

Board of County Commissioners
Escambia County, Florida

Title: County Commissioners' Technology Policy
Date Adopted: August 20, 2009
Effective Date: August 20, 2009
Reference:
Policy Amended: New Policy

A. Purpose:

The purpose of this policy is to establish rules for how the County Commissioners use technology to communicate to ensure they conduct themselves in a responsible, professional, ethical and efficient manner, with an eye towards the public's perception of their elected officials and how they conduct business. Improvements and evolutions in technology are occurring so rapidly that it is difficult for the laws and rules that govern County business and elected officials to keep pace. The Florida Sunshine Law and Public Records Law pose special challenges to the County Commissioners who should follow not just the letter of those laws, but also their intent. It is vital to the credibility of Escambia County government that the public perceive their Commissioners are respectful of those laws and of the citizens they govern.

B. Policy:

1. **Applicability:** This policy is intended as an additional layer of control over the County Commissioners' use of technological resources, regardless of the ownership of those resources. This policy is intended to supplement any existing policy, rule or law that applies to the County Commissioners or to County-owned resources.
2. **Board Meetings:** Commissioners shall not use cell phones, PDAs, Blackberrys, laptops, netbooks or similar devices, regardless of ownership of the device, during any County Commission meeting, including workshops. Commissioners are encouraged to turn off, silence, turn to vibrate or abandon all such devices during meetings. In the event of a perceived emergency, a Commissioner may use these devices but shall leave the Chambers or room where the meeting is held during use.
3. **Electronic Mail (E-Mail):** In order to ensure compliance with Florida's Public Records' Law, including record retention requirements, Commissioners shall not use private e-mail accounts to conduct County business. Private e-mail accounts include outside business e-mail accounts, personal accounts and any other e-mail account that does not

operate through Escambia County's server. However, should a Commissioner receive e-mail in a private e-mail account, the Commissioner shall forward the e-mail to a County-maintained e-mail account and shall request that the author of the original e-mail use the County-maintained e-mail account for future communications. Such actions shall not be a violation of this policy.

Further, in the event of unavoidable circumstances, including, but not limited to, lack of access and unavailability or malfunction of the County e-mail system, a Commissioner's use of a private e-mail account to conduct County business shall not be a violation of this policy, so long as the Commissioner forwards such communications to a County-maintained e-mail account as soon as practicable. Failure to comply with this provision could result in a violation of Florida's Public Records' Law.

Commissioners are discouraged from using County-maintained e-mail accounts for personal business and may wish to sort any such e-mails that are present in a County-maintained account into a personal file or to a personal e-mail account to ease the task of records management and retention.

4. **Text Messaging and Instant Messaging:** Commissioners shall not use text messaging, instant messaging or similar types of instantaneous communications to conduct County business on any device capable of such methods of communication, regardless of ownership of the device. Where possible, Commissioners are encouraged to request that such functions be disabled on their County-owned devices.
5. **Social Networking Accounts, Twitter, Story Forum Comments, Blogs and Similar Communications:** Commissioners shall not discuss County business on social networking sites, including, but not limited to, Facebook and Twitter, and shall not blog or otherwise communicate on the internet about County business other than via e-mail as provided above and in other applicable laws and regulations.

However, a commissioner may post a story forum comment or response on a blog on a site maintained by another person or media outlet regarding County business so long as the commissioner posts the comment or response using the commissioner's actual name and the commissioner does not post a comment or response when another commissioner has already posted on that specific article or issue. A copy of any such posting shall be retained by the County.

6. **Other County Policies:** Commissioners are responsible for compliance with all other applicable County policies.

C. Enforcement:

A majority of the County Commission may take any available enforcement action against a fellow Commissioner found to be in violation of this policy. Additionally, the County shall not be responsible for any costs resulting from a Commissioner's failure to follow this policy. Such costs are to include, but not be limited to, text messaging charges and attorney's fees, unless specifically allowed by State law. All other applicable laws, rules and policies may have other enforcement mechanisms that could apply. County Commissioners are responsible for compliance with the Sunshine Law and Public Records' Law at all times during their term.

D. Future Amendments:

The Board shall revisit this policy on a regular basis in order to consider amendments due to relevant court decisions, Attorney General's Opinions, Legislative actions or desires of the Board.