

## Proposed rule

## Reasons for change

### **RULE 2.170. STANDARDS OF CONDUCT AND TECHNOLOGY GOVERNING ELECTRONIC MEDIA AND STILL PHOTOGRAPHY COVERAGE OF JUDICIAL PROCEEDINGS**

#### **(a) Electronic and Still Photographic Coverage**

**Allowed.** Subject at all times to the authority of the presiding judge to: (i) control the conduct of proceedings before the court; (ii) ensure decorum and prevent distractions; and (iii) ensure the fair administration of justice in the pending cause, electronic media and still photography coverage of public judicial proceedings in the appellate and trial courts of this state shall be allowed in accordance with the following standards of conduct and technology promulgated by the Supreme Court of Florida.

#### **(b) Equipment and Personnel.**

(1) ~~Not more than~~At least 1 portable television camera (film camera — 16mm sound on film (self blimped) or videotape electronic camera), operated by not more than 1 camera person, shall be permitted in any trial or appellate court proceeding. ~~Not more than 2 television cameras, operated by not more than 1 camera person each, shall be permitted in any appellate court proceeding~~The number of permitted cameras shall be within the sound discretion and authority of the presiding judge.

(2) Not more than 1 still photographer, using not more than 2 still cameras ~~with not more than 2 lenses for each~~

Title added to subdivision (a).

Subdivision (b) has been amended to eliminate references to outdated technology and to give the court discretion regarding the number of cameras permitted in the courtroom.

camera and related equipment for print purposes, shall be permitted in any proceeding in a trial or appellate court.

(3) Not more than 1 audio system for radio broadcast purposes shall be permitted in any proceeding in a trial or appellate court. Audio pickup for all media purposes shall be accomplished from existing audio systems present in the court facility. If no technically suitable audio system exists in the court facility, microphones and related wiring essential for media purposes shall be unobtrusive and shall be located in places designated in advance of any proceeding by the chief judge of the judicial circuit or district in which the court facility is located.

(4) 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.

**(c) Sound and Light Criteria.**

(1) Only television photographic and audio equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. ~~Specifically, such photographic and audio equipment shall produce no greater sound or light than the equipment designated in the Appendix to this rule, when such designated equipment is in good working order.~~ No artificial lighting device of any kind shall be used in connection with the

Subdivision (c) has been amended to eliminate references to outdated technology and to delete the reference to the Appendix to this rule, which is also being deleted because most equipment mentioned therein is obsolete.

television camera.

(2) Only still camera equipment that does not produce distracting sound or light shall be used to cover judicial proceedings. ~~Specifically, such still camera equipment shall produce no greater sound or light than a 35mm Leica “M” Series Rangefinder camera, and n~~No artificial lighting device of any kind shall be used in connection with a still camera.

(3) It shall be the affirmative duty of media personnel to demonstrate to the presiding judge adequately in advance of any proceeding that the equipment sought to be used meets the sound and light criteria enunciated in this rule. A failure to obtain advance judicial approval for equipment shall preclude its use in any proceeding.

(d) **Location of Equipment Personnel.** [no change]

(e) **Movement during Proceedings.** [no change]

(f) **Courtroom Light Sources.** [no change].

(g) **Conferences of Counsel.** [no change]

(h) **Impermissible Use of Media Material.** [no change]

(i) **Appellate Review.** [no change]

[Court] Commentary

**1994 Amendment.** This rule was copied from Canon 3A(7) of the Code of Judicial Conduct. Canon 3A(7) represented a departure from former Canon 3A(7) [ABA Canon 35]. The former canon generally proscribed electronic media and still photography coverage of judicial proceedings from within and in areas immediately adjacent to the courtroom, with three categories of exceptions — (a) use for judicial administration, (b) coverage of investitive, ceremonial, and naturalization proceedings, and (c) use for instructional purposes in educational institutions. Subject to the limitations and promulgation of standards as mentioned therein, the revised canon constituted a general authorization for electronic media and still photography coverage for all purposes, including the purposes expressed as exceptions in the former canon. Limited only by the authority of the presiding judge in the exercise of sound discretion to prohibit filming or photographing of particular participants, consent of participants to coverage is not required. The text of the rule refers to public judicial proceedings. This is in recognition of the authority reposing in the presiding judge, upon the exercise of sound discretion, to hold certain judicial proceedings or portions thereof in camera, and in recognition of the fact that certain proceedings or portions thereof are made confidential by statute. The term “presiding judge” includes the chief judge of an appellate tribunal.

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**APPENDIX**

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**FILM CAMERAS** . . . . . **—16mm Sound on Film**

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(self blimped)

1. ~~Cinema Products CP-16A-R~~ ~~Sound Camera~~
  2. ~~Arriflex 16mm-16BL Model~~ ~~Sound Camera~~
  3. ~~Frezzolini 16mm (LW16)~~ ~~Sound on Film Camera Camera~~
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4. ~~Auricon “Cini-Voice”~~ ~~Sound Camera~~
  5. ~~Auricon “Pro-600”~~ ~~Sound Camera~~
  6. ~~General Camera SS III~~ ~~Sound Camera~~
  7. ~~Eclair Model ACL~~ ~~Sound Camera~~
  8. ~~General Camera DGX~~ ~~Sound Camera~~
  9. ~~Wilcam Reflex 16mm~~ ~~Sound Camera~~

**VIDEOTAPE ELECTRONIC CAMERAS**

1. ~~Ikegami HL-77 HL-33 HL-35 HL-34 HL-51~~
2. ~~RCA TK-76~~
3. ~~Sony DXC-1600 Tricon~~
4. ~~ASACA ACC-2006~~
5. ~~Hitachi SK-80 SK-90~~
6. ~~Hitachi FP-3030~~
7. ~~Philips LDK-25~~
8. ~~Sony BVP-200 ENG Camera~~
9. ~~Fernsch Video Camera~~
10. ~~JVC-8800u ENG Camera~~
11. ~~AKAI CVC-150 VTS-150~~
12. ~~Panasonic WV-3085 NV-3085~~
13. ~~JVC GC-4800u~~

~~VIDEOTAPE RECORDERS/used with video cameras~~

1. ~~Ikegami 3800~~
2. ~~Sony 3800~~
3. ~~Sony BVU-100~~
4. ~~Ampex Video Recorder~~
5. ~~Panasonic 1 inch Video Recorder~~
6. ~~JVC 4400~~
7. ~~Sony 3800H~~