

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2018-79

IN RE:

CELLULAR PHONE AND ELECTRONIC  
EQUIPMENT USAGE IN THE COURTHOUSE

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At a regularly scheduled Judges' Meeting, the current policy regarding cellular phones and mobile electronic devices in the federal courthouse facilities within the Southern District of Florida was reviewed. The Court vacates Administrative Orders 2006-16, 2008-07, 2009-12, 2011-108 and 2015-21. This Administrative Order is intended to supersede those orders in their entirety.

In view of the Judicial Conference of the United States' policy and the prohibitions contained in Federal Rule of Criminal Procedure 53 and Southern District of Florida Local Rule 77.1 against live broadcasting from inside courtrooms, this Administrative Order prohibits text messaging, emailing, recording, photographing, and the general use of mobile electronic devices from inside courtrooms, unless authorized by this Order or the presiding judicial officer. The restrictions in this Order aim to preserve the sanctity of the courtroom and avoid the disruption of ongoing judicial proceedings. It is further

**ORDERED** that the following procedures will be strictly adhered to regarding the introduction of electronic equipment into the federal courthouse facilities within the Southern District of Florida:

**I. Electronic Devices.**

All electronic devices including but not limited to Cellular Phones, Pagers, Personal Data Assistants (PDA), Laptop Computers, Tape Recorders, etc., are prohibited from being brought into any federal courthouse facility within the Southern District of Florida with the following exceptions:

- A. A written request signed by a judge or other designated authority, forwarded to the United States Marshal for verification, allowing a specific person access to the courthouse with a specific electronic device for a specific purpose and period of time; or,

- B. Any federal courthouse employee (United States Probation, Clerk's Office, Chambers Staff, and United States Marshals Service) with valid permanent government employee identification; or,
- C. Any attorney or employee of the United States Attorney's Office, the Federal Public Defender's Office or the United States Bankruptcy Trustee with a valid identification card issued from that office; or,
- D. Any Special Agent for the United States Government or other law enforcement officer authorized to enforce the law within the Southern District of Florida, having official business within the courthouse facility and possessing a valid agency/department issued identification badge; or,
- E. Any attorney permitted to practice law within the Southern District of Florida with a valid Florida Bar identification card or pro hac vice order having business within the facility. This applies to attorneys only and precludes staff, investigators, clients, etc.; or,
- F. Prospective jurors and seated jurors and witnesses with subpoenas shall be permitted to bring in their cellular phones (with or without their integrated cameras) and electronic book readers of any kind, including but not limited to Kindles, Nooks, iPads, and any type of electronic tablet reading device; or,
- G. Upon application and approval, news reporters may bring into courthouses cellular phones, mobile electronic devices and laptops, and may utilize the wireless capabilities of those devices, as long as the news reporters agree in writing to use their electronic device inside the District's courtrooms only in text function mode consistent with this Order. Reporters also must agree in writing to not record or transmit in any way audio, still photography, or video from anywhere inside courthouses nor from inside courtrooms, and agree to not transmit a live feed of any of the aforementioned at any time. Nor may they create a verbatim record of any proceeding. They must acknowledge in writing that a knowing or willful violation of the agreement will result in contempt of court. The Clerk of Court shall keep the list of reporters who have signed such agreement and make that list

available to Court security personnel assigned to each courthouse. District and Magistrate Judges retain the discretion to maintain order in their courtrooms, which includes the right to lock their courtrooms should the entry and exit of news reporters become disruptive in a particular proceeding.

- H. This general prohibition shall not preclude attorneys, employees, deputy marshals, CSOs, registered reporters or other persons exempted under paragraphs A-E and G (excluding jurors) from using their devices in courtrooms including the spectator galleries, unless directed to the contrary by the presiding judge. Absent a more restrictive order (i.e., a specific judge's standing order or an order entered in a specific case), only the text functions that do not involve speaking or voice functions of electronic devices (such as typing documents, emailing, text messaging and reading/reviewing documents) may be used in a non-disruptive manner in courtroom while proceedings are in session. Users of electronic devices under this subsection H may connect to the Internet and transmit communications so long as no audio, still photography or video is recorded or in any way transmitted. Electronic devices must be silenced and only keyboards that can be operated quietly will be allowed.
- I. Upon a written order signed by a judge and verified by the United States Marshals Service, attendees of naturalization hearings shall be permitted to bring into the federal courthouses their cellular phones (with or without integrated cameras) and cameras with the limitation that their use continue to be prohibited inside the District's courtrooms unless specifically permitted by the presiding judge.

## II. **Cameras and Cellular Phones with Integrated Camera Device.**

Pursuant to Southern District of Florida Local Rule 77.1, cameras of any type are not allowed in any of the federal courthouse facilities without a written order signed by a judge and verified by the United States Marshals Service except for attendees of naturalization hearings. Notwithstanding that Local Rule, those persons permitted to bring a cellular phone into a federal courthouse facility, pursuant to the exceptions listed, may bring that cellular phone, even if it contains an integrated camera device, into any federal courthouse facility. **No cellular**

**phones of any kind may be used as a camera or recording device in a courtroom or jury deliberations room. No photographs of any kind may be taken in any federal courthouse facility except in connection with naturalization hearings. It will be within the discretion of the presiding judge whether photographs are allowed to be taken inside the courtroom during naturalization hearings or other special proceedings, ceremonies or events.**

The United States Marshals Service is to continue to inspect all cellular phones and other electronic equipment as they are brought into the federal courthouse facilities as directed to protect the Bench, Bar, and public from harm. It is further

**ORDERED** that persons not meeting at least one of the exceptions listed will not be permitted to bring an electronic device of any kind, including a cellular phone, into the federal courthouse facilities within the Southern District of Florida (i.e., the general public, etc.). It is further

**ORDERED** that no individual, federal employee, attorney, Special Agent for the United States Government or other law enforcement officer shall bring in a cellular phone or any electronic equipment for another individual who does not meet one of the exceptions listed above. It is further

**ORDERED** that the penalty for knowing or willful violation of this Administrative Order includes a sentence of 30 days in jail and/or a fine of \$5,000.00; and/or punishment for contempt of court. *See* Local Rule 77.1; 41 C.F.R. §§ 102-74.385; 102-74.420; 102-74.450; 18 U.S.C. § 401.

**DONE AND ORDERED** in Chambers at Miami, Miami-Dade County, Florida,  
this 17th day of October, 2018.

**K. Michael Moore**  
Digitally signed by K. Michael Moore  
DN: cn=K. Michael Moore, o=Southern District of Florida,  
ou=United States District Court,  
email=k\_michael\_moore@fisd.uscourts.gov, c=US  
Date: 2018.10.17 12:54:29 -04'00'

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**K. MICHAEL MOORE**  
**UNITED STATES CHIEF DISTRICT JUDGE**

Copies furnished as follows:  
See attached

- c: All Southern District Judges
- All Southern District Bankruptcy Judges
- All Southern District Magistrate Judges
- James P. Gerstenlauer, Circuit Executive, Eleventh Circuit
- United States Marshal
- United States Attorney
- Federal Public Defender
- Court Administrator · Clerk of Court
- Clerk, Bankruptcy Court
- Chief Probation Officer
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