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

Administrative Order No. 2021-74-Gen

ADMINISTRATIVE ORDER GOVERNING MEDIA

(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 governing the media and media coverage of judicial proceedings.

(c) Pursuant to Florida Rule of General Practice and Judicial Administration 2.450 (a), media coverage of public 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."

(d) The court must balance the constitutional right to a free press with the constitutional right to a fair trial.

(e) Special interest and/or high visibility proceedings require procedures and special accommodations to ensure full access to public judicial proceedings without compromising the right of any litigant to a fair and orderly trial.

(f) Standards governing media coverage of judicial proceedings must contain safeguards to ensure media coverage will not detract from or degrade court proceedings, impair or interrupt the orderly procedures of the court, or otherwise interfere with a fair trial.

(g) The lack of a uniform, statewide definition of media that has kept pace with the dramatic and rapidly evolving use of new technologies, forums and mediums for gathering and disseminating information and news to the public has posed significant challenges and requires the imposition of certain guidelines.

(h) In all judicial proceedings in the Seventeenth Judicial Circuit, the presiding judge has the authority to determine whether the case he or she is presiding over is a special interest/high profile case and to determine whether to invoke the special interest/high profile case procedures established by this Administrative Order.

(i) In accordance with the authority vested in the Chief Judge by Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

I. GENERAL PROVISIONS APPLICABLE TO ALL MEDIA FOR ALL PROCEEDINGS

A. Definitions

(1) **Courthouse facility.** For purposes of this Order, "Courthouse facility" 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) **Courtroom**. For purposes of this Order, "courtroom(s)" means courtrooms, hearing rooms and any other place(s) used to conduct court proceedings, unless specifically stated otherwise.

(3) **Media**. For purposes of this Order, "media" is defined as: 1) traditional print and broadcast communication channels, such as radio, television, newspapers, and magazines, through which news and information is disseminated that reach or influence people widely for newsworthy, entertainment, or other purposes; 2) motion picture entities, including documentary and independent filmmakers; and 3) the next generation of digital, computerized or networked information and communication technologies, not directly associated with traditional print and/or broadcast media entities and defined as:

> An online entity which was a previously established, independent site that contains regularly updated original news content above and beyond links, forums, troubleshooting tips and reader contributions; said content

is thoroughly reviewed by an independent editor before publication; has readership or viewership of more than 1000 per month; and has previously covered the judicial branch for the six (6) months immediately prior to requesting to cover proceedings in this Circuit. Fan sites, web logs or blogs and portable websites do not qualify as media.

The individual and/or entity requesting to cover any judicial proceeding in this Circuit must demonstrate proof it meets the definition of media.

B. Conduct

(1) All media representatives must read this Administrative Order and Florida Rule of Judicial Administration 2.450 governing technological coverage of judicial proceedings, as well as all administrative orders governing the use of cellular telephones and other portable electronic devices in courtrooms in the Seventeenth Judicial Circuit.

(2) All media representatives should always: (i) display proper media credentials and/or identification supplied to them by their employer; (ii) exhibit proper courtroom decorum; and (iii) dress professionally. Eating, drinking or chewing gum during court proceedings is strictly prohibited.

(3) No media representative shall enter the well of the courtroom at any time, unless otherwise permitted by the presiding judge, Chief Judge, or Trial Court Administrator.

(4) As outlined in Florida Rule of Judicial Administration 2.450, only one video camera and operator, one still camera and operator, and one audio recording device and operator are permitted to cover a court proceeding unless additional equipment is authorized by the presiding judge or Chief Judge. The placement of additional cameras inside a courtroom is at the discretion of the presiding judge. Additional cameras and recording devices not otherwise authorized for use by the presiding judge or Chief Judge shall remain in the off position and stowed so as not to disrupt the proceedings. Use of laptop computers and cellular telephones or other electronic devices is permitted as provided by separate administrative order. Cabling of extension cords and power supplies is prohibited in the courtroom. All media representatives may view open court proceedings provided there is available seating.

Unless otherwise specified by the presiding judge, Chief Judge or Trial Court Administrator, seating for media representatives is on a first-come basis.

(5) Media access to a courtroom is granted at the time the deputy opens the courtroom to the public. All media equipment is subject to search at any time. All set-up and breakdown of cameras and recording devices must be done when court is not in session (prior to the commencement of the proceedings) or during breaks. Media may not set-up once a proceeding has begun. Video cameras must be operated from a tripod and from a location as designated by the presiding judge, Chief Judge, or Trial Court Administrator. Cameras and recording devices must operate silently and not produce distracting light. Photographers must position themselves in a location as designated by the presiding judge, Chief Judge, or Trial Court Administrator. Still photographers shall not shoot video, unless no other video camera is present. Media representatives shall not engage in any movement or discussions that attract undue attention.

(6) Assignment of a video and/or still pool camera is the sole responsibility of the media. The media shall designate: (1) a pool video camera person for coverage inside the courtroom; (2) a pool still photographer for inside the courtroom; (3) a pool video camera person for coverage outside the courtroom; and (4) a pool still photographer for outside the courtroom. Those designated as the "pool" positions must be able to provide a feed or copy of the proceedings to all other media outlets present at the time with equipment capable of recording the proceedings. The court will not resolve any disagreements or conflicts among any media outlets desiring to cover a legal proceeding.

(7) Media representatives may not record audio of "side-bar" or "bench" conferences. There shall be no in court recording or broadcast while court is in recess, except as may be necessary for members of the media to setup or troubleshoot equipment or to capture the appearance of a litigant entering or leaving the courtroom. To protect the attorney-client privilege, the effective right to counsel, and the due process of all litigants, including victims and the families of victims, there shall be no recording or broadcast of conferences that occur in court between attorneys and their clients, between co-counsel, or between counsel and the presiding judge held at the bench. Upon the conclusion or recess of proceedings being covered by the media (including after recording a litigant leaving the courtroom), any video or audio recording (including live streaming), if applicable, shall cease so as to avoid the inadvertent capture of any of the aforementioned types of communications. Interviews of jurors after their release from service is at the individual juror's discretion and must be conducted in a location not otherwise prohibited by this

Administrative Order. The purpose and intent of this paragraph is not to prevent the media from covering legal proceedings, but to protect the vital due process rights of all litigants, including victims and their families.

(8) So as not to interfere with court proceedings or with the rights of litigants, none of the following are permitted within any courthouse facility unless prior approval is obtained from the Chief Judge or designee: (i) interviews; (ii) live broadcasting; and audio and/or video recording. Additionally, media representatives shall not station themselves or their equipment in public areas of any Courthouse facility in any manner that unreasonably interferes with the safety, security, or movement of persons, or is disruptive to any court proceeding, to be determined on a case-by-case basis at the discretion of Court Administration or the Broward Sheriff's Office. Further, when court is not in session, media may not film or take photographs in courtrooms without prior permission from the Chief Judge or Trial Court Administrator. To avoid risk to public safety, no media shall chase, or record while walking, any parties within the Courthouse facility.

(9) Satellite trucks and/or remote/live trucks must be parked or stationed in an area designated by the City of Fort Lauderdale and/or the Broward Sheriff's Office.

(10) At all times, the procedures set forth in this Administrative Order are subject to the authority of the presiding judge, Chief Judge, or Trial Court Administrator who may modify these procedures to control the conduct of pending proceedings, ensure the fair administration of justice, or ensure public safety consistent with Florida Rule of General Practice and Judicial Administration 2.450.

II. ADDITIONAL PROCEDURES FOR SPECIAL INTEREST/HIGH PROFILE PROCEEDINGS

(1) The Chief Judge or the presiding judge of any judicial proceeding may instruct Court Administration to implement the Special Interest/High Profile Procedures set forth in this Administration Order.

(2) Upon implementation of these procedures, Court Administration will, as soon as practicable, convene a meeting of all interested media representatives for the purpose of creating a media committee to establish protocols for the specific case.

(3) When possible, the media committee shall consist of at least one print media representative, one television broadcast media representative, and one audio broadcast representative, as well as a member or members of Court Administration

designated by the Trial Court Administrator to act as a liaison between the court and media. Additionally, representatives from Broward County Facilities Management Division/Security, the Clerk of the Courts, and the Broward Sheriff's Office may be asked to attend a meeting of the media committee, if deemed necessary.

(4) The duties of the media committee shall include:

a. Selection of a media representative to act as a liaison between the media and the court for the duration of the case;
b. Designation of the pool camera operators and pool camera positions in accordance with Florida Rule of General Practice Judicial Administration 2.450;
c. Evaluation of parking needs and availability, and, if necessary, the facilitation of a lottery system for media parking;
d. Evaluation of courtroom seating and, if necessary, the facilitation of a lottery system for media seating in the courtroom;
e. Determination of a process for dissemination of information to include timely access to examine and photograph submitted evidence; and
f. Identification of other special needs of the media, including access through courthouse security, staging of equipment, additional power requirements, and any other issue.

(5) At all times, the Special Interest/High Profile Procedures set forth in this Administrative Order are subject to the authority of the presiding judge, Chief Judge, or Trial Court Administrator who may modify these procedures to control the conduct of pending proceedings, ensure the fair administration of justice, or ensure public safety consistent with Florida Rule of General Practice and Judicial Administration 2.450.

This Administrative Order supersedes and vacates Administrative Order 2018-82-Gen.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 10th day of December, 2021.

*/s/*Jack Tuter
Jack Tuter, Chief Judge