

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 14-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 14-02
(Rescinding AO No. 01-15 and
AO No. 90-27)**

**IN RE: USE OF ELECTRONIC
DEVICES IN THE COURTROOM AND
COURT FACILITIES**

WHEREAS, the Supreme Court of Florida promulgated standards of conduct and technology, codified in the Rules of Judicial Administration (Rules), subject at all times to the authority of the presiding judge to: (i) control the proceedings before the court; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause; and

WHEREAS, Rule 2.450, Florida Rules of Judicial Administration (Rule 2.450), entitled "Technological Coverage of Judicial Proceedings," governs the use of technology by the media or professional journalist in judicial proceedings; and

WHEREAS, pursuant to Supreme Court of Florida Order No. SC12-764, the Supreme Court adopted new Rule 2.451, Florida Rules of Judicial Administration (Rule 2.451), entitled "Use of Electronic Devices," governing the use of electronic devices by jurors and other non-media courtroom and court facility attendees, which became effective on October 1, 2013; and

WHEREAS, in addition to the mandatory and discretionary guidelines set forth in Rule 2.450 and Rule 2.451, it has been determined that due to the necessary usage of electronic devices by certain individuals, including media attendees, involved in or attending court proceedings in order to perform their professional obligations or to record such proceedings for further legal proceedings, guidelines should be established for such usage; and

WHEREAS, as prescribed by such Rules, the use of electronic devices in a courthouse or court facility is subject at all times to the authority of the chief judge to: (i) ensure decorum and prevent distractions; (ii) ensure the fair administration of justice; and (iii) preserve court security; and

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. **Incorporation of Rules 2.450 and 2.451, Florida Rules of Judicial Administration.** Rules 2.450 and 2.451, Florida Rules of Judicial Administration (“Rules”) are hereby incorporated as if fully set forth herein.
2. **Applicability.** The Rules and this Administrative Order are applicable to all court proceedings presided over by judicial and quasi-judicial officers and the use of electronic devices in court facilities.
3. **Definitions.** For purposes of this Administrative Order, the following definitions are hereby adopted:
 - a. **Electronic Devices.** An electronic device is any device capable of making or transmitting still or moving photographs, video recordings, or images of any kind; any device capable of creating, transmitting, or receiving text or data; and any device capable of receiving, transmitting, or recording sound. Electronic devices include, without limitation film cameras, digital cameras, video cameras, any other type of camera, cellular telephones, tape recorders, digital voice recorders, any other type of audio recorders, laptop computers, personal digital assistants, or other similar technological devices with the ability to make or transmit video recordings, audio recordings, images, text, or data.
 - b. **Media or Professional Journalist.** A person regularly engaged in collecting, photographing, recording, writing, editing, reporting, or publishing news, for gain or livelihood, who obtained the information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network, or news magazine.
 - c. **New Media.** An online organization which was a previously established, independent site that contains regularly updated original news content above and beyond links, forums, troubleshooting tips and reader contributions, said content being thoroughly reviewed by an independent editor before publication. Fan sites, web logs and personal web sites do not qualify as “new media.”
 - d. **News.** Information of public concern relating to local, statewide, national, or worldwide issues or events.
 - e. **Presiding Judge.** The judicial officer or quasi-judicial officer who hears and/or decides legal matters in a court proceeding.

- 5. Limitations re use of Electronic Devices in Court Facilities.** Subject at all times to the authority and prior approval of the Chief Judge or the Chief Judge's designees (specifically, Administrative Judges and Associate Administrative Judges in their respective court facilities), electronic devices may not be used by anyone for photography or videography in the hallways and common areas of court facilities. Such devices include, but are not limited to cell phones, cameras, digital voice recorders or similar technical devices.

6. **Audio-only recorders.** Subject at all times to the authority and prior approval of the Presiding Judge, audio-only recorders (i.e., tape recorders or micro-cassette recorders) may be used by the following individuals:
- a. Professional Journalists- Professional journalists using audio recorders as a supplement to their written notes as a memory aid, and so they can accurately quote statements made in open court proceedings.
 - b. Traffic Court Litigants-Individuals who appear before Civil Traffic Hearing Officers who require a recording of the proceeding in order to pursue redress from an appellate tribunal.
 - c. Court Reporters-individuals engaged to provide court reporting services using audio recorders as a supplement to their stenographic or digital notes as a memory aid, and so they can accurately quote statements made in open court proceedings.
7. **Media Access.** Professional journalists will have access to the media room and certain other areas in the court house or court facility designated as media areas, will be allowed to use designated media seating in a courtroom, and will be allowed to use electronic devices in the courtroom if authorized by the Presiding Judge.

Persons who do not meet the definition of “professional journalist” may contact the Court’s Public Information Officer (PIO) to obtain approval to use the media room and designated media areas, request inclusion in the designated media setting in a courtroom, and to obtain permission to use certain electronic devices in the courtroom if authorized by the Presiding Judge. If any access is granted to such persons, they must follow all the requirements of the Rule 2.450 and this Administrative Order as if they were a professional journalist.

8. **Media Identification.** Professional journalists must display identifying credentials to gain access to media rooms, designated media areas, and to obtain other media privileges. Such identification may either be court-issued or employer-issued identification. Lost court-issued credentials should be immediately reported to the PIO.
9. **Media rooms/areas.** Certain rooms and areas of the courthouse may be designated by the chief judge, or the chief judge’s designee, as media areas on an ongoing or case-by-case basis. These areas are available on a first come, first served basis and are accessible only to professional journalists who display identifying credentials or who have been approved by the PIO.

The designated media rooms or areas will have video feed from the pool video cameras in the courtroom. The use of laptops, cell phones, and other electronic

devices is permitted in these designated media rooms and media areas. Electrical outlets in these rooms and areas may be used, but, any multi-plug devices or extension cords will be subject to safety inspections by building management personnel in the court houses or court facilities.

The Eleventh Circuit is not responsible or liable for laptops, cameras, cell phones, other equipment, or personal property left unattended in the courtrooms, court facilities, media rooms or media areas.

Persons using the media rooms or media areas are prohibited from physically (via actual physical network cable) connecting to the Circuit's network or from using the Circuit's equipment. However, a free public wireless network (Wi-Fi) is available to the public at most courthouses, though speed of transmission on these wireless networks is not guaranteed and can degrade if too many users are connected. Accordingly, members of the media are encouraged to bring their own wireless network cards to ensure reliable and fast data transmission for their professional news gathering purposes.

- 10. Violations and Enforcement.** Anyone violating the Rules or this Administrative Order will be subject to the discipline of the Court, including, but not limited to, the Court's contempt authority, immediate removal from the courtroom or court facility, prohibition from returning to the courtroom or court facility, and if a professional journalist, loss of media privileges.

Additionally, Court Liaison Officers or Bailiffs shall enforce this Administrative Order by confiscating electronic devices that are being used in violation of this Administrative Order. Such devices shall be returned to the violator at the conclusion of the proceeding or at the close of business, as applicable.

The Court Liaison Officers or Bailiffs do not need to confiscate all devices capable of taking pictures or capturing sound that are simply brought into courthouses or court facilities to be used for judicial proceedings. Rather such devices shall be confiscated when:

- a. The device is being operated without prior approval from the Presiding Judge in a courtroom where a judicial proceeding is taking place; or
- b. The device is being operated to conduct photography or audio or visual recording without the prior approval of the Chief Judge or his/her designee in the hallways or common areas or an area of the courthouse or court facility that is primarily used for ingress to or egress from the interior rooms in the courthouse or court facility.

11. Delegation of Authority. The Chief Judge may designate his or her authority under the Rules to the Presiding Judge in a judicial proceeding or the Administrative Judges and Associate Administrative Judges regarding court facilities, in order to accomplish the orderly administration of justice.

Administrative Order No. 01-15 and Administrative Order No. 90-27 are hereby rescinded in their entirety and held for naught.

This Administrative Order shall be effective immediately upon execution, and shall remain in effective until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 8th day of January, 2014.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**