

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
23-22
SUPERSEDES 12-35 AND 17-14-S

**IN RE: ADMINISTRATIVE RULES – ORDER ESTABLISHING MEDIA POLICY FOR
COVERAGE OF CASES, INCLUDING SPECIAL INTEREST/HIGH PROFILE CASES
AND ESTABLISHING GUIDELINES AND RESTRICTED AREAS FOR PRESS
CONFERENCES, PUBLIC ASSEMBLY, AND PUBLIC PROTESTS**

WHEREAS, 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 fair and efficient administration of justice;

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of the State, the chief judge is required to exercise direction, *see* Fla.R.Jud.Admin. 2.215(b)(2), (b)(3); and

WHEREAS, Florida Rule of Judicial Administration 2.450 governs the use of technology in judicial proceedings and vests the presiding judge with broad authority to control the conduct of proceedings before the court, maintain decorum, prevent distractions, and ensure the safety and security of persons and property; and

WHEREAS, the lack of a uniform, state-wide definition for 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. Traditional media such as newspaper, television and radio are relatively easy to identify and define. However, with the advent of the Internet, a new type of media not directly associated with television, radio or newspaper has developed which has not yet been addressed by court rule or by the Florida Supreme Court; and

WHEREAS, it is within the Court's discretion whether to permit the use of laptop computers or similar devices during a court proceeding. There is no court rule or statute specifically allowing laptop computers or similar devices in a courtroom¹. Therefore, the media must be required to display a court-issued media authorization card for the privilege of using equipment that is not generally allowed otherwise.

¹ As used herein, the word "courtroom" includes courtrooms, hearing rooms and any other rooms used to conduct court proceedings, unless specifically stated otherwise.

These court-issued media authorization cards are the most effective and least burdensome method available to allow court security to instantly identify those who may utilize certain specified equipment without unduly interfering with their primary duty of providing security; and

WHEREAS, special interest/high visibility proceedings may require procedures and special accommodations to ensure media full access without compromising the right of any litigant to a fair and orderly trial;

WHEREAS, 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 procedures established by this Order;

WHEREAS, to ensure the safe and orderly use of court facilities, and to minimize activities which unreasonably disrupt, interrupt, and interfere with the fair and orderly conduct of court business, and the orderly and peaceable conduct of court business in a neutral forum free of actual or perceived partiality; and

WHEREAS, events in Brevard County or Seminole County, Florida, have sparked demonstrations and other expressive conduct on some of the grounds of the courthouses serving the courts in Brevard County and Seminole County, Florida, which if unrestricted can lead to interference with the ingress and egress of persons appearing in court at said courthouses for exercising their lawful rights; and

WHEREAS, restriction upon expressive conduct and lawful assembly to express grievances outside of these courthouses is necessary to serve the State's compelling interest to allow unrestricted access to said courthouses; and

WHEREAS, any such restriction must be narrowly drawn to achieve that end; and such regulation is a proper exercise of the Court's inherent authority to take supervisory and administrative actions necessary to implement its judicial functions; and

WHEREAS, the power of courts to punish for contempt is of immemorial antiquity, and is inherent in all courts as a necessary power belonging to them in order to enable them to accomplish the purposes for which they were designed; that is, the orderly trial and decision of causes, the enforcement of public order, the prevention of interferences with their proceedings, and the enforcement of the due respect belonging to them as institutions of the country;

NOW, THEREFORE, I, Jessica J. Recksiedler, **immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent, pursuant to the authority vested in me as Chief Judge of the Eighteenth Judicial Circuit of Florida under Florida Rules of Judicial Administration 2.215 and 2.450, hereby order that, effective immediately:

I. DEFINITION OF MEDIA AND MEDIA AUTHORIZATION CARDS FOR ALL MEDIA PROCEEDINGS

- A. **Media Defined.** For purposes of this Order, “media” is defined as: 1) traditional print and broadcast communication channels, such as radio and television, newspapers, and magazines, through which news and information is disseminated that reach or influence people widely, and 2) 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 a readership of more than 1,000 hits per month; and has previously covered the judicial branch for the six (6) months immediately prior to requesting authorization cards. Fan sites, web logs or blogs and portable websites do not qualify as media.

- B. The requesting media entity must show proof it meets the definition of media. The Court, via Court Administration, will determine whether an entity is media. To obtain media authorization cards², those media entities meeting the definition as set forth in section I(a)2 above must submit the following, as well as any additional information which may be requested.

1. Links to two bylined articles clearly displaying publication title and published within the past six (6) months of the date of request; and
2. Either a copy of the current masthead or business card with the name, title and media entity’s logo or a copy of the online publication homepage and the masthead page with the media representative’s name and title appearing in an editorial capacity or an official letter of assignment from the media entity; and
3. Proof the judicial branch or the case at issue has been covered for at least six months prior to the date of request.

- C. All media representatives will be issued a court-issued media authorization card while utilizing any permitted device. If a media representative loses his or her authorization card, he or she must immediately notify Court Administration. There is a \$20.00 fee to replace lost authorization cards. Authorization cards cannot be transferred to others. Loaning another individual an authorization card will result in the loss of that authorization card and all media privileges to use electronic devices. There is a limit of ten (10) authorization cards per each media agency at no cost. Additional authorization cards may be purchased for \$20.00 each.

1. Application must be made to Court Administration to receive media authorization cards. Media authorization cards are valid through the end of the two (2) year

² A limited number of temporary media authorization cards may be available on a case-by-case basis.

renewal period. Additional information regarding application procedure, renewal guidelines and other rules and requirements may be found on the Eighteenth Judicial Circuit Court's website.

2. Media authorization cards must be surrendered at the direction of the presiding judge, Court Administration, the Brevard County Sheriff's Office, the Seminole County Sheriff's Office, or at the end of the two (2) year renewal period.

II. GUIDELINES FOR MEDIA COVERAGE, INCLUDING SPECIAL INTEREST/HIGH PROFILE PROCEEDINGS:

- A. All media representatives must read this Administrative Order and Florida Rule of Judicial Administration 2.450 governing technological coverage of judicial proceedings. The Rules of Judicial Administration can be accessed on The Florida Bar webpage at <http://www.floridabar.org/>.
- B. All media representatives must at all times display official media credentials/authorization card obtained in accordance with section IC above. Any person not properly authorized and credentialed may be refused or escorted out of the courtroom, if failing to comply with this order.
- C. All media representatives must exhibit proper courtroom decorum, dress appropriately, place pagers and cell phones in silent mode, and refrain from eating, drinking or chewing gum in proceedings.
- D. As outlined in Rule 2.450, only one video camera and operator, one still camera and one operator, and one audio recording device and operator are permitted to cover a court proceeding. Additional cameras and recording devices, including those not turned on or recording, must remain outside the courtroom. Credentialed media may use cell phones pursuant to Administrative Order 2014-04-01, as may be amended, but not to record audio or video of any proceedings. Use of an "on-board" microphone is prohibited by anyone, including the pool camera. Any non-approved recording or broadcasting of court proceedings violates Florida Rule of Judicial Administration 2.450.
- E. Use of laptop computers in the courtroom is permitted provided that they operate silently on the lap of the user and do not take up additional seating space. Laptops must operate on battery power. Cabling of extension cords and power supplies is prohibited in the courtroom, except by the pool camera. All media representatives may witness open proceedings provided there is available seating in the courtroom. Unless otherwise specified by the presiding judge, seating for members of the media is on a first-come, first-served basis. However, *assigned seating may be required in high-profile cases*.
- F. Media access to a courtroom is granted at the time the deputy opens the courtroom to the general public. All media equipment is subject to search by court deputies at any time. All set-up and breakdown of cameras and recording devices must be done when court is not in session. Media may not set-up once a proceeding has begun. Courtroom video cameras must be operated from a tripod. Cameras and recording devices must operate silently and not produce distracting light. Media representatives shall not engage in any movement or discussions during proceedings that attracts undue attention. Only recording of the proceedings is permitted. There is no recording of any other courtroom discussions. Any interviews must be conducted outside the courtroom.

- G. For court proceedings held outside of the courthouse, such as jury viewings of the scene of the crime, the media shall comply with the instructions of the presiding judge and the local Sheriff's Office.
- H. Assignment of a video and/or still pool camera is the sole responsibility of the media. The video pool camera operator must provide BNC and XLR cables to feed signal into the courtroom media panel to serve as a pool camera. The pool operator must contact the AV Department at the number listed on the panel, regardless of whether any other media entity is present at the courthouse facilities, to coordinate routing of the signal to other media. All pool audio is provided by the courtroom microphones and requires an XLR cable to plug into the media panel. Placement or use of additional microphones is prohibited without prior approval of the presiding judge. Additional camera lighting is also prohibited in the courtroom.
- I. Still photographers serving as the pool must coordinate with other media to share pool video footage, photographs, and other recordings.
- J. Use of portable signal distribution systems (e.g., portable microwave systems) is prohibited within the courthouse facility without advance notice to the Chief Judge and Court Administration. Use of "Streaming backpacks" or Direct live streaming is strictly prohibited from any courtroom.
- K. Media representatives may not cover "side bar" or "bench" conferences. There shall be no recording or broadcast of conferences that occur in court between attorneys and their clients, or between co-counsel of a client, or between counsel and the presiding judge held at the bench. Interviews of jurors after their release from service is at the individual juror's discretion.
- L. To prevent interference with court proceedings and protect an interested party's rights, no interviews shall be permitted in the presence of the jury or any potential juror. No interviews shall be permitted within any courthouse facility which unreasonably interferes with the safety, security, or movement of persons in any courtroom, doorway, hallway, and other areas of any courthouse facility, or which disrupts any court proceeding. Additionally, media personnel shall not station themselves or their equipment in public areas of the courthouse in any manner that unreasonably interferes with the safety, security, or movement of persons or which is disruptive to any court proceeding to be determined on a case-by-case basis at the discretion of Court Administration or the Sheriff's Department. Further, when court is not in session, media may not film in courtrooms without prior permission from Court Administration.
- M. In special interest/high profile cases where media representation exceeds courtroom capacity, the court may designate an area in the courthouse to serve as a media overflow room during regular business hours. Only media representatives with pre-approved press credentials will be allowed access to this area.
 - 1. In Seminole County, a media room is located on the first floor of the Criminal Justice Center. In Brevard County, the media room is located in the Harry T. and Harriet V. Moore Justice Center designated by Court administration. Use of this room and its distribution feeds is on a first come basis. The press room is equipped with XLR jacks for audio plug in. Media representatives are expected to use this

room for professional business only. The video signal is composite, and audio is at microphone level. You will need BNC and one XLR cable to connect. Power is available.

- N. Media cabling and equipment cannot block vehicle lanes or walkways at any courthouse facility. The Court Administration office should be contacted for special directives that may apply to a specific court proceeding or event.
- O. The courtrooms and related interior court space in any Brevard County or Seminole County courthouse, including jury rooms and courthouse hallways, are to be used to conduct judicial proceedings in a dignified manner. Use of these facilities for non-judicial purposes, such as a backdrop to a news story, promotion, broadcast or advertisement is considered an unnecessary expense of court manpower and resources. Special access to these areas is prohibited without express permission by the Court.
- P. The Sheriff's Office shall confiscate devices that are being used in violation of this Administrative Order. The Sheriff does not need to confiscate all devices capable of taking pictures or capturing sound that are simply brought into courthouses or rooms used for judicial proceedings. Rather such devices shall be confiscated when:
 - 1. The device is being operated without prior approval from the presiding judge in a room where a judicial proceeding is taking place; or
 - 2. The device is being operated to conduct photography or audio or visual recording in an area of the courthouse that is primarily used for ingress to or egress from the interior rooms in the courthouse.
- Q. No media member is allowed to use his/her media credentials in any proceeding in which s/he is a party or in which s/he has a personal interest such as a relative's proceeding. No member of the media is allowed to video, record, photograph, or in any way report any proceeding in which s/he is a party or in which he or she has a personal interest such as a relative's proceeding. No person, including members of the media, is allowed to hire, retain or otherwise engage a company, person or other entity qualifying as media to video, record, photograph, or in any way report any proceeding in which s/he is a party or in which s/he has a personal interest such as a relative's proceeding.

III. PROCEDURES FOR SPECIAL INTEREST/HIGH PROFILE PROCEEDINGS:

- A. The Chief Judge, independently, or at the request of the administrative or trial judge assigned to preside over a proceeding of great public interest, may instruct Court Administration to implement the Special Interest/High Profile Procedures set forth in this Administrative Order.
- B. Upon implementation of these procedures, Court Administration will, as soon as practicable, convene a meeting of interested media representatives for the purpose of creating a media committee to establish protocols for the specific case.
- C. The 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 of Court Administration who will act as a liaison between the Court and the media for the duration of the case. Additionally, representatives from Court Operations, Court Technology, Digital Recording, County Facilities, the Clerk of Court, and local law enforcement may be asked to attend committee meetings as necessary.

- D. The duties of the media committee shall include: Selection of a media representative to act as a liaison between the media and the Court for the duration of the case; designation of the pool camera positions in accordance with Florida Rule of Judicial Administration 2.450; evaluation of parking needs and availability and, if necessary, facilitate a lottery system for media parking; evaluation of available courtroom seating and, if necessary, facilitate a lottery system for media seating in the courtroom; determination of a process for dissemination of information to include timely access to examine and photograph submitted evidence; coordinate notices for live streaming and identification of other special needs regarding media credentials, access through courthouse security, staging of equipment, additional power requirements, and any other issue.
- E. At all times, the procedures set forth for the media in this Administrative Order are subject to the authority of the presiding judge who may modify these procedures to control the conduct of pending proceedings, ensure the fair administration of justice, or ensure public safety.

IV. ESTABLISHMENT OF GUIDELINES AND RESTRICTED AREAS FOR PUBLIC ASSEMBLY, PRESS CONFERENCES OR PUBLIC PROTESTS

A Guidelines for assembly

1. Any person seeking to engage in oral protest, display a sign to express his or her opinion as to any subject, or otherwise wishing to express an opinion on any subject, on the grounds of any of the courthouses in Brevard or Seminole County, Florida shall be restricted to conducting such activity in the areas described in this order. Any party to any suit, alleged victim of any crime or his/her attorney, agent or representative seeking to make any public statement or otherwise engage in a press conference on any subject, on the grounds of any of the courthouses in Brevard County or Seminole County, Florida shall be restricted to conducting such activity in the areas described in this order.
2. No person may wear any garment with patches, insignias, writing or colors that would demonstrate an affiliation with any group or organization supportive of any person or cause that would be disruptive to open court proceedings in any courthouse or restricted areas.
3. Under no circumstances shall anyone interfere with the rights of any other person to lawfully enter and leave any of the three (3) courthouses in Brevard County, Florida or any of the three (3) courthouses in Seminole County, Florida
4. To ensure public safety, the following items are strictly prohibited on courthouse grounds: Weapons of any type, including firearms, fireworks and other explosive devices, bladed instruments, ammunition, batons/clubs, taser/stun guns, chemical sprays, contraband, and any other hazardous materials. This restriction also prohibits weapons and firearms on courthouse grounds carried by concealed weapon permit (CWP) holders. Other prohibited items (unless authorized by advance permit from Brevard or Seminole Counties) include: musical speakers, loud speakers or sound amplifiers of any kind, chairs, coolers, backpacks, signage affixed to wood, piping or metal, tents or temporary structures, any type of vendor sales or service, alcoholic beverages, portable generators, cooking grills, open

fires, or any other item deemed dangerous by the Sheriff's Office. Only pre-authorized vehicles with special permits issued by Brevard or Seminole Counties are permitted to remain overnight. Prohibited items found on courthouse grounds may be confiscated by the Sheriff's Office. Non-permitted vehicles may be towed.

6. Persons assembling on courthouse grounds may be subject to a physical search of their person and handheld possessions. Handheld possessions include, but are not limited to, bags, purses, wallets, wheelchairs, carriages, strollers, electronic devices, briefcases, packages, etc. Persons refusing to be searched may be denied access to courthouse grounds, including the Public Assembly Zone.
7. Law enforcement is authorized to separate any demonstrators with conflicting points of view to different parts of the designated area. Law enforcement is also authorized to alter the buffer zones between persons assembled to reduce crowding and create a safer environment. Law enforcement is further authorized to temporarily disband persons assembled on courthouse grounds should public safety be threatened.
8. The Brevard County Sheriff's Office, Seminole County Sheriff's Office, the Melbourne Police Department, Sanford Police Department, Titusville Police Department or any other law enforcement agency designated by the Brevard County Sheriff or Seminole County Sheriff is authorized to advise anyone who is in possession of prohibited items or engaging in activity described herein in an area on courthouse grounds other than designated herein to cease and desist immediately and remove themselves to the restricted area if they wish to peacefully protest, after having provided to those persons a copy of this order. Anyone who is observed continuing to engage in such conduct as contemplated by this order may face indirect civil contempt of court proceedings. If found in contempt of court, penalties include confinement, fine or both.

B. Establishment of Restricted Areas

1. The areas within which all expressive conduct is restricted are as follows, see attachments:
 - a. At the **Harry T. and Harriet V. Moore Justice Center**, 2825 Judge Fran Jamieson Way, Melbourne, FL 32940, the designated protest area and designated media area are the grassy area located near the southwest corner of Fran Jamieson Way and Stadium Parkway, located ten feet northeast of the sign for the Harry T. and Harriet V. Moore Justice Center.
 - b. At the **Titusville Courthouse** located at 506 S. Palm Ave, Titusville, FL, 32796, the designated protest area and designated media area are approximately 18 feet east of the courthouse's southernmost column an approximately three feet north of the courthouse sign.

a. At the **Seminole County Criminal Justice Center**, 101 Eslinger Way, Sanford, Florida, 32773, the designated protest area is approximately 100' from the front door, beginning east of the fountain, continuing east toward the retention pond to (but not including) the paved circle drive, not to encroach on the thoroughfares in the parking lot or any parking spaces or any of the main entrance and exit doors to the building. Each designated area will allow citizens to gather up to the sidewalks, measuring one hundred and thirty feet east to west and twenty-five feet north to south.

A designated media area will be located east of (but not including) the paved circle drive continuing east towards Hwy. 17-92, not to encroach on the thoroughfares in the parking lot or any parking spaces, measuring one hundred five feet east to west, and ninety feet north to south.

b. At the **Seminole County Juvenile Justice Center**, 190 Eslinger Way, Sanford, Florida, 32773, the designated protest area is the sidewalks along Eslinger Way and the grassy area southeast of the Juvenile Justice Center between Eslinger Way and fifteen (15) feet east of the main entrance of the Juvenile Justice Center not to include the parking lot.

c. At the **Seminole County Civil Courthouse**, 301 North Park Ave., Sanford, Florida, 32771, the designated protest area is the sidewalks along North Park Ave., East Seminole Blvd., and North Hood Ave. Protesters may not encroach on the walkways on the east and west main entry doors from the sidewalks to the building, or the reserved employee parking lot located on the south side of the building.

DONE AND ORDERED this 26th day of May, 2023.

JESSICA J. RECKDIEDLER
JESSICA J. RECKSIEDLER
CHIEF JUDGE

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