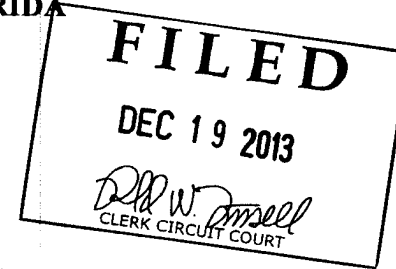


**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT  
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER NO. 2013-08**

**IN RE: MEDIA & TECHNOLOGICAL COVERAGE OF CASES OF  
EXTRAORDINARY PUBLIC INTEREST**



**WHEREAS**, pursuant to Rule 2.450, Rules of Judicial Administration, on April 23, 2013, the Fourth Judicial Circuit entered the Second Amended Administrative Order No. 92-02, governing media and technological coverage of judicial proceedings, which remains in full force and effect; and

**WHEREAS**, the Second Amended Administrative Order No. 92-02, was entered subject to this Court's authority (1) to control the conduct of proceedings before the Court, (2) to ensure decorum and prevent distractions, and (3) to ensure the fair administration of justice in this Court's pending cases, in accordance with certain standards for the technological coverage of judicial proceedings as set forth by the Florida Supreme Court in Rule 2.450, Rules of Judicial Administration; and

**WHEREAS**, in cases of extraordinary public interest that draw national, and sometimes international, public interest to proceedings, at times certain additional procedures and special accommodations as set forth herein become necessary to ensure the public full access to the Courts without compromising the right of any party to a fair and orderly trial; and

**WHEREAS**, pursuant to Article V, Section 2(d), Florida Constitution, section 43.26, Florida Statutes, and Rule 2.215(b), Florida Rules of Judicial Administration, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the fair, prompt and efficient administration of justice and the regulation and use of all

court facilities, including Courtrooms; furthermore, Rule 2.450, Florida Rules of Judicial Administration 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**, a presiding Judge has the authority to determine whether any case is of extraordinary public interest and whether to invoke the procedures set forth in this Order.

**NOW THEREFORE**, by the authority vested in me as Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

**ORDERED** that the following policies and procedures will be set forth in this Circuit in cases of extraordinary public interest:

**I. GUIDELINES FOR MEDIA COVERAGE OF PUBLIC INTEREST PROCEEDINGS**

**A. Media Defined**

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 has developed which has not yet been addressed by Court rule or by the Florida Supreme Court. Other Circuits in Florida have successfully defined this “new media,” which are primarily Internet-based and not generally directly associated with television, radio or newspaper. The Court hereby adopts this definition and defines the “new media” as follows:

An online organization that: (1) was a previously established, independent site that contains regularly updated original news content beyond links, forums, troubleshooting tips and reader contributions; (2) provides content that is thoroughly reviewed by an independent editor before publication; and (3) has previously covered the judicial branch for the 6 months immediately prior to the case of extraordinary public interest. Fan sites, web logs and personal web sites do not qualify as “new media.”

It is the responsibility of the requesting online organization to show proof that it meets the definition of “new media.” In order for members of the “new media” to obtain media credentials, an organization must provide: (1) links to two bylined articles clearly displaying publication title and publication within the past six months of the date of request; (2) either a copy of the current masthead or a business card with the name, title and media outlet’s logo or a copy of the online publication’s home page and the masthead page with the media’s representative’s name and title appearing in an editorial capacity or an official letter or assignment from the media outlet; and (3) proof that the judicial branch or the case is being covered for at least the six months previous to the proceeding/trial. Decisions of the Media Committee made pursuant to Section II (A) and (B), and related hereto, shall be presented to the Chief Judge for his consideration.

**B. Photo IDs/Media Credentials**

1) Official Court-issued media credentials will be distributed for the Fourth Judicial Circuit to media representatives covering any case of extraordinary public interest. There will be no charge to media representatives for the issuance of this official Court-issued media credential. However, if any media representative requires a replacement of an official Court-issued media credential, the requesting media representative will be required to pay a replacement cost of Ten Dollars (\$10.00).

2) All media representatives must display official Court-issued media credentials with photo I.D. at all times while inside the Courthouse. At no time shall any media representative transfer or loan any official Court-issued media credential to any other person for any reason whatsoever. The transferring or loaning of an official Court-issued media credential

will result in the revocation of media privileges for the violating media representative for the duration of the trial.

**C. Distribution of Information to the Media**

All information regarding a case of extraordinary public interest case will be distributed to the media through the Trial Court Administrator/Public Information Officer and will be posted on the Fourth Judicial Circuit's Website.

**D. Courtroom Seating and the Media Room**

1) Media Credential and Seating Pass Required: Not everyone who wishes to be present during the proceedings may be accommodated in the Courtroom. Specified Courtroom seating will be provided on a limited basis for those possessing a Court-issued credential AND a seating pass. In cases of extraordinary public interest, half of the Courtroom seating will be reserved for reporters and media personnel, except that there will be space specifically reserved to seat family members (or their designees) on the front row on both the right side and the left side of the Courtroom.

2) Procedure for Assignment of Seats: Unless otherwise specified by the presiding Judge, seating for media representatives is to be determined by the Court. Media representatives are required to prominently display official Court-issued media credentials at all times while inside the Courtroom. Additional seats, if any, may be made available to the media on a first-come, first-serve basis. Further, one (1) seat will be made available for educational purposes, to be used by students of area or regional law schools.

3) Jessie-Lynne Kerr Media Room: In Duval County, the "Jessie-Lynne Kerr Media Room" ("the Media Room") is located on the second floor of the Courthouse. The Media Room will be open during regular business hours and for extended hours when the court

proceedings that are being covered are in session. The Media Room is available to all media representatives with valid press credentials. The Media Room will accommodate monitors and other equipment provided by the media to permit coverage of proceedings by media representatives who are unable to obtain seating in the Courtroom.

**E. Prior Arrangements Required**

Unless prohibited because of an emergency hearing or otherwise lacking sufficient notice to permit timely compliance herewith, prior arrangements must be made with the Trial Court Administrator and the JSO Courthouse Security Manager (or their designees) at least two (2) business days before the court proceeding for the Courtroom to be made available to the media at a pre-arranged time, before the proceeding, for the determination and proper location and installation of necessary equipment in accordance with this Administrative Order. Cable lay out and placement, if any, shall be at the direction of the Trial Court Administrator and the Jacksonville Sheriff's Office's Courthouse Security Manager or their designees, and shall not present a safety or security hazard.

**F. Equipment and Personnel**

1) Not more than one (1) portable television camera, operated by not more than one (1) camera person, shall be permitted in any court proceeding.

2) Not more than one (1) still photographer, using not more than two (2) still cameras, shall be permitted in any court proceeding.

3) Not more than one (1) audio system for radio broadcast purposes shall be permitted in any court proceeding.

4) Unless prohibited because of an emergency hearing or otherwise lacking sufficient notice to permit timely compliance herewith, any request for additional cameras or

other media equipment must be presented to the Chief Judge no later than two (2) business days before the court proceeding intended to be covered by the media.

5) If no technically-suitable audio system exists in the Courtroom, microphones and related wiring essential for media purposes – if any – shall be unobtrusive and shall be located in places designated in advance of any proceeding by the Chief Judge in Duval County or the Administrative Judge in Clay and Nassau Counties in accordance with the “General Terms” in Section III, *infra*.

6) In the event that media equipment of any kind or sort mars or otherwise damages the Courthouse or any of its furnishings, it shall be the sole responsibility of the media organization that caused said damage to pay for the appropriate repair(s) thereof. Further, until such time as the damage is repaired, or acceptable arrangements are made with the Chief Judge for the appropriate and timely repair of the damage, all equipment of the news organization causing the damage will be excluded from all proceedings.

7) Any “pooling” arrangements among the media shall be the sole responsibility of the media. In the absence of advance media agreement on disputed equipment or personnel issues, the presiding Judge shall exclude all equipment belonging to the contesting media representatives from a proceeding. See Section II, *infra*.

8) The pooling camera positioned within the Courtroom shall connect to the media panels located in the rear of the Courtroom to facilitate pooling capabilities for all media outlets not present within the Courtroom. Those media representatives obtaining the pool feed shall do so in the Media Room or other location specified by the Chief Judge. When a live feed of Court proceedings is desired by any media outlet, unless prohibited because of an emergency hearing or otherwise lacking sufficient notice to permit timely compliance herewith, such

arrangements must be made through the Trial Court Administrator and the Jacksonville Sheriff's Office Courthouse Security Manager (or their designees) at least two (2) business days before the court proceeding, in accordance with paragraph I.(E), Prior Arrangements Required, *supra*.<sup>1</sup>

**G. Use of Equipment Sound and Light Criteria**

1) No Coverage While Court in Recess: As soon as Court ends any proceeding or goes into recess (i.e., whenever Court is not in session), all audio, photographic and electronic equipment (including television cameras, still cameras and microphones), must be turned off immediately and remain off until Court begins session once again.

2) No Distraction by Sound or Light: Only television, photographic, audio and electronic equipment that does not produce distracting sound or light shall be used to cover Court proceedings.

3) Laptops: Media representatives using laptop computers or any other electronic devices to provide coverage through Internet or social media websites shall ensure such laptop computers or electronic devices do not produce any noise when in use. Silence is required to ensure such coverage does not distract the jury, lawyers, or Courtroom staff from the proceedings. Use of laptop computers in the Courtroom is permitted provided that they operate

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<sup>1</sup> The Duval County Courthouse originally was designed to include all technological infrastructure necessary to facilitate the pooling of media coverage and connections for live media feeds to the Courtrooms. Such was recommended by the Dan Wiley Report. The Greater Jacksonville Plan paid for, and installed, all necessary fiber-optic cables from all Courtrooms to the IDF rooms, from the IDF rooms to the Media Room, as well as to an outside location near the southeast corner of the Courthouse for live feeds. However, without warning to the Court or consultation with any local media representatives, the funding for the remaining infrastructure (such as receivers, etc.) was cut by the current Mayor's administration of the consolidated government of the City of Jacksonville. Thus, as of the date of this Order, pooling is unavailable. Running equipment cables through Courthouse hallways and elevators is strictly prohibited for safety and security reasons. Accordingly, until such technology is provided, the Chief Judge shall have discretion to arrange for appropriate media coverage of court proceedings, including the number of video cameras permitted within the Courtroom, in consultation with the Trial

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.

4) Duty of Media: It shall be the affirmative duty of media personnel to ensure that the equipment sought to be used meets the sound and light criteria. A failure to do so shall preclude its use.

5) No Artificial Lights: No artificial lighting device of any kind shall be used in connection with the television camera. With the concurrence of (a) the Chief Judge, in consultation with the Jacksonville Sheriff's Office Courthouse Security Manager or his designee in Duval County or (b) the Administrative Judge in Clay and Nassau Counties in accordance with the "General Terms" in Section III, *infra*, modifications and additions may be made in light sources existing in the facility, provided such modifications or additions are installed and maintained without public expense.

#### **H. Location of Equipment and Personnel**

1) Television Equipment: Television camera equipment shall be positioned in such location in the Courtroom or at the Courthouse as shall be designated by (a) the Chief Judge, in consultation with the Trial Court Administrator and the Jacksonville Sheriff's Office Courthouse Security Manager or their designee in Duval County or (b) the Administrative Judge in Clay and Nassau Counties in accordance with the "General Terms" on the last page herein. The area designated shall provide reasonable access to coverage. If and when areas remote from the Courthouse that permit reasonable access to coverage are provided, all television cameras and audio equipment shall be positioned only in such areas. Video recording equipment that is

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Court Administrator, the Jacksonville Sheriff's Office Courthouse Security Manager (or their designees), and the presiding Judge.



not a component part of a television camera shall be located in an area remote from the Courthouse property.

2) Still Cameras: A still camera photographer shall position himself or herself in such location in the Courtroom as shall be designated by (a) the Chief Judge, in consultation with the Jacksonville Sheriff's Office Courthouse Security Manager or his designee in Duval County or (b) the Administrative Judge in Clay and Nassau Counties in accordance with the "General Terms" in Section III, *infra*. Once established in a shooting position, the photographer shall not be permitted to move about in order to obtain photographs of Court proceedings.

3) Portable Systems: Use of portable signal distribution systems (e.g. portable microwave systems) is prohibited unless prior authorization is obtained from the Court Technology Officer.

#### **I. Media Representatives' Appearance and Movement During Proceedings**

1) Boundaries: No person shall enter the well of the Courtroom or place a recording device, of any kind or sort, inside the well or on the well partition of the Courtroom at any time without the express permission of the presiding Judge. Media personnel may not cover "side bar" or "bench" conferences.

2) Attire: All media representatives, including reporters, video camera operators, and still photographers, at all times shall be appropriately attired. Long pants and a collared shirt are required for all men. Shirrtails must be tucked in at all times while such media representatives are within the Duval County Courthouse. Long pants or a skirt with an appropriate shirt or blouse are required for all women.

3) Cell Phones and Electronic Photography or Recording Devices: The use of cell phone cameras or any other photographic or recording electronic device – of any kind or sort –

is absolutely prohibited. No media representative at any time for any reason may photograph or record any occurrence in the Courtroom, except by the means provided in I.(H), *supra*. Media are allowed to use their cell phones in the Courtroom only for sending and receiving written, electronic information for business purposes and only if they are used in such a way as not to disrupt or disturb the proceedings. While Court is in session, cell phones shall not be used for telephone calls. All cell phones, pagers, and electronic devices must be turned off or switched to silent mode. The privilege of cell phone use may be revoked at any time if such use becomes disruptive in any way.

4) No Chewing Gum, Food or Drink: No chewing gum, food or beverage shall be permitted in the Courtroom.

5) Set-Up and Removal of Equipment: News media video, photographic, audio or electronic equipment shall not be placed in, or removed from, the Courtroom except before commencement or after adjournment of proceedings each day, or during a recess.

6) Equipment Changes: Television cameras, still cameras and lenses, and all related equipment shall not be changed within a Courtroom except during a recess in the proceeding.

7) No Movement: All media representatives shall act so as not to call attention to themselves and shall not move about in the Courtroom while proceedings are in session. Microphones or video recording equipment, once positioned, shall not be moved during the pendency of the proceedings. Media personnel should refrain from leaving the Courtroom while Court is in session.

8) Communication During Session: Further, media representatives shall at no time endeavor to communicate with any lawyer, party or Courtroom staff while any Courtroom proceedings are in session.

9) No Disruption: Proceedings shall not be disrupted. Visible and audible comments of any kind by anyone during Court proceedings, and provocative or uncivil behavior within the Courthouse at any time will not be tolerated. There shall be no gestures, facial expressions, or the like, suggesting approval or disapproval during the proceedings.

10) No Distractions: The Courtrooms and related interior court space in any county Courthouse, including jury rooms and Courthouse hallways, are to be used to conduct judicial proceedings in an efficient and dignified manner. Use of these facilities for distracting, non-judicial purposes, such as a backdrop to a news story, promotion, broadcast or advertisement is inappropriate. Therefore, special access to these areas is prohibited without express permission from the Trial Court Administrator, the Chief Judge, or his designee.

11) Viewing Outside: 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 Jacksonville Sheriff's Office.

12) Blocking Vehicles, Traffic and Walkways: Media cabling and equipment cannot block vehicle lanes or walkways at any Courthouse facility. The Trial Court Administrator or the Jacksonville Sheriff's Office should be contacted for special directives that may apply to a specific Court proceeding.

13) Location of Media Tents, Production Trucks, Trailers, Generators, etc.:  
Parking or placing anything on the Courthouse lawn (within the streets that border the

Courthouse property) is absolutely prohibited. All vehicles, trucks and media tents must be parked at a location and in a manner designated by the City of Jacksonville.

**J. Location of Media Interviews**

1) Should media representatives wish to interview any person, such interview shall be conducted only: (a) in the Media Room; (b) at a location otherwise designated and provided within the Courthouse; or (c) on grounds off the Courthouse property.

2) No interviews will be permitted in the first floor atrium of the Courthouse, or in any hallways, Courtrooms or any other areas on any floor of the Courthouse, unless expressly authorized.

3) 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. Moreover, no interviews shall be permitted to unreasonably interfere with the safety, security, or movement of persons in any of the areas allowed for interviews.

**K. Protecting Confidentiality and Privileged Communication**

1) Private Conferences: To protect the attorney-client privilege and the effective right to counsel, there shall be no audio pickup or broadcast of conferences that occur in the Courtroom or elsewhere in the Courthouse between attorneys and their clients, between co-counsel of a client, or between counsel and the presiding Judge held at the bench or at side bar. Media personnel may not cover any side bar conference by any means whatsoever. Further, no person shall enter the well of the Courtroom or place a recording device inside the well of the Courtroom at any time without the express permission of the presiding Judge.

2) Broadcast Delay: Delay in broadcasting live feed is the sole responsibility of the media personnel and reporters so as to avoid the sudden, unexpected publication of profanity;

repulsive, offensive or gruesome photographs; or unredacted documents that may contain confidential or sensitive information.

3) Jurors and Potential Jurors: During the pendency of any matter, jurors and potential jurors shall not be recorded or photographed at any time in any manner. Further, the identity of any juror and potential juror shall not be revealed to the public in any way or by any means whatsoever, or at any time during the trial without prior leave of Court.

In cases of extraordinary public interest, it is especially important to secure the identity of those who are called to be in the *potential* jury pool as well as those who are ultimately chosen to serve as a juror, in order to protect the safety of those citizens. Sometimes these types of cases are lengthy and controversial. All jurors and potential jurors are sometimes required to endure extreme emotional hardships of living in sequestration, apart from families and in fear. Generally, sequestration is a difficult, stressful civil service without the added pressures of an extraordinary case of public interest.

This Circuit will not tolerate any actions from the media placing jurors and potential jurors at risk and in harm's way, or invading any potential juror's privacy in an unnecessary, undue manner. Such conduct, for example, would include, but is not limited to, releasing personal identifying information that was learned about potential jurors during *voir dire*; following jurors and potential jurors to their cars to attempt to obtain their license plate numbers; following jurors and potential jurors to their hotel and contacting them at the hotel; placing surveillance over or among the jurors and potential jurors, from vans, cars, and other extreme means such as helicopters or other aircraft.

Outside pressures, contact, or questions from the media during these types of trials is a serious, unacceptable infringement upon the judicial process, the administration of

justice, and every party's right to a fair trial. Therefore, such conduct is strictly prohibited. Endeavoring to contact any juror or potential juror during trial (beginning from the first day of jury selection until the last day that the jury is released from duty) is a serious violation of this Court Order. Interviews of jurors after the jury has been released from service are at the discretion of each juror. Jurors and potential jurors are not allowed to be contacted or approached by anyone, in any way (e.g., by method of handing out flyers containing any content that might influence them) either inside the Courthouse, on Courthouse property within the sidewalks of the Courthouse, or between the Courthouse and the juror's parking garage.

#### **L. Violations**

Anyone violating this Order will be subject to contempt proceedings of the Court, and, when appropriate, sanctioned by the Court - including, but not limited to, immediate removal from the Courtroom, prohibition from returning to the Courtroom, and loss of media privileges for the duration of the trial.

## **II. IMPLEMENTATION OF PROCEDURES**

### **A. Implementation**

1) The Chief Judge, independently, or at the request of the administrative or trial Judge assigned to preside over a case of extraordinary public interest, may instruct Court Administration to implement the procedures set forth in this Administrative Order in any case of extraordinary public interest.

2) Upon implementation of these procedures, the Trial Court Administrator 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.

**B. Media Committee**

1) A Media Committee shall be organized to attend to issues surrounding the regulation of media representatives and to ensure all media representative's compliance with all Court orders.

2) At the least, the Media Committee, shall consist of one print media representative; one television broadcast media representative; one audio broadcast representative; a representative of the Office of the Clerk of Court; the Trial Court Administrator; the Public Information Officer of the Fourth Judicial Circuit, who will act as a liaison between the Court and the media for the duration of the case; a representative from Court Technology; and the Jacksonville Sheriff's Office Courthouse Security Manager.

3) The committee may select a representative from within the committee to act as a media liaison between the media and the Court for the duration of the case.

4) Any other special need or requested accommodation as it relates to this Order shall be addressed by the Media Committee, the Chief Judge, and the Trial Court Administrator.

**III. GENERAL TERMS**

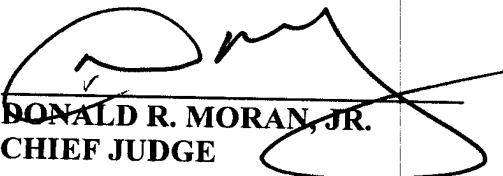
A. In cases of extraordinary public interest, nothing in this Administrative Order shall be construed to limit or impair the authority of the presiding Judge, and when warranted, these procedures may be modified to control the conduct of pending proceedings, to ensure the fair administration of justice, and to ensure public safety.

B. Should any questions be raised in Clay or Nassau Counties, they may be determined by the Administrative Judges of those Counties, in the same way that they are authorized to be resolved by the Chief Judge and the Trial Court Administrator through this Administrative Order, in the Duval County Courthouse.

C. The Second Amended Administrative Order 92-02 regarding routine cases of public interest remains in full force and effect.

D. This Administrative Order 2013-08 shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, and shall take effect immediately and remain in full force and effect unless and until otherwise ordered by this Court.

**DONE AND ORDERED** at Jacksonville, Duval County, Florida, this 19th day of December, 2013.



**DONALD R. MORAN, JR.**  
**CHIEF JUDGE**



cc: All Judges in the Fourth Judicial Circuit  
 Senior Judges in the Fourth Judicial Circuit  
 The Honorable Robert M. Foster, Administrative Judge, Nassau County  
 The Honorable John H. Skinner, Administrative Judge, Clay County  
 All Magistrates in the Fourth Judicial Circuit  
 The Honorable Matthew A. Shirk, Esq., Public Defender  
 The Honorable Angela B. Corey, Esq., State Attorney  
 The Honorable Ronnie Fussell, Clerk of the Circuit Court, Duval County  
 The Honorable Tara S. Green, Clerk of the Circuit Court, Clay County  
 The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County  
 The Honorable Cindy A. Laquidara, Esq., General Counsel  
 Major Steve Weintraub, Jacksonville Sheriff's Office, Courthouse Security Manager  
 Lt. Mel Gaden, Clay County Sheriff's Office Courthouse Security  
 Sgt. Kenneth Davis, Supervisor of Courthouse Security, Nassau County Sheriff's Office  
 Mike Smith, Information Technology Director  
 Mike Tatum, Courthouse Maintenance  
 James Ivey, Courthouse Facilities  
 WTEV CBS 47, WAWS FOX 30, WJCT PUBLIC TV, WJXT-TV4, WJXX-ABC25, WTLV-TV12  
 Jim Kowalski, Esq., Director, JALA  
 Waffa Hanania, Managing Attorney, Office of Criminal Conflict and Civil Regional Counsel  
 Lisa Steely, Managing Attorney, Circuit for Children's Legal Services, DCF  
 George Beckwith, Regional Counsel, Director for Children's Legal Services, DCF  
 David Tucker, N.E. Regional Legal Counsel, DCF  
 Patricia Clark, Child Support Enforcement Regional Manager, Dept. of Revenue  
 Colleen Reardon, Director, Correctional Services, The Salvation Army  
 Charles Bishop, Manager Family Court Services, Fourth Circuit  
 Joseph G. Stelma, Jr., Fourth Judicial Circuit Trial Court Administrator  
 Eve Janocko, Chief Deputy Court Administrator  
 Caroline C. Emery, Esq., Court Counsel  
 The Jacksonville Bar Association  
 The Clay County Bar Association  
 The Nassau County Bar Association  
 Fourth Circuit Court Law Library, Duval County  
 Judicial Staff Attorneys, Fourth Judicial Circuit