

ADMINISTRATIVE ORDER
NO. 07-96-19-03

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

AMENDED ADMINISTRATIVE ORDER GOVERNING MEDIA

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, the Florida Supreme Court has promulgated rules entitled “Technological Coverage of Judicial Proceedings;” and

WHEREAS, media coverage of public judicial proceedings is “[s]ubject at all times to the authority of the presiding judge to: (i) control the conduct of proceedings before the court; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause,” Fla. R. Jud. Admin. 2.450(a); and

WHEREAS, the Court must balance the constitutional right to a free press with the constitutional right to a fair trial; and

WHEREAS, special interest/high visibility proceedings require procedures and special accommodations to ensure full access without compromising the right of any litigant to a fair and orderly trial; and

WHEREAS, the standards must contain certain safeguards to ensure media coverage will not detract from or degrade court proceedings, impair or interrupt the orderly procedures of the Court, or otherwise interfere with a fair trial; and

WHEREAS, the lack of a uniform, state-wide definition for media that has kept pace with the dramatic and rapidly evolving use of new technologies, forums and mediums for gathering and disseminating information and news to the public has posed significant challenges. Traditional media

such as newspaper, television and radio are relatively easy to identify and define. However, with the advent of the Internet, a new type of media not directly associated with television, radio or newspaper has developed which has not yet been addressed by court rule or by the Florida Supreme Court; and

WHEREAS, it is within the Court’s discretion whether to permit the use of laptop computers or similar devices during a court proceeding. There is no court rule or statute specifically allowing laptop computers or similar devices in a courtroom¹. Therefore, the media must be required to display a court-issued media authorization card for the privilege of using equipment that is not generally allowed otherwise. These court-issued media authorization cards are the most effective and least burdensome method available to allow court security to instantly identify those who may utilize certain specified equipment without unduly interfering with their primary duty of providing security; and

WHEREAS, the presiding judge has the authority to determine whether the case he or she is presiding over is a special interest/high profile case and to determine whether to invoke the special interest/high profile case procedures established by this Order;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

I. GENERAL PROVISIONS APPLICABLE TO ALL MEDIA FOR ALL PROCEEDINGS:

Definition of Media and Media Authorization Cards

(a) **Media Defined**. For purposes of this Order, “media” is defined as: 1) traditional print and broadcast communication channels, such as radio and television, newspapers, and magazines, through

¹ As used herein, the word “courtroom” includes courtrooms, hearing rooms and any other rooms used to conduct court proceedings, unless specifically stated otherwise.

which news and information is disseminated that reach or influence people widely, and 2) the next generation of digital, computerized or networked information and communication technologies, not directly associated with traditional print and/or broadcast media entities and defined as:

An online entity 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 is thoroughly reviewed by an independent editor before publication; has a readership of more than 1,000 hits per month; and has previously covered the judicial branch for the six (6) months immediately prior to requesting authorization cards. Fan sites, web logs or blogs and portable websites do not qualify as media.

The requesting media entity must show proof it meets the definition of media. The Court, via Court Administration, will determine whether an entity is media. To obtain media authorization cards², those media entities meeting the definition as set forth in section I(a)2 above must submit the following, as well as any additional information which may be requested:

1. Links to two bylined articles clearly displaying publication title and published within the past six (6) months of the date of request; and
2. Either a copy of the current masthead or business card with the name, title and media entity's logo or a copy of the online publication homepage and the masthead page with the media representative's name and title appearing in an editorial capacity or an official letter of assignment from the media entity; and
3. Proof the judicial branch or the case at issue has been covered for at least the six months prior to the date of request.

(b) **Credentials and Media Authorization Card.** All media representatives must exhibit media credentials and a court-issued media authorization card while utilizing any permitted device, including pool camera while in a courtroom. If a media representative loses his or her authorization card, he or she must immediately notify Court Administration. There is a \$20.00 fee to replace lost authorization cards. Authorization cards cannot be transferred to others. Loaning another individual an

² A limited number of temporary media authorization cards may be available on a case-by-case basis.

authorization card will result in the loss of that authorization card and all media privileges to use electronic devices. There is a limit of ten (10) authorization cards per each media agency at no cost. Additional authorization cards may be purchased for \$20.00 each.

Application must be made to Court Administration to receive media authorization cards. Media authorization cards are valid through the end of the two (2) year renewal period. Additional information regarding application procedure, renewal guidelines and other rules and requirements may be found on the Ninth Judicial Circuit Court's website.

Media authorization cards must be surrendered at the direction of the presiding judge, Court Administration, the Orange County Sheriff's Office, the Osceola County Sheriff's Office, or at the end of the two (2) year renewal period.

Conduct

(c) All media representatives must read this Administrative Order and Florida Rule of Judicial Administration 2.450 governing technological coverage of judicial proceedings, as well as all Administrative Orders governing cellular telephones and other portable electronic devices in courtrooms.

(d) All media representatives must exhibit proper courtroom decorum and dress professionally at all times. There is no eating, drinking or gum chewing in court proceedings.

(e) As outlined in Rule 2.450, only one video recording device and operator, one still camera and operator, and one audio recording device and operator are permitted to cover a court proceeding unless additional equipment is authorized by the presiding judge. Additional video recording devices, including those not turned on or recording, must remain outside the courtroom. Credentialed media may use cell phones pursuant to Administrative Order 2014-04-01, as may be amended, but not to record audio or video of any proceedings. Use of an "on-board" microphone is prohibited by anyone, including the pool camera. Use of laptop computers in the courtroom is permitted as provided by

separate Administrative Order. Cabling of extension cords and power supplies is prohibited in the courtroom, except by the pool camera. All media representatives may view open proceedings provided there is available seating. Unless otherwise specified by the presiding judge, seating for media representatives is on a first-come basis.

(f) Media access to a courtroom is granted at the time the deputy opens the courtroom to the public. All media equipment is subject to search at any time. All set-up and breakdown of cameras and recording devices must be done when court is not in session or during breaks. Media may not set-up once a proceeding has begun. Video cameras must be operated from a tripod. Cameras and recording devices must operate silently and not produce distracting light. Photographers must position themselves near the courtroom media panel unless otherwise designated by the judge. Still photographers shall not shoot video, unless no other video camera is present. When recording video, still photographers must coordinate with other media to share pool video footage, photographs, and other recordings. Media representatives shall not engage in any movement or discussions that attract undue attention.

(g) For court proceedings held outside of the courthouse, such as jury viewings of the scene of the crime, the media shall comply with the instructions of the presiding judge, Court Administration, and the Orange or Osceola County Sheriffs' Offices.

(h) Assignment of a video and/or still pool camera is the sole responsibility of the media. The video pool camera operator must provide BNC and XLR cables to feed signal into the courtroom media panel to serve as a pool camera. The pool operator must contact the AV Department at the number listed on the panel, regardless of whether any other media entity is present at the courthouse facilities, to coordinate routing of the signal to other media. The pool camera operator must also visibly display a court-issued media authorization card while present in any courtroom. All pool audio is provided by the courtroom microphones and requires an XLR cable to plug into the media panel. Placement or use

of additional microphones is prohibited without prior approval of the presiding judge and Court Administration. Additional camera lighting is also prohibited in the courtroom.

(i) Still photographers serving as the pool must coordinate with other media to share pool video footage, photographs, and other recordings.

(j) Use of portable signal distribution systems (e.g. portable microwave systems, streaming devices, etc.) are prohibited within the courthouse facility without advance notice to the Chief Judge and Court Administration. Direct live streaming is strictly prohibited from any courtroom. All streaming signals must be sourced through the media pedestal or from the designated media room. Additionally, all audio must be sourced from the medial panel audio. Use of “streaming backpacks” or the streaming feature of any camera within a courtroom is strictly prohibited.

Contact Court Administration via email at ctadkl1@ocnjcc.org or ctadjs1@ocnjcc.org to coordinate notice of live streaming requests twenty-four (24) hours prior to the court event.

(k) Media representatives may not cover “side bar” or “bench” conferences. There shall be no recording or broadcast of conferences that occur in court between attorneys and their clients, between co-counsel, or between counsel and the presiding judge held at the bench. Interviews of jurors after their release from service is at the individual juror’s discretion.

(l) So as not to interfere with court proceedings or with a litigant’s rights, no interviews shall be permitted in the presence of a juror or prospective jurors. No interviews are permitted within any courthouse facility which unreasonably interferes with the safety, security, or movement of persons in any courtroom, doorway, hallway, and other areas of any courthouse facility, or which disrupts any court proceeding. Additionally, media representatives shall not station themselves or their equipment in public areas of the courthouse in any manner that unreasonably interferes with the safety, security, or movement of persons or which is disruptive to any court proceeding to be determined on a case-by-case basis at the discretion of Court Administration or the Sheriff’s Department. Further, when court is not

in session, media may not film in courtrooms without prior permission from Court Administration.

(m) A media room (room #230 in the Orange County Courthouse and room #1905 of the Osceola County Courthouse) is available to credentialed media representatives during regular business hours. Use of this room and its distribution feeds is on a first-come basis. Media representatives are expected to utilize this room for professional business only.

(n) At the Orange County Courthouse, a media pedestal for connection to “live trucks” is available at the courtyard semicircle located adjacent to Orange Avenue. Media vehicles may only park in the lane closest to the courthouse. Vehicles parked in the lane farthest from the courthouse, on sidewalks, or along Orange Avenue are subject to being towed. At the Osceola County Courthouse, a media pedestal is provided off Patrick Street with parking available in the public parking spaces on Patrick Street. At the Orange County Booking and Release Center, a pedestal is located in the parking lot outside the main entrance with limited parking available. At the Thomas S. Kirk Juvenile Justice Center no media pedestal is available. Media representatives interested in covering proceedings at this facility must arrange among themselves to share pool video footage, photographs, and audio recordings. Media cabling and equipment cannot cross or block vehicle lanes or walkways at any courthouse facility. Please note, in those courtrooms at the Orange County Courthouse that do not have the necessary feed, interested media must share pool video, footage, photographs, and audio recording when covering proceedings held in such locations.

(o) Media representatives wishing to utilize the Court’s infrastructure in Orange County to send/receive audio and video signals must contact Court Administration’s Audio/Visual Department at least twenty-four (24) hours prior to the court event to ensure timely routing of signal. Requests for signal routing should be made to 407-836-0522. Media representatives should leave their name, contact number, and the requested signal path on the automated system, which will then page the on-call engineer to fill the request. In Osceola County signal routing requests may be made by calling 407-

742-2488 twenty-four (24) hours prior to the scheduled court event. Media representatives are strongly encouraged to also contact Court Administration via email at: ctadkl1@ocnjcc.org to ensure a smooth facilitation of their needs twenty-four (24) hours prior to the scheduled court event.

(p) No media member is allowed to use his or her media credentials in any proceeding in which he or she is a party or in which he or she has a personal interest such as a relative's proceeding. No member of the media is allowed to video, record, photograph, or in any way report any proceeding in which he or she is a party or in which he or she has a personal interest such as a relative's proceeding. No person, including members of the media, is allowed to hire, retain or otherwise engage a company, person or other entity qualifying as media to video, record, photograph, or in any way report any proceeding in which he or she is a party or in which he or she has a personal interest such as a relative's proceeding.

II. ADDITIONAL PROCEDURES FOR SPECIAL INTEREST/HIGH PROFILE PROCEEDINGS:

(a) The Chief Judge may instruct Court Administration to implement the Special Interest/High Profile Procedures set forth in this Administrative Order.

(b) Upon implementation of these procedures, Court Administration will, as soon as practicable, convene a meeting of interested media representatives for the purpose of creating a media committee to establish protocols for the specific case.

(c) The committee shall consist of at least one print media representative, one television broadcast media representative, and one audio broadcast representative, as well as a member of Court Administration. Additionally, representatives from facilities, court operations, the Clerk of Court's Office, the Court Audio/Visual Department, and local law enforcement may be asked to sit on the committee as deemed necessary.

(d) The duties of the media committee shall include: Selection of a media representative to act as a liaison between the media and the Court for the duration of the case; designation of the pool

camera positions in accordance with Florida Rule of Judicial Administration 2.450; evaluation of parking needs and availability and, if necessary, facilitate a lottery system for media parking; evaluation of available courtroom seating and, if necessary, facilitate a lottery system for media seating in the courtroom; determination of a process for dissemination of information to include timely access to examine and photograph submitted evidence; coordinate notices for live streaming; and identification of other special needs regarding media credentials, access through courthouse security, staging of equipment, additional power requirements, and any other issue.

(e) At all times, the procedures set forth in this Administrative Order are subject to the authority of the presiding judge who may modify these procedures to control the conduct of pending proceedings, ensure the fair administration of justice, or ensure public safety.

Administrative Order 07-96-19-02 is vacated and set aside except to the extent that it has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

DONE AND ORDERED at Orlando, Florida, this 26th day of November, 2018.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>