

**MANAGEMENT DIRECTED POLICY
POLICY #24-08md**

*APPROVED
4/24/24
[Signature]*

TO: Department Directors

FROM: Jesus Merejo, City Manager

EFFECTIVE DATE: May 1, 2024

INITIATED BY: City Manager's Office

POLICY TITLE: Use of Social Media

PURPOSE STATEMENT

The City has a business need to augment traditional communication methods with the use of social media channels. This need primarily stems from public demand and the rapid growth of social media use by other local, state, and federal government entities as an indication that social media can be used effectively to enhance constituent communications. However, the use of social media presents opportunity and risk to individual City, agencies and departments, as well as the City as a whole. In general, the City supports the use of social media technology to enhance communication, collaboration and information exchange to meet business mission and goals.

Also, the City recognizes the public's need and/or desire to receive information in a timely manner and the value of communicating with residents. The City respects the right of any employee to maintain a personal blog or web page or to participate in social networking, including, but not limited to Facebook, X (formerly known as Twitter), Instagram, Nextdoor, YouTube and LinkedIn. This policy is not intended to address an employee's personal decision to engage in social networking, or in maintaining a blog or some sort of presence on the internet. However, employees are personally responsible for any City-related content they publish on any social media sites, blogs, websites, or any other form of personally generated media. The purpose of this policy is to establish procedures and guidelines for the use of social media and social media tools. Compliance with these guidelines will allow the City to enhance customer service, educate citizens and ensure employees focus on their job duties. The City's social network sites shall be used to promote the City, City services, job opportunities, events and share the City's story.

Nothing in this policy is intended to conflict with any federal, state, or local laws. This policy is not intended to limit employees' rights regarding "protected concerted activity" as defined under the National Labor Relations Act (NLRA) or the Public Employee Relations Act (PERC). The City understands that employees can get together, online or in person, to try to improve wages or working conditions. Employees with any questions regarding this policy should consult with their supervisor or the Human Resources Department as a violation of this policy could result in disciplinary action, up to and including termination.

The City of Port St. Lucie Communications Department is responsible for implementing, monitoring and enforcing this policy, under the direction of the City Manager.

DEFINITIONS

Social Media: Interactive technologies that facilitate the creation, sharing and aggregation of content, ideas, interests, and other forms of expression through virtual communities and networks. Social media refer to new forms of media that involve interactive participation.

POLICY

Scope: Social media services are a necessary informational resource and are a powerful communications tool. Social media is important to the City, as well as to members of the public who wish to obtain

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information about local government issues, projects, and services. Governmental organizations use social media to enhance branding, improve the quality of services and provide additional outlets for sending and receiving information. Conversely, unrestricted use of social media has the potential to adversely affect, rather than enhance, productivity.

This policy and its provisions apply to all City employees, departments and contracted entities that distribute information on behalf of or about the City while engaging in any social media activities, directly or indirectly.

Social media services are to be used in a responsible, efficient, ethical, and legal manner to support services and programs of the City. The use of social media services for official City business is at the discretion of the Communications Director, in accordance with the direction set forth by the City Manager. All employees will adhere to all applicable laws, regulations, and City policies. Failure to adhere to the laws, regulations and City policies will result in suspension or revocation of social media access. In addition, willful or intentional misuse could result in disciplinary action, up to, and including termination.

Initial Setup of Social Media Accounts/Authorization

The City has an overriding interest and expectation in deciding what is “spoken” or “written” on its behalf on social media sites. Accordingly, the City reserves the right not to publish any business-related postings and can remove such postings at any time while preserving it for public records purposes.

All City social media accounts and pages shall require approval by the City Manager or his/her designee before being created. Such approval shall be based on whether such site furthers the City's purpose. Thus, it will require employees or departments to submit an official business case justification to access social media sites. The following applies:

- A. The Communications Department will set up and administer any City social media sites with approval from the City Manager. “Social Media Publishers,” defined as authorized employees who can contribute, manage, and edit social media outlets, will be designated by the Communications Director, and shall set up the City's main administration account for the authorized social media site using a City email address. **NOTE: Only social media Publishers assigned by the Communications Director are permitted to post communications on the City's Social Media Sites.**
- B. When practicable, City social media sites will contain links directing users back to the City's website for in-depth information, forms, documents or online services necessary to conduct business with the City.
- C. The designated social media Publisher shall review and approve content that is intended to be posted to any City social media site and determine whether the content is in conformance with this policy. Employees may not post comments or content to a City social media site from City-owned property without prior authorization from the designated social media Publisher or the City Manager. This will ensure the integrity and consistency of the City's official message.
- D. The City reserves the right to:
 - (1) Reject the social media site for use by the City;
 - (2) Terminate the use of any previously approved City social media site at any time;

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(3) Remove inappropriate content as set forth in this policy but maintained for public records purposes.

E. The social media Publisher shall determine whether the social media site allows for data retention of posts and comments. If such feature is not possible, the City Manager reserves the right to:

- (1) Reject the social media site for use by the City or
- (2) Terminate the use of any previously approved City social media site at any time.

Use of Social Media Internally

Personal use: Personal use implies the employee is using social media tools to conduct personal activities or for personal interests, which are not connected to their job duties for the City.

If an employee maintains personal social networking, Web 2.0 and/or social media profiles and/or accounts, they must remain personal in nature and only be used to share personal opinions or information to help ensure a distinction between personal views and those of the City. Employees are instructed to post disclaimers on their personal and professional posts to distance the employee's comments from official City positions.

Employees must never use a City email account or password in conjunction with personal social networking, Web 2.0 or social media site. Employees may never use City equipment or property for personal social media purposes. However, the City realizes that some use of social networking could be a part of an employee's job duties. As such, use of these sites might be permitted during work hours for employees with these responsibilities, as approved by their director and/or the City Manager.

If an employee comments about City business on a social networking site, he/she must:

- a. State his/her name and, if relevant, his/her position and role when discussing City business; and
- b. Use a disclaimer such as: "The postings on this site are my own and do not necessarily reflect or represent the opinions or positions of the City."

Employees should be respectful of their potential readers and colleagues and refrain from using discriminatory comments, personal insults, libel or slander when commenting about the City, their supervisors, co-workers or other government agencies. Any conduct that is impermissible by law if expressed in any other form or forum is impermissible if expressed through a blog, web page or social networking site. For example, posted material that is discriminatory, obscene, defamatory, libelous or threatening can expose the author to legal action.

Employees should keep in mind the speed and the way information posted on a blog, web page and/or social media networking site is received, shared, and often misunderstood by readers. Employees should take care and use their best judgment.

Unless stated otherwise in this policy, City employees, in their official capacities, are prohibited from posting on a City social media page as it relates to official City business as defined by law.

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Whenever practicable, City social media sites must include a statement that clearly specifies:

- a. Its purpose and topical scope;
- b. The City's Social Media Terms of Use and contact information; and
- c. A warning that all posts and content are subject to public records law.

Where possible, links to the City's website, the City's Social Media Policy, Social Media Terms of Use and other City social media accounts should be provided. City use of social media sites will comply with all City rules, policies and procedures.

Professional Use: Professional use implies that an employee's use of social media is for the purpose of furthering their specific job responsibilities or professional duties through an externally focused site.

All official City-related communication through City social media, Web 2.0 and social networking outlets, must remain professional in nature and must always be conducted in accordance with the City's communications policies, practices and expectations. Employees must not use official City social media, Web 2.0 or social networking sites for political purposes, to conduct private commercial transactions or to engage in private business activities. Further, employees must not use City social media, Web 2.0 or social networking sites to circumvent the letter or spirit of Florida's sunshine and public records laws.

City employees must be mindful that inappropriate usage of official City social media, Web 2.0 and social networking sites can be grounds for disciplinary action. When social media, Web 2.0 and social media networking are used for official City business, the entire City website, regardless of personal views, is subject to best practices, guidelines, and standards.

Official City's Use: Official City use implies that an employee's use of social media is for the express purpose of communicating a City's broad interest, or specific programmatic and policy interests.

Only individuals authorized by the City may publish content to any City website or social media outlet. Employees in the Communications Department are responsible for maintaining and updating City-related websites and social media outlets.

City employees or departments who wish to increase public awareness of City programs, policies and services through social media must designate an employee to communicate all postings for the department to the Communications Director or designee. The Communications Department will monitor photo/image use. Photos and images used in any posting that are not self-shot must be credited appropriately and with permission, if required. The use of copyrighted photos and images is prohibited, unless stated permission was given for use or a contractible agreement is in place.

Approval and Registration

All City social media sites must be approved by the City Manager and reviewed by the Communications Department; published using approved social networking platforms and tools; and administered by the Communications Department or its designee(s).

Oversight and Enforcement

Employees representing the City through social media outlets or participating in social media features on

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City websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revocation of the privilege to participate in City social media sites, blogs or other social media features. Information must be presented following professional standards for good grammar, spelling, brevity, clarity, and accuracy, and must avoid jargon, obscure terminology or acronyms.

City employees must recognize the content and messages they post on social media websites are public and could be cited as official City statements. Social media must not be used to circumvent other City communication policies, including news media policy requirements.

V. Posting, Updating and Responding

City employees may not publish or post information on City social media sites that includes:

- a. Confidential information,
- b. Copyright violations,
- c. Profanity,
- d. Racist, sexist, or derogatory content or comments,
- e. Partisan political views, or
- f. Commercial endorsements or spam.

Social media sites are to be used to provide information, interact with the public and to provide the best service possible. Typical uses for social media sites include, but are not limited to, promoting events or programs; issuing public notices; alerting the public to field closures or program cancellations; educating, informing or sharing the City's story; and encouraging feedback from the public.

Guidelines in detail:

- a. The Communications Director will designate one or more Social Media Publishers to maintain all social media sites. Once approved by the City Manager, Social Media Publishers will have access to an email address and password assigned specifically for social media. Social Media Publishers will have authority to edit, update, post information and respond to comments and questions by the public in accordance with this policy.
- b. Social Media Publishers will check facts, cite sources, present balanced views, acknowledge and correct errors and check spelling and grammar before publishing any posts.
- c. A minimum of three times per day during normal business hours, the Social Media Publishers will check the assigned email, monitor and post to social media pages, check for user comments that require responses and, after obtaining written approval by the City Attorney's Office, reserves the right to remove anything that violates the City Social Media Terms of Use.
- d. The Communications Director or his/her designee must approve, before posting, any content that has not been previously posted on the City website or other social media pages, including responses to public comments.
- e. If Social Media Publishers accidentally post an inaccurate statement, the correct information should be posted as soon as possible. A record of the incorrect information shall be kept, and the erroneous posting removed from the social media site but maintained for public records purposes.
- f. Social Media Publishers shall not engage in debate. Anyone posting on behalf of the City is representing the City and should act accordingly.
- g. Social Media Publishers shall not post any personal, political, religious comments or beliefs on a City social media site.

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- h. Social Media Publishers shall obtain approval of the Communications Director before posting anything that reasonably can be expected to incite controversy or generate negative publicity for the City.
 - i. References to information posted on the City website should include hyperlinks back to the website when applicable.
 - j. Time sensitive information, such as field closures or emergency information, shall be posted as soon as possible.
 - k. Comments that require responses should be answered within two to three business days by the Social Media Publisher.
 - l. Social Media Publishers, with approval from the Communications Director, may join and/or comment to external Facebook Groups and Pages that are not affiliated with the City to answer questions and/or correct misinformation. Social Media Publishers will take screenshots of the City's comments and/or posts to preserve for the required retention period for public record requests.

Posting Images

Social Media Publishers must not infringe on copyrights when posting images, including photographs and clip art. In some cases, the Social Media Publisher may be required to obtain permission from and/or credit the photographer or artist before posting such material. The following images are permissible to post:

- a. Original images created by City employees for use by the City;
- b. Original images created by a professional photographer/artist who has granted the City permission to post such images; and
- c. Any media the City holds a license to reproduce.

Public Comment Policy and Removing Posts

Any post that violates the City Social Media Terms of Use must be documented for public records retention. The City reserves the right to remove any comments or posts which have offensive language, inciting violence, promoting illegal activity, or are found to be in violation of this policy and will provide notification to the user of the violation of the Terms of Use.

The City Social Media Acceptable Use reads as follows:

CITY SOCIAL MEDIA ACCEPTABLE USE

“THE PURPOSE OF THIS SITE IS TO ENCOURAGE COURTEOUS AND CIVIL COMMUNICATION BETWEEN THE CITY AND THE PUBLIC THAT IS APPROPRIATE FOR ALL USERS. THE APPEARANCE OF EXTERNAL LINKS ON THIS SITE DOES NOT CONSTITUTE OFFICIAL ENDORSEMENT ON BEHALF OF THE CITY. THIS SITE IS NOT MONITORED AT ALL TIMES. USERS SHOULD NOT USE THIS SITE TO REPORT EMERGENCY SITUATIONS OR TIME-SENSITIVE ISSUES. THE CITY RESERVES THE RIGHT TO REMOVE ANY COMMENTS OR POSTS WHICH HAVE OFFENSIVE LANGUAGE, INCITING VIOLENCE, PROMOTING ILLEGAL ACTIVITY OR WHICH ARE FOUND TO BE IN VIOLATION OF THIS POLICY. ALL POSTS AND CONTENT ON THIS SITE ARE SUBJECT TO PUBLIC RECORDS LAW. BY ENGAGING WITH THE CITY OVER SOCIAL MEDIA, YOU ARE AGREEING TO THE TERMS OF USE SET FORTH HEREIN.”

Posts and content (including profile pictures or avatars, GIFs, usernames, or email addresses) that contain any of the following shall not be allowed.

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- a. Obscene, profane, violent, threatening, hateful, harassing or offensive language or content.
 - b. Personal attacks of any kind, including comments that target, disparage or discriminate against any race; creed; color; age; religion; gender; marital status; national origin; physical or mental disability; physical appearance; sexual orientation; or financial status.
 - c. Defamation or accusations of criminal, unethical or immoral conduct or activities. If a person believes there is a legitimate complaint against the City or a City employee, the person should contact the appropriate department director via telephone or email.
 - d. Sexual content, sexual references or sexual innuendos or links to any such material and content.
 - e. Solicitations, advertisements, or endorsements of any financial, commercial or non-governmental agency or entity.
 - f. Conduct or encouragement of illegal activity or posting of material that violates any copyrights or trademarks of others.
 - g. Content or comments that compromise the safety or security of the public or public systems.
 - h. Invasion of an individual's right to privacy.
 - i. Promoting or opposing political campaigns or ballot measures.
 - j. Spam or suspected spam, or any links to such content.

THE CITY IS NOT LIABLE FOR CONTENT POSTED TO THIS SITE BY PERSONS OTHER THAN AUTHORIZED EMPLOYEES OF THE CITY POSTING IN THEIR OFFICIAL CAPACITIES. THE CITY RESERVES THE RIGHT TO RESTRICT OR REMOVE ANY CONTENT DEEMED IN VIOLATION OF THIS SOCIAL MEDIA POLICY, THE ACCEPTABLE USE SET FORTH HEREIN OR ANY APPLICABLE LAW BUT MAINTAINED FOR PUBLIC RECORDS PURPOSES. THIS POLICY IS SUBJECT TO AMENDMENT OR MODIFICATION AT ANY TIME.

City social media sites will not constitute an official form of communication for legal notice, specific requests for service, public records requests, registering a complaint or filing a claim.

Members of the media are asked to send questions through the Communications Department or other usual channels and refrain from submitting questions on social media as comments. Reporter questions should not be posted and will not be answered on this site.

Thank you for taking the time to review the City Social Media Acceptable Use Policy.

VI. Records Retention

Social media sites contain communications sent to or received by the City and its employees, and such communications are therefore public records, subject to the retention requirements of Florida Statutes, Chapter 119. These retention requirements apply regardless of the form of the record including digital text, photos, audio, and video.

Florida's public records law extends to websites, blogs, and social media sites, including personal messaging. All content will be captured and retained in accordance with standard City records retention policies and all applicable law.

The City must preserve records for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records must fulfill the following requirements.

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- a. Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data because of deletion and/or changes on the social networking site.
 - b. Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.
 - c. Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
 - d. Social media records are indexed based on specific criteria, such as date, content type and keywords, to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
 - e. Each employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public records requests and legal discovery requests as needed.

The City utilizes an automated archiving solution provided by Archive Social to comply with applicable public records laws to fulfill the above record retention requirements. The City's archive is available at www.archivesocial.com.

Whenever practicable, the following statement shall be displayed on City social media sites in addition to the language of item VII of this policy:

IMPORTANT NOTICE UNDER FLORIDA'S PUBLIC RECORDS LAW:

Please be aware that under Chapter 119, Florida Statutes, every response and submission to this website is a public record and could be posted for as long as the City Manager allows for such item to remain posted. If any submission is removed by the City, all such removed submissions will be stored by the City offline and will be a public record available for inspection to the extent allowed by Chapter 119, Florida Statutes. Please direct any public records request pertaining to a City-maintained website to the City of Port St. Lucie City of Clerk's Office or to pr@cityofpsl.com.

VII. Data Tracking

Most social media sites offer some mechanism for capturing data or tracking user trends and activity. It is the responsibility of the Social Media Publishers to use these applications to ensure the most effective use of social media outlets.

References, Links and Embedded Content Policy

The City's social media sites may contain links to other social networking sites or websites that are not owned, regularly reviewed or controlled by the City. Examples include other governmental agencies, news organizations or other entities when approved by the Communications Director, following established City guidelines. The City's social networking sites shall not provide links to external sites that are strictly political or religious in nature. DIRECT LINKS SHOULD NOT BE CONSTRUED AS AN ENDORSEMENT OR SPONSORSHIP OF THESE EXTERNAL SITES, THEIR CONTENT OR THEIR HOSTS. THE CITY IS NOT RESPONSIBLE FOR THE CONTENT, QUALITY, ACCURACY OR COMPLETENESS OF ANY OFFSITE MATERIALS REFERENCED BY, OR LINKED THROUGH, THE CITY'S SOCIAL MEDIA SITES.

Neither the City's website nor any City-maintained social media pages shall contain a link to, or endorsement of, any personal websites or social media pages maintained by City employees and/or

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elected officials, such as any personal Facebook pages of City Council members, including those which discuss City business. The City also reserves the right not to share content from personal employees or elected officials' personal social media sites.

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Neither the City's website nor any City-maintained social media pages shall contain a link to, or endorsement of, any personal websites or social media pages maintained by City employees and/or elected officials, such as any personal Facebook pages of City Council members, including those which discuss City business. The City also reserves the right not to share content from personal employees or elected officials' personal social media sites.

VIII. Privacy and Security

- a. All users of the City social media sites are subject to the site's own privacy policy. The City has no control over third parties' privacy policies or modifications to such policies.
- b. The City has the right to monitor employees' social media use on City equipment and will exercise its right as necessary.

IX. Copyright Policy

- a. The City retains the rights to all text, graphics and other content found on its social media sites that was produced by the City.
- b. Any use of the City seal or logo is prohibited without the express written permission of the City.
- c. Third Party Copyright: Content that violates the legal ownership interest of any party or copyright should not be posted or submitted in any form without permission of the rights holder. Any person redistributing information subject to a third-party copyright via the City's social media sites must adhere to the terms and conditions of the third party copyright holder.

X. Disclaimers

- a. The City strives to post accurate and relevant content but does not guarantee the accuracy of any information posted on its social media sites and assumes no liability for damages resulting from reliance on any inaccuracies. b. The City does not guarantee the social media sites will be uninterrupted, permanent, or error-free.

Use of Social Media Externally

The following guidelines must be displayed to users on all social media sites or made available by hyperlink.

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Moderation of Third Party Content

The City social media serves as a limited public forum and all content published is subject to monitoring. User-generated posts will be rejected or removed (if possible), but maintained for public records purposes, when the content:

- a. Is off-subject or out of context,
- b. Contains obscene or indecent material,
- c. Contains personal identifying information or sensitive personal information,
- d. Contains offensive terms that target protected classes,
- e. Is threatening, harassing, or discriminatory,
- f. Incites or promotes violence or illegal activities,
- g. Contains information that reasonably could compromise individual or public safety,
- h. Advertises or promotes a commercial product or service, or any entity or individual, or
- i. Promotes or endorses political campaigns or candidates.

Public Records Laws

The City social media sites are subject to applicable public record laws, including Florida Statutes Chapter 119. Any content maintained in a social media format related to City business, including communication posted by the City and communication received from citizens, is a public record. The Communications Department is responsible for responding completely and accurately to any public records requests for social media content.