

**ADMINISTRATIVE ORDER GOVERNING CELLPHONES AND
OTHER PORTABLE ELECTRONIC DEVICES IN COURTROOMS**

To ensure the safe and orderly use of court facilities, and to minimize activities which disrupt the fair and orderly conduct of court business, regulations regarding protocol, decorum, and use of electronic devices in a courtroom¹ are necessary. Such regulation is within the Court's inherent authority to take supervisory and administrative actions necessary to implement its judicial functions.

The Court's longstanding commitment to making courts open to the public and accessible to the media is of the utmost importance in creating such regulations. 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 after receiving a great deal of input from various interested persons, the Court finds:

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.

1. The Court remains concerned with the public's and media's use of devices such as cellphones to take video and still photographs during court proceedings. These activities may disrupt courtroom proceedings, cause safety concerns, and reduce the decorum necessary for such proceedings. Due to the widespread nature of these portable electronic devices, judges and courtroom personnel must constantly monitor their use seriously impacting court functions.

2. Standards must be established to balance the use of portable electronic devices with the competing needs 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. Gen. Prac. & 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 diminish those proceedings, impede the Court's orderly procedures, or otherwise interfere with a fair trial.

6. The increasing use of sophisticated portable electronic devices is a tremendous burden and distraction for courtroom deputies who are continually removed from their primary duty of providing security to instead manage the usage of portable electronic devices in court proceedings. Court deputies cannot quickly determine the type of device being utilized, its purpose, and who is permitted to use it. 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 laptops, cellphones, or similar devices during a court proceeding. Traditionally, all portable electronic devices have been banned from courtrooms and there is no court rule that specifically allows the use of laptops 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 persons who may utilize permitted devices without unduly interfering with their primary duty of providing security.

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and rule 2.215 of the Florida Rules of General Practice and Judicial Administration, **effective January 1, 2024**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent, it is **ORDERED**:

I. CELLPHONES

A. Public: Members of the public **MAY NOT** use or display cellphones in any courtroom. All cellphones must be turned off or placed in mute or vibrate mode and shall not be used, viewed, or otherwise displayed while in any courtroom.

B. Jurors: While in a courtroom, potential jurors **MAY NOT** use cellphones to record or send audio, video, or photographs, or to livestream at any time. However, potential jurors may use cellphones for other purposes while awaiting jury selection or as instructed by a presiding judge provided they do not research a case or discuss jury service.

C. Attorneys and Expert Witnesses: While in a courtroom, attorneys and expert witnesses **MAY NOT** use cellphones to record or send audio, video, or photographs, or to livestream at any time. With the permission of the presiding judge, attorneys and expert witnesses may utilize cellphones for other business purposes. All cellphones must be placed in either mute or vibrate mode.

D. Media: While in a courtroom, members of the media **MAY NOT** use cellphones to record or send audio, video, or photographs, or to livestream at any time. A member of the media displaying a Court-issued card is permitted to utilize cellphones for other business purposes, like texting, researching, and communicating with staff. All cellphones must be placed in either mute or vibrate mode. Media not displaying a Court-issued card will be treated as members of the public.

E. Court Employees & Certain Contractual Vendors: Certain court employees and certain contractual vendors such as interpreters, court reporters, and court technology personnel, may use cellphones for business purposes. All cellphones 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 cellphone to make or receive telephone calls while in a courtroom.

II. LAPTOPS AND SIMILAR ELECTRONIC DEVICES

A. Public: Use of laptops² and other portable electronic devices is prohibited.

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

B. Jurors: While in a courtroom, potential jurors **MAY NOT** use laptops or similar devices to record or send audio, video, or photographs, or to livestream at any time. However, potential jurors may use their laptops or similar devices for other purposes while awaiting jury selection or as instructed by a presiding judge provided they do not research a case or discuss jury service.

C. Attorneys, Litigants Representing Themselves, and Expert Witnesses: While in a courtroom, attorneys and litigants representing themselves **MAY NOT** use laptops or other similar devices to record or send audio, video, or photographs, or to livestream at any time. With the permission of the presiding judge, attorneys and expert witnesses may utilize laptops or other similar devices for other business purposes or to assist in testifying in a proceeding.

D. Media: While in a courtroom, members of the media **MAY NOT** use laptops or similar devices to record or send audio, video, or photographs, or to livestream at any time. If the presiding judge does not prohibit its use, a member of the media displaying a Court-issued card is permitted to utilize laptops or similar devices to transmit text. The electronic device must operate silently on the user's lap, be visible, not require additional seating space, and operate on battery power. Cabling of extension cords and power supplies is prohibited. Members of the media shall generally sit in the row of seating at the back of a courtroom to lessen the distraction to others. If no seating is available on the back row of a courtroom, such as during voir dire, media shall use the back row of the jury box. 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. Media not displaying Court-issued cards will be treated as members of the public.

III. GENERAL PROVISIONS

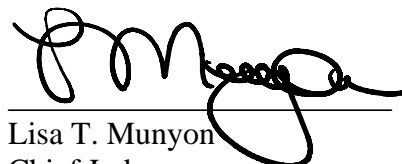
A. Nothing in this Order is intended to apply to persons who require electronic devices

(or services requiring the use of electronic devices) under the Americans with Disabilities Act except that electronic devices cannot be used to take audio, video, or photographs, or to livestream during a proceeding unless specifically approved by the presiding judge.

B. Court deputies shall instruct anyone violating this Order to stop. Violating this Order may result in seizure or forfeiture of the cellphone 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. Members of the media who violate this Order may also be banned from future use of portable electronic devices during court proceedings and may lose their media authorization cards.

C. Administrative Order 2014-04-03 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 8th day of December, 2023.



Lisa T. Munyon
Chief Judge

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Clerk of Court, Osceola County
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