

**SOCIAL MEDIA POLICY FOR THE FLORIDA BAR**  
**AND FLORIDA BAR SECTIONS/DIVISIONS**  
**JANUARY 30, 2015**

**OVERVIEW**

The Board of Governors has approved the use of social media for **The Florida Bar and Florida Bar Sections/Divisions (also referred to in this policy as “Florida Bar entities”)** subject to compliance with this policy.

**NOTIFICATION REQUIREMENT**

When a Florida Bar program (e.g., Leadership Academy, Practice Resource Institute) or Section/Division determines it has a business need for use of social media, or for use of additional social media platforms, notification will be submitted to the Director of Public Information of The Florida Bar or his/her designee who will :

- Provide the current Florida Bar social media policy, guidelines for setting up new social media accounts, guidelines for handling negative comments, guidelines for users/participants and other guidelines and information as needed;
- Maintain a current list of all employee administrators, Bar member administrators, user IDs and passwords;
- Provide through IT a page monitoring account for public records archiving of postings via installation of software to the staff administrator’s office computer; and
- Provide ongoing counsel for use of social media and generally oversee Bar entities’ use of social media.

**SOCIAL MEDIA USE BY COMMITTEES**

Committees may only use social media after a proposal is submitted to and approved by The Florida Bar’s Public Information Director. The PI Director may consult with the BOG Communications Committee and its technology consultant before approval. If approved, the notification requirements listed above must be followed.

**ACCEPTABLE USE**

All use of social networking sites by Florida Bar entities should be consistent with applicable state, federal, and local laws and regulations, and policies, including public records obligations.

**COMPLIANCE WITH FLORIDA BAR PUBLIC RECORDS OBLIGATIONS**

Communication via Florida Bar related social networking sites is a public record. This means that the posts of Florida Bar entities will become part of the public record. The Florida Bar is part of the judicial branch of government. Access to records of the judicial branch is governed by Florida Rule of Judicial Administration 2.420. In the absence of an exemption, judicial branch records, including the records of The Florida Bar, are subject to disclosure. Records of the judicial branch are defined to include "all

records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by any judicial branch entity. "Fla. R. Jud. Admin. 2.420(b)(1).

Records created by Florida Bar entities within a social networking site that meet the definition of a public record (material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type), and are not confidential or exempt from disclosure, are public records and must be available for access to the public and must be maintained according to the appropriate records retention category of the Judicial Branch Records Retention Schedule, as assigned by The Florida Bar. For example, many of the communications on the social networking site may be "transitory" in nature. A Florida Bar entity may decide by policy that only transitory messages may be communicated on the site. Transitory messages are created primarily for the communication of information, as opposed to communications designed for the perpetuation of knowledge. Transitory messages do not set policy, establish guidelines or procedure, certify a transaction, or become a receipt. The retention requirement for a transitory message is until the message is obsolete, superseded, or the administrative value is lost. However, if communications on the site are intended to perpetuate, communicate or formalize knowledge of some type, then the communications could not be designated as transitory and must be maintained for the appropriate amount of time as determined by the judicial branch records series.

Florida Bar entities must be aware of the records retention schedule and must make sure that communications that constitute an official record of the Florida Bar entity are being captured and maintained according to the branch retention schedule and are available for public disclosure if requested.

To archive all posts to meet the public records retention requirement, The Florida Bar, Florida Bar Sections/Divisions and other approved entities must use the designated page monitoring service to archive all posted announcements and comments. The software for the service will be installed on the office computer of the staff administrator.

Because others might not be aware of the public records law, entities should include the following statement in the Organization section on the social networking site: **Members of Florida Bar entities communicate via this site. Consequently, any communication via this site may be subject to monitoring and disclosure to third parties.**

### **POLITICAL/LEGISLATIVE CONTENT**

The activities of The Florida Bar are defined by the Rules Regulating The Florida Bar, and those rules apply to social networking activity, as well as a variety of other activities.

As a unified bar with mandatory membership, The Florida Bar cannot take positions on political or social issues that do not relate to or affect the practice of law or the administration of justice. Social media platforms should not be used to endorse any candidates or for other political activity.

### **ENFORCING THESE POLICIES**

The Florida Bar actively monitors these sites for inappropriate postings. If an inappropriate posting is brought to the attention of The Florida Bar, The Florida Bar will take appropriate action to enforce this policy.

### **NEWS MEDIA**

If journalists are contacting you through social media, refer them to the Public Information Department of The Florida Bar: 850-561-5666 or email [pubinfo@flabar.org](mailto:pubinfo@flabar.org).

### **APPROVED:**

The Florida Bar Board of Governors, January 30, 2015

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