IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order No. 2018-4-Gen

ADMINISTRATIVE ORDER REGARDING THE USE OF CELLULAR TELEPHONES AND OTHER PORTABLE ELECTRONIC DEVICES IN COURTROOMS[1] AND COURT PROCEEDINGS

(a) 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.

(b) The safe and orderly use of court facilities, and the minimization of activities which disrupt or interfere with the fair, orderly and peaceable conduct of court business requires the imposition of provisions regarding the utilization of electronic devices in courtrooms by members of the public, attorneys, litigants, and members of the media.

(c) The regulation of cellular telephones and other electronic devices is within the Court's inherent authority to take supervisory and administrative actions necessary to implement its judicial functions.

(d) The Court's longstanding commitment to making courts open to the public and accessible to the media is of paramount importance in fashioning the regulations set forth herein.

(e) The court recognizes the increasing use of mobile devices for business purposes and the trend towards "paperless" offices, but proper decorum is required in all courtrooms and court proceedings.

(f) The overall purposes of this Administrative Order is to secure litigants' rights to a fair and impartial proceeding while providing the public, attorneys, and members of the media access to the proceedings.

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[1] As used herein, the term "courtroom(s)" includes courtrooms, hearing rooms and any other places used to conduct court proceedings, unless specifically stated otherwise.

SPECIFIC FINDINGS

(1) The Court has seen a consistent increase in the public's and media's use of devices such as cellular telephones to take video and still photographs during court proceedings. These activities can disrupt courtroom proceedings, cause safety concerns and reduce the dignity necessary for such proceedings.

(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, and members of the 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. Adm. 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 that 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 portable electronic devices or equipment has proven to be a tremendous burden and distraction for courtroom deputies continually removed from their primary duty of providing security to instead managing the usage of portable electronic devices or equipment by attendees of court proceedings. Court deputies cannot quickly ascertain what type of device is being utilized, for what purpose it is 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 those who enter the courthouse becomes. This issue is directly alleviated by banning types of usage of certain electronic devices from court proceedings and requiring any media representatives to display proper media credentials or identification supplied to them by their employer.

(7) It is within the Court's discretion whether to permit the use of laptop computers, cellular telephones, or similar portable electronic devices during a court proceeding. Traditionally, all portable electronic devices have been prohibited from

the courtroom and there is no court rule that specifically permits the use of cellular telephones, laptop computers or similar portable electronic devices in a courtroom. The display of proper media credentials or identification by members of the media is the most effective and least burdensome method available to allow court security to instantly identify some of those individuals (who are usually not known to court security) who may utilize specified equipment without unduly interfering with their primary duty of providing security.

ACCORDINGLY, to facilitate the efficient administration of justice, in accordance with the authority vested in the chief judge pursuant to Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

I. CELLULAR TELEPHONES

(1) **Public** – Members of the public may not use or display cellular telephones in any courtroom or during any court proceeding. All cellular telephones must be turned off or placed in silent or vibrate mode and shall not be used, viewed or otherwise displayed while in any courtroom.

(2) **Attorneys** – **With the permission of the presiding Judge**, attorneys, including those who are not the attorney of record, may utilize cellular telephones for texting, organizational functions, research and writing functions, and other data transmission functions. Cellular telephones and other similar electronic devices cannot be used to record or send photographs, video, or audio. All cellular telephones must be placed in either silent 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 should always display proper media credentials or identification supplied to them by their employer. Members of the media exhibiting appropriate media credentials or identification supplied to them by their employer may utilize cellular telephones for texting, organizational functions, research and writing functions, and other data transmission functions. Cellular telephones and other similar electronic devices cannot be used to record or send photographs, video, or audio. All cellular telephones must be placed in either silent 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** – Court employees and certain contractual vendors including, but not limited to interpreters, court reporters,

court technology personnel, and in-court clerks may use cellular telephones for texting, organizational functions, research and writing functions, and other data transmission functions in the course of their official duties. All cellular telephones must be placed in either silent or vibrate mode. In rare instances, with the permission of the presiding Judge, a court employee may use a cellular telephone to make or receive telephone calls while in the courtroom.

II. LAPTOP COMPUTERS, SIMILAR DEVICES AND OTHER PORTABLE ELECTRONIC DEVICES[2]

(1) **Public** – Use of laptop computers and other portable electronic devices by members of the general public is **prohibited unless permission is granted from the presiding judge.**

(2) **Attorneys and Litigants Representing Themselves** – Attorneys and litigants representing themselves may use a laptop computer or other portable electronic device 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. 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.

(3) **Court Employees & Certain Contractual Vendors** – Court employees and certain contractual vendors including, but not limited to, interpreters, court reporters, court technology personnel, and in-court clerks may use laptop computers and other portable electronic devices as necessary in the course of their official duties.

(4) **Media**

a. Media representatives may use laptop computers or similar electronic devices provided the devices operate silently on the user's lap and do not

[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.

require additional seating space. Media representatives should always display proper media credentials or identification supplied to them by their employer. No laptop computer shall be used to record or send photographs, video, or audio. Use of a laptop computer shall be used 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 (e.g., iPads and similar electronic 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. 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.

c. Media representatives attending any court proceeding and using a laptop computer or similar device shall generally sit in the row of seating as designated by the presiding Judge, Chief Judge or Trial Court Administrator so as to lessen the distraction to others.

III. GENERAL PROVISIONS

(1) 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 electronic devices cannot be used to record or send photographs, video or audio during a proceeding unless specifically approved by the presiding Judge.

(2) Court Deputies should instruct anyone violating this Administrative Order to cease. Violating this Administrative Order may result in temporary or permanent removal of a cellular telephone or other electronic device. If Court Deputies remove any device from a person, it shall be at the presiding Judge's direction and pursuant to this Administrative Order. If the conduct continues, the presiding Judge can direct the person be removed from the courtroom. Anyone violating this Administrative Order may face contempt proceedings and/or other sanctions as permitted by law. Media representatives failing to abide by this Administrative Order may be precluded, in the future, from using portable electronic devices during court proceedings.

This Administrative Order supersedes and vacates Administrative Order 2017-39-Gen.

DONE AND ORDERED at Fort Lauderdale, Florida, this 17th day of January, 2018.

/s/ Jack Tuter
Jack Tuter, Chief Judge