



To: Vice Mayor, Vince Lago

From: Miriam Soler Ramos, City Attorney for the City of Coral Gables *USM*

RE: Legal Opinion Regarding Social Media Pages

Date: September 30, 2019

Vice Mayor Vince Lago has requested an opinion from this office regarding the use of his currently-existing Facebook page, Instagram page, and Twitter handle for his upcoming race for Mayor of Coral Gables.

Vice Mayor Lago¹ has been an elected official in the City of Coral Gables since 2013. He currently has two Facebook pages – a personal page named “Vicente Lago,” which requires individuals to make “friend requests” and a Government Official page named “Vince Lago,” which is open to any individual who wishes to follow it. The Government Official page lists the City of Coral Gables’ website and the Vice Mayor’s Coral Gables email address. His Government Official page is managed by his legislative aide and includes posts announcing his office hours, sharing events of interest, sharing photographs of events which he attended as an elected official, announcing Commission Meetings and other public meetings, sharing legislative initiatives, and other similar posts relating to his work as an elected official.

In addition, the Vice Mayor has an Instagram page with the name “vicemayorlago” which lists his title as “Vice Mayor for the City of Coral Gables,” as well as his official page on the City’s website. In addition, the Vice Mayor has a Twitter handle with the name @Vince-Lago that lists his title as “Vice Mayor – City of Coral Gables,” and has a link to the City’s webpage. Unlike with his Facebook Government Official page, his Instagram page and Twitter handle are managed by him directly.

Recently, the Vice Mayor officially announced that he intends to run for Mayor of Coral Gables in 2021 and asked this office for an opinion regarding the use of the three social media pages as part of that campaign. (Note: This opinion is limited to the restrictions provided for in

¹ In accordance with Sec. 6 of the City Charter, in the event of the Mayor’s absence or disability, the Vice Mayor shall undertake the Mayor’s duties. Other than the powers delineated in Section 2-28 of the City Code which apply to the Mayor, and the Vice Mayor in his absence, the Mayor and Vice Mayor have the same powers as a City Commissioner. Thus, any reference in this opinion to “Commissioner” extends to the position of Mayor and Vice Mayor.

the Miami-Dade Ethics Code, City of Coral Gables Ethics Code, and Ch.112, F.S., and does not address any applicable campaign laws including the Miami-Dade Ethical Campaign Practices Ordinance.)

Applicable Law and Analysis:

Exploitation of official position:

The Miami-Dade Ethics Ordinance has a provision titled “Exploitation of official position prohibited,” (Section 2-11.1(g)) which states:

No [*Commissioner*] shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others...

The City of Coral Gables Ethics Ordinance has an identical provision found at Section 2-290 of the City Code.

The corresponding state law provision (Section 112.313(6), F.S.) “Misuse of Public Position, states, as follows:

No public officer...shall corruptly use or attempt to use his or her official position or any property or resources which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others...

It is well established that the use of City staff and/or resources for campaign-related activities is impermissible and may violate the above-included provisions (*See* Sept. 2016 Miami-Dade Ethics Commission Memorandum entitled, “Limitations on Political Activities of County and Municipal Officers and Employees”). Accordingly, no City employee, including the Vice Mayor’s legislative aide, may assist with any campaign-related activities. Since the legislative aide has historically managed the “Vince Lago” Facebook page, in order to ensure that these provisions are not violated, the Vice Mayor should consider establishing a separate Facebook page for purposes of his mayoral campaign. Doing so will ensure that the two are kept separate and that no City resources are expended with relation to the campaign page. In fact, Facebook has established two types of pages for these distinct uses. One category is that of “Government Official,” which is intended for use by an elected official. The other category is that of “Politician,” which is intended for use by an individual running for office.

While the Vice Mayor presently manages his Instagram page and Twitter handle himself, it is likely that using the currently-existing pages for his mayoral campaign will violate various rules and regulations. In addition, it would require that both pages comply with the Florida Public Records Law, the Florida Sunshine Law, and simultaneously with all applicable campaign laws. The use of social media by elected officials and in political campaigns is relatively new and consequently, it is an evolving area of the law that includes numerous considerations. Given the complexity associated with managing one Facebook and Instagram page and one Twitter handle for both purposes, given the ever-changing landscape of social media in both contexts, and given

the associated risk, the Vice Mayor is strongly encouraged not to use the already-existing pages and handle for both purposes, and instead, is advised to establish separate Facebook and Instagram pages and a separate Twitter handle for campaign purposes.

In consultation with special counsel, this opinion is issued pursuant to Sections 2-252(e)(1) and (8) of the City Code and Section 2-300 of the City's Ethics Code authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

September 2019

CITY OF CORAL GABLES
CITY ATTORNEY'S OFFICE

OPINION REGARDING SOCIAL MEDIA PAGES

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September 2019

From: [Ramos, Miriam](#)
To: [Paulk, Enga](#)
Cc: [Suarez, Cristina](#)
Subject: FW: Opinion re. social media use
Date: Monday, September 30, 2019 3:56:23 PM
Attachments: [opinion - social media page use.docx.pdf](#)
[image005.png](#)
[opinion - social media page use.docx](#)
[image007.png](#)

Enga, please publish.

Thank you,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

*Board Certified by the Florida Bar in
City, County, and Local Government Law
City of Coral Gables*

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From: Ramos, Miriam
Sent: Monday, September 30, 2019 3:56 PM
To: Lago, Vincente <VLago@coralgables.com>
Cc: Granell, Chelsea <cgranell@coralgables.com>
Subject: Opinion re. social media use

Vice Mayor,

As requested, attached please find the opinion regarding social media use as related to your official position as Vice Mayor versus your upcoming campaign.

If you have any questions or concerns, please let me know.

Sincerely,

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

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