

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

ADMINISTRATIVE ORDER NUMBER 2023-30

(Vacates Administrative Order No. 2010-39)

**IN RE: MEDIA COVERAGE OF JUDICIAL PROCEEDINGS, USE OF
ELECTRONICS, AND PROCEDURES FOR HIGH PROFILE AND
SPECIAL INTEREST CASES**

ORDER

In accordance with the authority vested in the Chief Judge by Rule 2.215(b) of the *Florida Rules of General Practice and Judicial Administration*, and in keeping with Rules 2.450 and 2.451 of the *Florida Rules of General Practice and Judicial Administration*, which respectively set forth standards governing electronic media and still photography coverage of judicial proceedings by media members and the use of electronic devices by members of the public, it is

ORDERED:

Any reference in this order to a “court facility” shall be applied to any established court facilities within the First Judicial Circuit and to any facility designated by the Chief Judge for temporary use as a court facility. For the purposes of this order, court proceedings conducted either in whole or in part by means of video conferencing technology shall be conducted as if taking place in a court facility, regardless of whether the media, parties, or public are physically present in court, and this order shall apply to the fullest extent possible.

MEDIA COVERAGE OF JUDICIAL PROCEEDINGS

1. Media representatives¹ shall notify Court Administration no less than 24 hours in advance that they are seeking approval from the presiding judge, general magistrate, or hearing officer to be present for any court proceeding, or at the earliest opportunity practicable when 24 hours' notice is not possible due to exigent circumstances.

Routine media requests should be made by email to Court Administration in the specific county of interest, or by telephone only when exigent circumstances do not permit an email request. Telephone requests should be memorialized at the first available opportunity via email.

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. Notice **must** initiate with Court Administration. Media representatives should not contact the presiding judge, general magistrate, or hearing officer directly.

2. 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, is permitted in any proceeding which would otherwise be open to the public. The number of any additional permitted cameras shall be within the sound discretion and authority of the presiding judge.
- b. Not more than one still photographer, using not more than two still cameras, shall be permitted in any proceeding which would otherwise be open to the public.
- 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.

¹ "Media representatives" are those individuals who are regularly engaged in collecting, photographing, recording, writing, editing, reporting, or publishing news, for gain or livelihood, who obtain information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network or news magazine. Online organizations which are previously established, independent sites which contain regularly updated original news content above and beyond links, forums, troubleshooting tips and reader contributions, said content being thoroughly reviewed by an independent editor before publication, may also qualify as media.

- d. There shall be no audio pickup or broadcast of conferences that occur in a court facility between 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 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 adequately and in advance of any proceeding, upon request by Court Administration on behalf of the presiding judge, that the equipment sought to be used meets the sound and light criteria enunciated in this rule. If requested, 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 proceeding. 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. Any media representative granted permission to record judicial proceedings shall be capable of acting as a “pool” camera should additional media representatives request to cover the proceedings. If more than one media outlet capable of acting as a pool camera makes a request to cover a proceeding, the designation as pool camera will be made on a first-come-first-served basis.
- h. Interviews may be conducted, but under no circumstances may interviews be conducted in lobbies, hallways, elevators, or other areas of a court facility consisting of paths of travel for access to elevators, stairwells, courtrooms, court programs, or offices. During the course of proceedings, interviews are not permitted in the presence of the jury or witnesses and may not interfere with safety, security, or movement of persons in the courtroom, doorways, hallways, and other areas of the court facility. Interviews shall not disrupt court proceedings at any time.

- i. Use of audio and camera recording equipment is prohibited at any location in court facilities without prior approval from the Chief Judge, the Court Administrator, or their designee(s).
- j. Television camera equipment and any still camera photographer shall be positioned in a location in the court facility as shall be designated by the Chief Judge, the Court Administrator as his or her designee, or the presiding judge. The area designated shall provide reasonable access to coverage. If areas remote from the court facility that permit reasonable access to coverage are provided, all television camera equipment, still photographic equipment, and audio equipment shall be positioned only in such area. Video recording equipment that is not a component part of a television camera shall be located in an area remote from the court facility.
- k. 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.
- l. Any broadcast media representative shall not move about the court facility while proceedings are in session, and microphones or taping equipment shall not be moved during the proceeding.
- m. 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.
- n. All media representatives shall exhibit proper courtroom decorum, must dress appropriately, and must place cell phones on vibrate or silent. Usage of laptop computers and cell phones for texting only are permitted provided the devices operate silently and do not take up additional space.
- o. As a professional courtesy and to preserve the integrity of judicial proceedings, media representatives are requested not to photograph or identify jurors, or give the appearance of photographing jurors, until the conclusion of a trial, and then only with their permission.
- p. As with any media coverage, any request to live-stream proceedings must be made in advance of the court hearing. If granted permission to live-stream by the presiding judge, audio should be turned off during recesses with the camera directed to the State of Florida seal

or flag. Live-streaming by media shall be accomplished by use of a camera mounted on a tripod, and any media granted permission to live-stream should be capable of acting as a “pool” camera for all media wishing to participate. No live-streaming will be permitted absent an agreement between all media outlets who wish to participate.

3. 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.

4. Media representatives shall not obstruct or impede persons entering or exiting a 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.

5. For court proceedings conducted outside of the known courthouses, such as in 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.

PROCEDURES FOR HIGH PROFILE OR SPECIAL INTEREST CASES

6. 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 provisions in paragraphs 7-18, in addition to the paragraphs set forth above.

7. 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 Chief Judge, presiding judge, or Court Administrator.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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; (b) required court or agency personnel; (c) media representatives; and (d) 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.

15. 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.

16. 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 exiting.

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

18. Satellite trucks shall be parked in areas designated by the appropriate authority for the respective facility in Pensacola, Milton, Crestview, Fort Walton Beach, or DeFuniak Springs. Media representatives may contact the appropriate officials or the CPIO for further information.

19. 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.

20. 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).

USE OF ELECTRONIC DEVICES BY MEMBERS OF THE PUBLIC OR PARTIES TO PROCEEDINGS

21. An “electronic device” is any device capable of making or transmitting still or moving photographs, video recordings, or images of any kind, any device capable of creating, transmitting, or receiving texts or data, and any device capable of receiving, transmitting, or recording sound. Electronic devices include, without limitation, film cameras, digital cameras, video cameras, any other type of cameras, cellular phones, tape recorders, digital voice recorders, any other type of audio recorders, laptop computers,

personal digital assistants, or other similar technological devices with the ability to make or transmit video or audio recordings, images, text, or data.

22. Video recording, audio recording, or live-streaming of proceedings by the public, including proceedings conducted via videoconferencing technology, by means of any electronic device, without the express permission of the presiding judge or quasi-judicial officer, is prohibited. The use of electronic devices in any courtroom proceedings, including virtual courtroom proceedings, is subject at all times to the authority of the presiding judge or quasi-judicial officer to control the conduct of proceedings, ensure decorum and prevent distractions, and ensure the fair administration of justice.

23. The use of electronic devices in a courthouse or court facility is subject at all times to the authority of the Chief Judge to ensure decorum and prevent distractions, ensure the fair administration of justice, and preserve court security. Due to the risk to existing security measures, it is necessary to prohibit members of the general public from using electronic devices to record inside any court facility and areas of judicial or inmate egress and ingress, absent specific permission by the Chief Judge or his or her designee. Electronic recording shall include 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 devices capable of taking a photograph, making a record, or transmitting a broadcast. Approval is not required when the use of the equipment is solely for the purpose of recording ceremonial events (e.g., investitures, adoptions, weddings, and similar events), as long as there are no objections from the presiding judge or those being recorded.

24. Members of the public also may not use or display cell phones, laptops, or other portable devices in any courtroom, hearing room, or during any court proceeding without the express permission of the presiding judge. All such devices must be turned off or placed in silent mode. Unless otherwise ordered by the presiding judge, attorneys, contractors, self-represented litigants, and court staff may utilize cell phones, laptop computers, or other electronic devices for texting, research, and writing, checking calendars, emailing, and performing other work-related tasks.

25. Anyone violating this Order may be subject to contempt proceedings and sanctioned when appropriate. Sanctions include, but are not limited to, immediate

removal from the courtroom, prohibition from returning to the courtroom, loss of media privileges, or a fine.

26. This Administrative Order vacates and replaces Administrative Order Number 2010-39 and shall be effective immediately.

DONE AND ORDERED in Pensacola, Escambia County, Florida this 14th day of September, 2023.

/s/ John L. Miller
JOHN L. MILLER
CHIEF JUDGE

Copies provided to:

All Judges, First Judicial Circuit
All Clerks, First Judicial Circuit
Ginger Madden, State Attorney, First Judicial Circuit
Bruce Miller, Public Defender, First Judicial Circuit
Candice Brower, Office of Criminal Conflict Counsel and Civil Regional Counsel
Kasey R. Watson, Trial Court Administrator
For Broadcast by: Escambia-Santa Rosa Bar Association
For Broadcast by: Okaloosa County Bar Association
For Broadcast by: Walton County Bar Association
For Posting at www.FirstJudicialCircuit.org

