RULE 2.451. USE OF ELECTRONIC DEVICES

(a) Electronic Devices Defined. An electronic device is any device capable of making or transmitting still or moving photographs, video recordings, or images of any kind; any device capable of creating, transmitting, or receiving text or data; and any device capable of receiving, transmitting, or recording sound. Electronic devices include, without limitation, film cameras, digital cameras, video cameras, any other type of camera, cellular telephones, tape recorders, digital voice recorders, any other type of audio recorders, laptop computers, personal digital assistants, or other similar technological devices with the ability to make or transmit video recordings, audio recordings, images, text, or data.

(b) Use of Electronic Devices by Jurors During Proceedings Conducted In Person. If jurors participate in a court proceeding in person, the following provisions govern:

(1) Electronic devices may be removed as directed by the presiding judge from all members of a jury panel at any time before deliberations, but such electronic devices must be removed from all members of a jury panel before jury deliberations begin. The electronic devices will be removed and appropriately secured by the bailiff or other person designated by the chief judge.

(2) Any electronic devices removed from members of a jury panel may be returned to the members of the jury panel during recesses in the trial. When jurors are sequestered, the presiding judge may determine whether the electronic devices will be removed from jurors during any portion of sequestration.

(3) From the time a person reports for jury service until the person is discharged from jury service, that person is prohibited from using electronic devices for any of the following purposes:

(A) making or transmitting still or moving photographs, audio recordings, video recordings, or images of any kind of the court proceedings;

(B) transmitting or accessing text or data during the court proceedings;

(C) transmitting or accessing text or data about the case on which the juror is serving;

(D) researching, transmitting, or accessing information about the case on which the juror is serving;

(E) otherwise communicating about the case on which the juror is serving; or

(F) otherwise communicating about the jury deliberations.

(4) Nothing in this rule is to be construed to limit or impair the authority of a chief judge or presiding judge to grant permission to a juror to retain his or her electronic device during trial proceedings.

(5) The jury summons mailed to prospective jurors should contain a notice that electronic devices will be removed from all members of a jury panel before jury deliberations begin and as directed by the presiding judge, may be removed at other stages of a trial. At the beginning of the trial, the presiding judge should advise the jury panel about the removal of electronic devices.

(c) Use of Electronic Devices by Jurors During Proceedings Conducted by Audio-Video Communication Technology. When prospective jurors participate in voir dire or empaneled jurors participate in a trial through audio-video communication technology as described in rule 2.530(c) and authorized by another rule of procedure, the following provisions govern:

(1) Presiding judges should ensure that the prospective and empaneled jurors have the technical ability and means necessary to connect to and participate in the court proceeding.

(2) Prospective and empaneled jurors may not use an electronic device during a court proceeding, except for the sole purpose of participating in the court proceeding, unless otherwise authorized by the presiding judge. When empaneled jurors are sequestered, the presiding judge may determine whether any electronic

devices may be used by those jurors during any portion of sequestration.

(3) Prospective and empaneled jurors are subject to the prohibitions specified in subdivision (b)(3).

(4) Nothing in this rule is to be construed to limit or impair the authority of a chief judge or presiding judge to grant permission to a prospective or an empaneled juror to use his or her electronic device during a court proceeding.

(5) The jury summons mailed to prospective jurors who may participate in voir dire or trial through audio-video communication technology should contain a notice indicating that electronic devices may not be used during those court proceedings except for the sole purpose of participating in the court proceeding, unless otherwise authorized by the presiding judge. The summons should also indicate that the use of electronic devices may be prohibited by a presiding judge during a period of sequestration. At the beginning of voir dire and trial, the presiding judge should advise the prospective and empaneled jurors about the prohibition against using electronic devices during the court proceeding for any purpose other than participating in the court proceeding.

(d) Use of Electronic Devices by Others.

(1) The use of electronic devices in a courtroom is subject at all times to the authority of the presiding judge or quasi-judicial officer to

(A) control the conduct of proceedings before the court;

(B) ensure decorum and prevent distractions; and

(C) ensure the fair administration of justice in the pending cause.

(2) The use of electronic devices in a courthouse or court facility is subject at all times to the authority of the chief judge to

(A) ensure decorum and prevent distractions;

(B) ensure the fair administration of justice; and

(C) preserve court security.

Committee Note

2013 Adoption. Subdivision (c), Use of Electronic Devices by Others, parallels Florida Rule of General Practice and Judicial Administration 2.450(a) regarding the use of electronic devices by the media.