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## FLORIDA ATTORNEY GENERAL ISSUES OPINION RELATED TO MUNICIPALITY'S ABILITY TO CREATE A PAGE ON THE FACEBOOK WEBSITE AND THE ASSOCIATED IMPLICATIONS WITH RESPECT TO FLORIDA'S PUBLIC RECORDS AND SUNSHINE LAWS

The State of Florida Attorney General issued Attorney General Opinion 2009-19 on April 23, 2009, in response to a request submitted by Samuel S. Goren, City Attorney for the City of Coral Springs ("City"). The City had sought an opinion from the Attorney General as to whether the municipality is authorized to create a page on the Facebook website, and if the municipality was required to insure that any material posted on the City's Facebook page was maintained in conformance with Florida's Public Records Law, Chapter 119, F.S. In the Attorney General's opinion, a municipality **is authorized** to exercise powers for a municipal purpose and, therefore, the creation of a Facebook page **must** serve such a purpose. Further, the placement of material on a Facebook page created by a municipality must also be in the furtherance of a public purpose, and would be subject to the provisions of Chapter 119, F.S. As such, a municipality would be obligated to maintain the content on the page in accordance with records retention schedule as established by state law.

In an effort to provide for increased communication options for the City and its residents, the City of Coral Springs expressed an interest in creating a page on the Facebook website. The creation of such a page, however, raised specific issues concerning the City's obligation to maintain records posted on the Facebook page pursuant to the requirements of the Florida Public Records Law, Chapter 119, F.S. In addition, the City was concerned about the need to comply with Florida's Sunshine Law, Section 286.011, F.S. in the event public officials chose to use the page to exchange information.

The Attorney General stated that the municipality must first determine if the creation of the page on Facebook serves a municipal purpose. After that determination is made, the City must maintain the content on the page in accordance with records retention schedule as established by state law. Furthermore, communications on a municipality's Facebook page regarding municipal business by members of the governing body may be subject to Section 286.011, F.S., and the Sunshine Law. Therefore, the Attorney General opined that members of a municipality's governing body **must not engage** in an exchange or discussion on the Facebook page on matters that could possibly come before the governing body for official action.