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

Administrative Order No. 2019-91-Gen

ADMINISTRATIVE ORDER PROHIBITING ELECTRONIC RECORDING OF COURTHOUSE SECURITY

(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) 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."

(c) 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."

(d) 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.

(e) "[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,"[1] which permit governmental restrictions that are reasonable and viewpoint neutral.

(f) 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.

[1] *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)).

(g) In accordance with the authority vested in the chief judge pursuant to Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

(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) Broward County Central Judicial Complex, located at 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301; (2) North Regional Courthouse, located at 1600 West Hillsboro Boulevard, Deerfield Beach, Florida 33442; (3) South Regional Courthouse, located at 3550 Hollywood Boulevard, Hollywood, Florida 33021; and (4) West Regional Courthouse, located at 100 North Pine Island Road, Plantation, Florida 33324.

(2) 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 Broward Sheriff's Office ("BSO") 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.

(3) 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 (2) above.

(4) BSO deputies or other BSO personnel should instruct anyone violating this Administrative Order to cease. Any person instructed to cease recording and who does not comply with such request shall be escorted out of the court facility. Any person who violates this Administrative Order may face contempt proceedings and/or sanctions as permitted by law.

(5) 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.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 3rd day of December, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge