



MEMORANDUM

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TO: Angela Greben
FROM: Juan-Carlos (J.C.) Planas, Esq
SUBJECT: Public Records Request regarding Mayor Levine's Twitter Account
DATE: September 18, 2015

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This Memorandum is presented in reference to the Public Records Request submitted to Mayor Philip Levine and the City of Miami Beach by Angela Greben.

As the Twitter account referenced in Ms. Greben's request is personal and not controlled by the City, the above listed personal counsel for Mayor Levine is submitting this memorandum in lieu of a response to the request.

Chapter 119 of the Florida Statutes governs the manner in which citizens may request to view and/or copy documents that are kept in the public records. Section 119.011(12) defines a Public Record as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." As the Twitter Account referred to by Ms. Greben is not affiliated with the City of Miami Beach and controlled by Mayor Levine, personally, the account and anything related to it is not subject to any request for Public Record. As such, Mayor Levine does not waive his right to maintain the privacy of his personal Twitter account.

However, in order to maintain an open dialogue with his constituents, Mayor Levine, without waiving any existing legal privilege, agrees to answer the question presented by Greben in the best manner he can. First, it is important to note that social media platforms such as Instagram, Twitter and Facebook and generally open but allow participants to establish boundaries as to whom is allowed to view their posts. While Instagram and Facebook places the responsibility of who may view the posts on the primary user, Twitter allows anyone to "Follow" those posting tweets. On rare occasions, individuals may be blocked from viewing an individual's tweets and tweeting at that person but the process is not as user friendly as Facebook or Instagram as Twitter works differently. As of the date of this request, the only individual being blocked on Mayor Levine's Twitter Account is an individual referring to themselves as "Asscakes" and using the Twitter handle @assckessupreme. Mayor Levine found the name of the individual offensive and thus did not want this individual either tweeting at him or appearing on his tweets. The identity of this individual has not yet been identified.

While this memorandum can not be described as a response to a Public Records Request as the material requested is not a Public Record, we sincerely hope this answers Ms. Greben's question. Please refer any future inquiries on this subject to the above listed legal counsel.