

STANDING ORDER REGULATING AND PROHIBITING
UNAUTHORIZED RECORDING OF COURT PROCEEDINGS
COUNTY CRIMINAL DIVISION D

THIS MATTER came before the Court on its own motion to address the use of personal electronic devices capable of recording, transmitting, or storing audio, video, or images within the courtroom in criminal proceedings. The Court, having considered the applicable law, including the Florida Rules of Judicial Administration, and being otherwise fully advised in the premises, finds as follows:

1. **Authority:** This Order is issued pursuant to Florida Rules of Judicial Administration Rule 2.450, 2.451, and Administrative Order S-2024-078, which govern the use of electronic devices in the courtroom.
2. **Decorum:** The integrity of criminal judicial proceedings depends upon the maintenance of courtroom decorum, the protection of defendants' constitutional rights, including the right to a fair trial and effective assistance of counsel, and the safety and security of all participants, including jurors, witnesses, victims, attorneys, and court staff.
3. **Safety:** The increasing availability and use of personal electronic devices (including but not limited to cellular telephones, smart watches, smart glasses, and other wearable or AI-enabled recording devices), presents a substantial and evolving risk of unauthorized recording of courtroom proceedings. Emerging technologies, including AI-assisted real-time transcription, facial recognition, enhanced audio, and the potential creation or manipulation of audio-visual content (including so-called "deepfakes"), significantly heighten the risk that courtroom proceedings may be recorded, altered, or redistributed in a misleading or harmful manner, thereby undermining public confidence in the judicial system and the fairness of criminal trials.
4. **Preservation of Attorney-Client Relationship:** The right to communicate freely and privately with legal counsel is a fundamental aspect of the attorney-client relationship. Recording devices may infringe upon this right, potentially leading to a chilling effect on open discussions between attorneys and their clients.

5. Unauthorized recording or transmission of proceedings undermines courtroom decorum and may intimidate, influence, or chill the participation of witnesses, victims, jurors, and parties.
6. The presence and use of such devices may compromise courtroom security and safety by facilitating the identification, targeting, harassment, or retaliation against witnesses, victims, jurors, or parties.
7. Unauthorized recording further threatens the sanctity of the attorney-client relationship by risking the disclosure of privileged communications occurring within or adjacent to the courtroom.
8. In criminal proceedings, there is a heightened need to protect jurors from exposure, identification, or outside influence, and to ensure that deliberations remain free from interference, intimidation, or public dissemination.
9. Pursuant to Florida Rule of Judicial Administration 2.450, the Court is charged with maintaining order and decorum in judicial proceedings and possesses the inherent authority to control the conduct of proceedings before it.
10. Florida Rule of Judicial Administration 2.451 governs the use of electronic media and still photography in courtrooms and requires prior court authorization for such activity.
11. The First Amendment to the United States Constitution and Article I, section 16 of the Florida Constitution provides for public access to criminal proceedings. However, such rights of access do not include an unfettered right to record, broadcast, or electronically capture proceedings. See *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555 (1980); *Chandler v. Florida*, 449 U.S. 560 (1981).
12. The restrictions imposed herein are content-neutral, narrowly tailored to serve compelling governmental interests in ensuring fair trials, protecting jurors and witnesses, preserving attorney-client confidentiality, and maintaining courtroom security and decorum, while leaving open alternative means of public access, including physical attendance and court-authorized media coverage pursuant to Rule 2.451.

THEREFORE, it is ORDERED AND ADJUDGED:

1. **PROHIBITION.** No person shall use any electronic device, as described above, to photograph, record, livestream, transcribe, broadcast, or otherwise capture audio, video, or images of any court proceeding without prior express authorization from the Court.
2. **AUTHORIZED MEDIA.** Any request for media coverage must comply with Florida Rule of Judicial Administration 2.451, including advance notice and approval by the Court. Authorized media shall comply with all conditions imposed by the Court.
3. **JUROR PROTECTION.**
 - I. No person shall photograph, record, identify, or attempt to identify any juror or prospective juror within or in the vicinity of the courthouse.
 - II. No person shall use any device to capture images or information that could reasonably lead to the identification or location of jurors.
 - III. Any violation of this provision shall be treated as a serious threat to the integrity of the trial and may result in immediate sanctions, including contempt of court.
4. **ATTORNEY-CLIENT PROTECTION.** No person shall record or attempt to record any attorney-client communication. Any such conduct shall be deemed a serious violation subject to sanction.
5. **DEVICE MANAGEMENT.** The Court may require any person to silence, power off, remove, or surrender any device that appears capable of unauthorized recording or that disrupts proceedings.
6. **ENFORCEMENT.** Violation of this Order may result in confiscation of the device, removal from the courtroom, contempt proceedings, and any other sanctions authorized by law.
7. **EXCEPTIONS.** This Order does not prohibit the use of electronic devices for note-taking or other non-recording purposes, provided such use does not disrupt proceedings and complies with all court directives.