

ADMINISTRATIVE ORDER  
NO. 2013-19-02

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

**AMENDED ADMINISTRATIVE ORDER GOVERNING SECURITY CAMERAS IN  
ALL COURTHOUSES WITHIN THE NINTH JUDICIAL CIRCUIT**

**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**, Florida Rule of Judicial Administration 2.215(b)(2) states that the chief judge is the “administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit;” and

**WHEREAS**, Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit;” and

**WHEREAS**, the health, safety and welfare of the citizens of Orange County and Osceola County are of primary concern to the Boards of County Commissioners and this Court; and

**WHEREAS**, the tragic incident which occurred on January 10, 1984, in the Orange County Courthouse, resulting in serious injury and loss of life, illustrates that court proceedings may be fraught with extreme emotionalism and danger; and

**WHEREAS**, the Boards of County Commissioners have appropriated funding for the purpose of improving the safety and security of those who conduct business within each courthouse of the Circuit, including employees and citizens; and

**WHEREAS**, each courthouse within the Circuit is equipped with elaborate and complicated multi-faceted security systems to protect the many employees who work in and utilize the courthouses, including judges, judicial assistants, clerks and court deputies, and jurors, and all other citizens who use the facilities; and

**WHEREAS**, security cameras are an integral part of the security system; and

**WHEREAS**, Florida Rule of Judicial Administration 2.451(c)(2) provides that the “use of electronic devices in a courthouse or court facility is subject at all times to the authority of the chief judge to (A) ensure decorum and prevent distractions; (B) ensure the fair administration of justice; and (C) preserve court security;” and

**WHEREAS**, “[C]ourthouses and courthouse grounds (with the exclusion of perimeter public sidewalks) have uniformly been treated as nonpublic forums for purposes of First Amendment analysis,”<sup>1</sup> which permit governmental restrictions that are reasonable and viewpoint neutral; and

**WHEREAS**, a danger or threat occurs when individuals utilize electronic recording equipment to capture security personnel and features, including security screening of individuals routinely performed at the ingress and egress locations of courthouse facilities; and

**WHEREAS**, in an effort to ensure the safety and security of all persons within the courthouses of the Circuit, it is necessary to restrict all records and information pertaining to the security system, including any image captured and/or recorded by the security cameras and swipe card terminals as confidential and exempt from public disclosure;

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<sup>1</sup> *Schmidter v. State*, 103 So. 3d 263, 270 (Fla. 5th DCA 2012) (citing *U.S. v. Grace*, 461 U.S. 171, 177-79 (1983); *Huminski v. Corsones*, 396 F.3d 53, 90-91 (2d Cir. 2005); *Sammartano v. First Judicial Dist. Court*, 303 F.3d 959, 966 (9th Cir. 2002); and *Comfort v. MacLaughlin*, 473 F. Supp. 2d 1026, 1028 (C.D. Cal. 2006)).

**NOW, THEREFORE, I, Donald A. Myers, Jr.,** in order to facilitate the efficient and timely disposition of judicial business and promote and maintain the safety and security of all employees and visitors to each courthouse, 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:

1. For purposes of this Administrative Order, the term “courthouse facility” or “courthouse facilities” means any building or structure in which judicial proceedings may be conducted, including, but not limited to: (1) Orange County Courthouse, located at 425 North Orange Avenue, Orlando, Florida 32801; (2) Osceola County Courthouse, located at 2 Courthouse Square, Kissimmee, Florida 34741; (3) Thomas S. Kirk Juvenile Justice Center, located at 2000 East Michigan Street, Orlando, Florida 32806; (4) Orange County Booking and Release Center, located at 3855 South John Young Parkway, Orlando, Florida 32839; (5) Orange County Branch Courthouse – Apopka, located at 1111 North Rock Springs Road, Apopka, Florida 32712; (6) Orange County Branch Courthouse – Ocoee, located at 475 West Story Road, Ocoee, Florida 34761; and (7) Orange County Branch Courthouse – Winter Park, located at 450 North Lakemont Avenue, Winter Park, Florida 32789.

2. Each courthouse facility within the Ninth Judicial Circuit is designated as a secure facility.

3. The security systems operation and function, including all individual components and data/image capture and recording do contain information that would jeopardize the safety of individuals and significantly impair the prompt and efficient administration of justice and the

security program if said information was not deemed confidential and exempt from public disclosure.

4. Due to the risk to existing security measures, all individuals are prohibited from using any device to record any security feature within a courthouse facility, including areas of ingress and egress where security personnel perform security screenings within a courthouse facility, and Orange County or Osceola County Sheriff's Office deputies while on assignment at fixed locations/posts and while performing sensitive security functions, such as escorting judicial or quasi-judicial officers or inmates through courthouse facilities, absent specific permission from the Chief Judge. Electronic recording includes taking photographs, filming, videotaping, audiotaping, broadcasting, and telecasting; and includes devices such as portable television cameras, still cameras, cellphone cameras, audio equipment, and any other device capable of taking a photograph, making an audio or video recording, or transmitting a broadcast.

5. Pursuant to section 281.301, Florida Statutes, section 119.071(3), Florida Statutes, and rule 2.420(c)(7), Florida Rules of Judicial Administration, all records and information pertaining to the security system are confidential and exempt from section 119.07(1), Florida Statutes, and s. 24(a) Art. I of the State Constitution.

6. The security cameras and swipe card terminals are an integral part of all courthouses within the Circuit and as such, any and all information in connection with such system or any individual component, including data/image capture and recording at any time is confidential and exempt from public disclosure pursuant to section 281.301, Florida Statutes.

7. Any data/image capture and recording by any security camera or individual component of the security systems, including swipe card terminals, within each courthouse of the Circuit shall be retained for no longer than thirty (30) days absent a court order.

8. Any person or entity, including law enforcement and the State Attorney's Office, except as set forth below, who seeks to obtain any data/image capture or recording by any security camera or individual component of the security systems, including swipe card terminals must make a written formal request for said information to the Chief Judge, or designee. The request must be specific as to date, time and location and must be received within twenty-five (25) days of the date and time of the material sought so that a court order may be entered to preserve the material past the retention schedule if necessary.

9. The Orange County Sheriff's Criminal and Internal Investigations Office and the Osceola County Sheriff's Criminal and Internal Investigations Office may obtain any data/image capture or recording by any security camera or individual component of the security systems, including swipe card terminals, without a written formal request. Pursuant to section 281.301, Florida Statutes, and section 119.071(3), Florida Statutes, all records and information pertaining to the security system remain confidential and exempt from section 119.07(1), Florida Statutes, and s. 24(a) Art. I of the State Constitution. Consequently, any information obtained by either Sheriff's Office is not a public record. Further, no information obtained under this provision by either Sheriff's Office shall be released without the consent of the Chief Judge, or designee.

10. Nothing in this Administrative Order is intended to apply to persons who require electronic devices (or services requiring the use of electronic devices) under the Americans with Disabilities Act, except that such devices cannot be used in such a manner as to violate the provisions of this Order, as more specifically stated in paragraph (4) above.

11. If anyone who is within a courthouse facility is observed to be violating this Order, the Orange County Sheriff's Office, the Osceola County Sheriff's Office, or any other law enforcement agency, shall give a copy of this Order and advise that person of the provisions

contained within this Order. Further, law enforcement shall instruct anyone violating the provisions of this Order to cease and desist immediately.

12. Anyone who is observed continuing to engage in such conduct as contemplated by this Order, after receiving a copy of this Order and being instructed to cease and desist by law enforcement, may be escorted out of the court facility and/or may face contempt of court proceedings. If found to be in contempt of court, penalties include confinement, fine or both.

13. This Administrative Order does not alter, change, amend, vacate or otherwise supersede this Court's administrative orders pertaining to the media and regulating the use of cellular telephones and other portable electronic devices in courtrooms and court proceedings.

14. Administrative Order 2013-19-01 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 14<sup>th</sup> day of January, 2020.

\_\_\_\_\_/s/\_\_\_\_\_  
Donald A. Myers, Jr.  
Chief Judge

Copies provided to:

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