

**IN THE COURTS OF THE
FIRST CIRCUIT OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NUMBER 2010-39
(Vacates Administrative Order No. 1977-09)

IN RE: MEDIA

**ELECTRONIC MEDIA AND STILL PHOTOGRAPHY
COVERAGE OF JUDICIAL PROCEEDINGS AND
PROCEDURES FOR HIGH PROFILE AND
SPECIAL INTEREST CASES**

ORDER

In accordance with the authority vested in the Chief Judge by Rule 2.215 of the *Florida Rules of Judicial Administration*, and in accordance with Rule 2.450 of the *Florida Rules of Judicial Administration*, which sets forth standards of conduct and technology governing electronic media and still photography coverage of judicial proceedings, it is

ORDERED:

1. Any reference in this order to a “court facility” shall be applied to any known court facilities within the First Judicial Circuit and to any facility deemed by the Chief Judge for use as a court facility.

2. Media representatives¹ shall notify Court Administration² no less than twenty-four hours in advance that they are seeking approval from the presiding judge, general magistrate, or hearing officer, to be present for any court proceeding deemed to be high profile, or at the earliest opportunity practicable in all other matters. This notice will ensure that equipment may be properly arranged and set up. Further, the advance notice should reduce or prevent any distractions that may otherwise arise during court proceedings. Media representatives should not

¹ “Media representative” includes photographers, videographers, news reporters, broadcast personnel and any individual representing the video, audio, electronic or print media. Media representatives must be able to produce satisfactory proof, such as a photo-identification card, to demonstrate the individual is a *bona fide* media representative.

² Contact number for media representative is: Court Administration (850) 595-4400 unless otherwise designated on a case by case basis.

contact the presiding judge, general magistrate, or hearing officer directly. Notice must initiate with Court Administration.

3. After obtaining prior approval, the following guidelines apply concerning equipment and personnel permitted:

- a. At least one portable television camera, operated by not more than one camera person may be permitted in any proceeding. The number of permitted cameras shall be within the sound discretion and authority of the presiding judge.
- b. Not more than one still photographer, using no more than two still cameras, shall be permitted in any proceeding.
- c. Not more than one audio system for radio broadcast purposes shall be permitted in any proceeding. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility. If no technologically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the chief judge or his or her designee.
- d. Media representatives may not have access to audio pickup or broadcast of conferences, which occur in court between the attorneys and their client(s), between co-counsel of a client, or between counsel and the presiding judge held at the bench. This precaution is necessary to protect the attorney-client privilege and the effective right to counsel.
- e. Only television camera, still camera and audio equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. No artificial lighting device of any kind shall be used in connection with the television or still camera.
- f. It shall be the affirmative duty of media personnel to demonstrate to Court Administration's Media Liaison, on behalf of the presiding judge, adequately in advance of any proceeding that the equipment sought to be used meets the sound and light criteria enunciated in this rule. A failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.
- g. Any "pooling" arrangements among the media required by these limitations on equipment and personnel shall be the sole responsibility of the media without calling upon the presiding judge to mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceedings. In the absence of advance media

agreement on disputed equipment or personnel issues, the presiding judge shall exclude all contesting media personnel from a proceeding.

- h. Interviews may be conducted in pre-approved, media designated areas but under no circumstances in lobbies, hallways, elevators or other areas of the court facility consisting of paths of travel for access to elevators, stairwells, courtrooms, court programs or offices.
- i. Use of audio and camera equipment is prohibited at any locations in the court facility other than the courtrooms or hearing rooms, without prior approval from the Court Administrator or designee.
- j. Television camera equipment and still camera photographer shall be positioned in such location in the court facility as shall be designated by the Court Administrator or designee on behalf of the presiding judge. The area designated shall provide reasonable access to coverage. If and when areas remote from the court facility that permit reasonable access to coverage are provided, all television camera, still photographic equipment and audio equipment shall be positioned only in such area. Videotape recording equipment that is not a component part of a television camera shall be located in an area remote from the court facility. Any still camera photographer shall assume a fixed position within the designated area and, once established in a shooting position, shall act so as not to call attention to themselves through further movement. A still camera photographer shall not be permitted to move about in order to obtain photographs of court proceedings.
- k. Any broadcast media representative shall not move about the court facility while proceedings are in session, and microphones or taping equipment positioned pursuant to subdivisions (c) and (j) shall not be moved during the pendency of the proceeding.
- l. Media representatives shall set up or remove any camera or audio equipment from the courtroom only before court proceedings begin, during appropriate recesses, or after the proceedings conclude each day, unless other arrangements have been made prior to the proceedings.
- m. Media representatives shall exhibit media credentials at all times.

4. None of the film, videotape, still photographs, or audio reproductions developed during or by virtue of coverage of a judicial proceeding shall be admissible as evidence in the proceeding out of which it arose, in any proceeding subsequent or collateral thereto, or upon retrial or appeal of such proceedings.

5. Media representatives shall not obstruct or impede persons entering or exiting the court facility, any courtroom, or judicial chamber. Any and all cables or wires must be located in a manner so as not to constitute a safety hazard or an obstruction to pedestrian traffic.

6. For court proceedings conducted outside of the known courthouses, such as the jail courtrooms, media representatives shall comply with the instructions of the presiding judge and the respective Sheriff's Office for Escambia, Santa Rosa, Okaloosa and Walton Counties.

7. With the concurrence of the Chief Judge, a trial judge assigned to preside over a proceeding of great public interest may classify the proceeding to be a high profile or special interest case and thereby invoke the following provision in paragraphs 7-18, in addition to the paragraphs set forth above.

Procedures for High Profile or Special Interest Cases

8. The Court Administrator shall designate a member of staff to serve as the Court Public Information Officer (hereinafter "CPIO") or alternate CPIO. The CPIO performs the following duties: (a) serves as liaison between the court and the news media; (b) serves as the media center manager; (c) issues press credentials to verified media representatives; (d) disseminates information (scheduling and parking, etc.) concerning the pending case or courthouse as directed by the presiding judge or the Court Administrator.

9. After a proceeding is classified as a high profile or special interest case, the CPIO shall as soon as practicable convene a meeting of interested media representatives for the purpose of establishing a media committee. The CPIO shall provide appropriate notice to media representatives in advance of the meeting.

10. The media committee shall include at least one media representative from the video, audio, and print media. The Court Administrator, CPIO and Court Technology Officer will also serve on the media committee. Other media and court representatives may be included, when necessary.

11. The media committee shall perform the following duties, when and if necessary: (a) designate the pool television camera individual for coverage inside the courtroom; (b) designate the pool still photographer for coverage inside the courtroom; (c) designate daily courtroom seating assignments in the area reserved for media representatives; and (d) recommend appropriate camera locations in the courtroom.

12. Subject to availability of space, the Court Administrator or his or her designee shall designate an area to serve as a media center. The CPIO shall supervise the center, and it will be open during normal working hours to media representatives with court-issued press credentials.

13. Media representatives may bring appropriate equipment to the media center to facilitate coverage of the proceeding by any media representative, who is unable to obtain seating in the courtroom. If available, space for interviews will be designated.

14. For safety reasons, no other television cameras, still cameras, or other broadcasting or recording equipment shall be permitted in the court facility unless: (a) the media is present to cover other judicial proceedings and proper notice was provided to Court Administration; (b) the equipment is located in an area designated by Court Administration as the media center.

15. The Court Administrator or his or her designee shall designate a specific number of seats in the public areas of the courtroom for the following categories of individuals: (a) parties' family and friends, and court personnel; (b) media representatives; and (c) general public. Court Security will monitor the attendance of a party's family and friends, and the media committee will allocate seats for the media representatives.

16. Members of the general public who wish to attend the proceedings must obtain a pass from the CPIO or his or her designee and present the pass upon entering the courtroom. Prior to trial the CPIO will establish procedures for the issuance of these passes, and have information available for the general public concerning these procedures.

17. The CPIO or designee shall issue the passes for the general public on a first-come-first-served basis. The pass is valid for one court session only. Unless the court orders a recess and absent special circumstances, any observer who leaves the courtroom during proceedings must surrender the pass when existing.

18. Media representatives shall make arrangements with the CPIO to obtain access to the courtroom before a proceeding begins to permit installation of necessary equipment and cables.

19. Satellite trucks shall be parked in areas designated by the appropriate authority for the respective facility in Pensacola, Milton, Crestview, Ft. Walton Beach, Shalimar or Defuniak

Springs. Media representatives may contact the appropriate officials or the CPIO for further information.

20. At all times, the procedures set forth in this Administrative Order are subject to the authority of the presiding judge to: (a) control the conduct of proceedings before the court; (b) ensure decorum and prevent distractions; and (c) ensure the fair administration of justice in the pending cause with access to electronic media and still photography coverage of public judicial proceedings in accordance with the standards of conduct and technology promulgated by the Supreme Court of Florida.

21. Review of an order excluding the electronic media from access to any proceeding, excluding coverage of a particular participant or upon any other matters arising under these standards shall be pursuant to Florida Rule of Appellate Procedure 9.100(d).

22. This Administrative Order vacates and replaces Administrative Order Number 1977-09 and shall be effective immediately.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 25th day of August, 2010.

/s/ TERRY D. TERRELL
TERRY D. TERRELL
CHIEF JUDGE

Copies of Administrative Order No. 2010-39 to:

All Judges, First Judicial Circuit
State Attorney, First Judicial Circuit
Public Defender, First Judicial Circuit
Clerk of Court, Escambia County
Clerk of Court, Santa Rosa County
Clerk of Court, Okaloosa County
Clerk of Court, Walton County
Law Enforcement Offices, First Judicial Circuit
Local Bar Associations, First Judicial Circuit
Media Representatives
MIS Department, First Judicial Circuit