

ADMINISTRATIVE ORDER
NO. 2014-04-02

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

**AMENDED ADMINISTRATIVE ORDER GOVERNING CELLULAR TELEPHONES
AND OTHER PORTABLE ELECTRONIC DEVICES IN COURTROOMS¹,
ORANGE AND OSCEOLA COUNTIES**

WHEREAS, under 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, under the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge must exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, to ensure the safe and orderly use of court facilities, and to minimize activities which disrupt the fair, orderly and peaceable conduct of court business, provisions regarding protocol, decorum, and using electronic devices in the courtroom are necessary, and

WHEREAS, such regulation is within the Court's inherent authority to take supervisory and administrative actions necessary to implement its judicial functions; and

¹ As used herein, the word "courtroom" includes courtrooms, hearing rooms, jury services assembly rooms, jury deliberation rooms, any location where jurors gather without regard to duration, and any other places used to conduct court proceedings, unless specifically stated otherwise.

WHEREAS, the Court’s longstanding commitment to making courts open to the public and accessible to the media is of the utmost importance in fashioning such regulation; and

WHEREAS, the proper decorum required in a proceeding must be maintained but the Court recognizes the increasing use of mobile devices for business purposes and the trend towards “paperless” offices. Therefore, the overall purpose of this Order is to secure litigants’ rights to a fair and impartial proceeding while providing the public, attorneys, and media access to the proceedings.

FINDINGS OF FACT

After much consideration, discussion and thoughtful analysis of all facets of this complex issue, and receiving a great deal of input from various interested persons, the Court finds:

1. The Court has seen a consistent increase in the public’s and media’s use of devices such as cell phones to take video and still photographs during court proceedings. These activities routinely disrupt courtroom proceedings, cause safety concerns and reduce the solemnity and dignity necessary for such proceedings. Due to the prevalent and pervasive nature of all such portable technologies, Judges and courtroom personnel are constantly being pulled from their primary duties to engage in technology management functions seriously impacting court functions.

2. Standards must be established to balance the use of portable electronic devices with the competing needs and desires of the Court, Judges, media, litigants, defendants, attorneys, expert witnesses, and the general public during court proceedings.

3. Media coverage of 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).

4. The Court must balance the constitutional right to a fair trial with the constitutional right to a free press.

5. The standards must contain safeguards to ensure media coverage and public attendance at court proceedings does not detract from or degrade those proceedings, impair or interrupt the Court's orderly procedures, or otherwise interfere with a fair trial.

6. The increasing use of evermore sophisticated portable electronic equipment has proven to be a tremendous burden and distraction for courtroom deputies continually removed from their primary duty of providing security to instead manage the usage of portable electronic equipment by attendees of court proceedings. Court deputies cannot quickly ascertain what type of device is being utilized, for what purpose is it being used, and who may be allowed to use such technology. The more involved courtroom security becomes in managing technology as opposed to managing security, the more perilous the safety and security of all those who enter the courthouse becomes. This issue is directly alleviated by banning types of usage of certain devices from court proceedings and requiring uniform, court-issued media authorization cards.

7. It is within the Court's discretion whether to permit the use of laptop computers, cell phones, or similar devices during a court proceeding. Traditionally, all portable electronic devices have been banned from the courtroom and there is no court rule that specifically allows the use of laptop computers or similar devices in a courtroom. Court-issued media authorization cards are the most effective and least burdensome method available to allow court security to instantly identify some of those persons (who are usually not known to court security) who may utilize specified equipment without unduly interfering with their primary duty of providing security.

NOW THEREFORE, I, Frederick J. Lauten, to facilitate the efficient administration of justice, under the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, order the following, **immediately**:

CELL PHONES

1. Public - Members of the public may not use or display cellular telephones in any courtroom. All cellular phones must be turned off or placed in mute or vibrate mode and shall not be used, viewed or otherwise displayed while in any courtroom. Potential jurors gathered in the jury services assembly room only may use their cell phones while awaiting jury selection, however the cell phone **MAY NOT** be used in any manner to record or send video, photographs or audio.

2. Attorneys and Expert Witnesses – With the permission of the presiding Judge, attorneys, including those who are not the attorney of record, and expert witnesses, may utilize cellular telephones for texting, organizational functions, research and writing functions, and other data transmission functions. Cellular telephones and other similar devices cannot be used to record or send photographs, video, or audio. All cellular phones must be placed in either mute or vibrate mode. All Bluetooth and similar wireless devices must be turned off, removed from the wearer and secured out of sight.

3. Media – Members of the media, who have obtained a media authorization card as provided in Administrative Order No. 07-96-19-03, and which card is visible, may utilize cellular telephones for texting, organizational functions, research and writing functions, and other data transmission functions. Cellular telephones and other similar devices cannot be used to record or send photographs, video, or audio. All cellular phones must be placed in either mute or vibrate mode. All Bluetooth and similar wireless devices must be turned off, removed from the wearer and secured out of sight.

4. Court Employees & Certain Contractual Vendors – Certain court employees and certain contractual vendors such as interpreters, court reporters, and court technology personnel, may use cellular phones for texting, organizational functions, research and writing functions, and other data transmission functions. All cellular phones must be placed in either mute or vibrate mode. In rare instances, with the permission of the presiding Judge, a court employee may use a cellular phone to make or receive telephone calls while in the courtroom.

**LAPTOP COMPUTERS, SIMILAR DEVICES AND
OTHER PORTABLE ELECTRONIC DEVICES²**

5. Public - Use of laptop computers and other portable electronic devices is prohibited.

6. Attorneys, Litigants Representing Themselves, and Expert Witnesses - Attorneys and litigants representing themselves, as well as expert witnesses may use a computer when their case is in session and they are actively participating in the proceeding. Attorneys may use electronic devices to conduct research, check calendars, check or send emails and perform other related tasks when seated in the well of the courtroom or during lengthy calendar calls while awaiting their cases to be called when they are in an area designated by the presiding Judge for attorneys. Expert witnesses may use electronic devices for calculations, updates, accessing electronic records, and other related tasks to facilitate testifying efficiently in a proceeding. No computer or other electronic device can be used to record or send photographs, video, or audio. The transmission of materials on a computer to other peripheral devices also in use during the proceeding, and specifically in advancement of the proceeding, is permissible. For example, the transmission and display of a power point presentation is allowable.

² As used herein, the phrase “laptop computers or similar devices” includes traditional laptop computers, as well as tablets, iPads and all other similar devices, unless specifically stated otherwise.

7. Media –

a. Media representatives may use laptop computers or similar devices provided the devices operate silently on the user's lap and do not require additional seating space. Media representatives must obtain a media authorization card, as provided in Administrative Order No. 07-96-19-03, to use a laptop computer within a courtroom. No laptop computer shall be used to record or send photographs, video, or audio. Use of a laptop computer is solely to record and transmit text data. Only laptop computers or similar devices with virtual or silent keyboards are permitted and they must operate on battery power. Cabling of extension cords and power supplies is prohibited. Other devices equipped with virtual keyboards such as tablets (i.e. iPads and similar devices) may be utilized for text recording and transmission. A presiding Judge may exclude laptop computers or similar devices or other portable electronic devices from the courtroom.

b. While using a laptop computer or similar device, court-issued media authorization cards must be visible while in the court proceeding. The rules and procedures governing court-issued media authorization cards are contained within Administrative Order No. 07-96-19-03.

c. The operation of any permitted devices in a courtroom must be in a manner that does not disturb or disrupt the proceedings or distract the participants.

d. Media representatives attending any court proceeding and using a laptop computer or similar device shall generally sit in the row of seating at the back of the courtroom to lessen the distraction to others. If no seating is available on the back row of the gallery, such as during voir dire, media shall use the back row of the jury box when using a laptop computer or similar device.

GENERAL PROVISIONS

8. Nothing in this 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 electronic devices cannot be used to take photographs, video or audio during a proceeding unless specifically approved by the presiding Judge.

9. Court Deputies shall instruct anyone violating this Order to stop. Violating this Order may result in seizure or forfeiture of the cell phone or other electronic device. If Court Deputies remove any device from a person, it shall be at the presiding judge's direction and under this Order. If the conduct continues, the presiding Judge can direct the person be removed from the courtroom. Anyone violating this Order may face contempt proceedings and/or other sanctions. Media representatives violating this Order may also be banned from future use of portable electronic devices during court proceedings and may lose their media authorization cards.

10. Administrative Order 2014-04-01 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 3rd day of June, 2019.

_____/s/_____
Frederick J. Lauten
Chief Judge

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Clerk of Court, Osceola County
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