of public records.<sup>1</sup> In 2008, the Florida Administrative Code established that master copies of public records could be kept in an electronic format as long as certain imaging standards were met.<sup>2</sup>

AS BACKGROUND, in January 2009, the Elections Department acquired an electronic data management system that was certified as meeting state standards for maintaining master records in an electronic format.

Because the Department of Elections' imaging system comports with state law, you sought confirmation that duplicate paper versions of scanned master documents related to County financial disclosure forms and County outside employment forms may be destroyed.<sup>3</sup>

THE MIAMI-DADE COUNTY CODE requires that certain individuals not covered under state law file financial disclosure statements and outside employment statements with the County Elections Department, but the County Code does not regulate the format or the retention period for keeping these and other public records.

<sup>1</sup> Fla. Stat. at Sec. 257.36 (6) (2011).

<sup>2</sup> Fla. Admin. Code at Rule 1B-26.003 (2011).

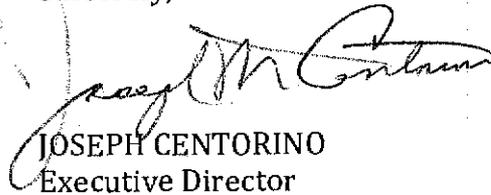
<sup>3</sup> A previous ethics opinion required that County forms be retained in their original hard-copy format, not as scanned documents. *See* RQO 09-40.

Since state law and regulation govern the retention and maintenance of public records, and the Elections Department has comported with current state requirements, the Elections Department may disregard an earlier ethics opinion on this subject at RQO 09-40.

The foregoing construes the Miami-Dade County Ethics Code and is not applicable to conflicts under other County or state laws.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH CENTORINO  
Executive Director

copies: Christina White, Deputy Supervisor of Elections, at  
[bacogc@miamidade.gov](mailto:bacogc@miamidade.gov)

Robert Trujillo, Senior Records Management, Clerk of the Court,  
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