

**ADMINISTRATIVE ORDER GOVERNING DESIGNATED PUBLIC SPEECH AREAS
ON THE MAIN ORANGE COUNTY COURTHOUSE COMPLEX GROUNDS**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, to ensure the safe and orderly use of court facilities, and to minimize activities which disrupt, interrupt, or interfere with the fair and orderly conduct of jury trials, and the orderly and peaceable conduct of court business in a neutral forum free of actual or perceived partiality; and

WHEREAS, the integrity of the jury system and the efficient and fair administration of justice is vital to our judicial system; and

WHEREAS, the unhindered and untrammelled functioning of our courts is part of the very foundation of our constitutional democracy; and

WHEREAS, the Court may adopt safeguards necessary and appropriate to assure that the administration of justice at all stages is free from outside control and influence. The citizens of

the State of Florida deserve no less; and

WHEREAS, “people who wish to propagandize protests or views do not have a constitutional right to do so whenever and however and wherever they please.” *United States v. Grace*, 461 U.S. 171, 177-178 (1983)(quoting *Adderly v. Florida*, 385 U.S. 39, 47-48 (1966)); and

WHEREAS, courthouses and their surrounding grounds have not been traditionally held open for the use of the public for expressive activities. *Huminski v. Corsones*, 396 F. 3d 53 (2d Cir. 2005)(see also *United States v. Grace*, 461 U.S. 171 (1983)); and

WHEREAS, this Court recognizes that the accommodation of specifically designated public speech zones on the courthouse complex grounds is a regulation of government property enacted to avoid disruption to one of the core tenants of American free society - a reliable, trustworthy system of justice, ensuring the rights of all while preserving fundamental First Amendment rights; and

WHEREAS, such regulation is a proper exercise of the Court’s inherent authority to take supervisory and administrative actions necessary to implement its judicial functions; and

WHEREAS, the power of courts to punish for contempt is of immemorial antiquity, and is inherent in all courts as a necessary power belonging to them in order to enable them to accomplish the purposes for which they were designed; that is, the orderly trial and decision of causes, the enforcement of public order, the prevention of interference with their proceedings, and the enforcement of the due respect belonging to them as institutions of the country;

NOW THEREFORE, I, Belvin Perry, Jr., in order to facilitate the efficient administration of justice, pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the

following, effective **immediately**, and to continue until July 15, 2011 unless otherwise vacated prior:

1. It is prohibited for any person or group to engage in any type of First Amendment activities within the main Orange County courthouse complex grounds, unless the First Amendment activities occur within a designated Exempt Zone, as defined herein.

2. The courthouse complex grounds are defined as Buildings A, B and C which comprise the Orange County courthouse structures, the adjacent courthouse parking garage, the courtyard, and all other grounds surrounding the courthouse, from the intersection of Orange Avenue and Livingston Street, to the intersection of Livingston Street and Magnolia Avenue, to the intersection of Magnolia Avenue and Amelia Street, to the intersection of Amelia Street and Orange Avenue, to the intersection of Orange Avenue and Livingston Street. The public sidewalks that comprise the boundaries of this designated perimeter are excluded from this designation of the courthouse complex grounds.

3. Exempt Zones mean those portions of public property within, or the boundary of, the courthouse complex grounds specifically described by this Order and designated as Public Speech Zones.

4. The size, number and location of Exempt Zones are designated as:

Zone 1 - Located on the front portion of the courthouse complex between the intersection of Orange Avenue and Livingston Street and the semi-circle drop-off area adjacent to Orange Avenue. The specific parameters of this Exempt Zone shall be marked on the ground in red tape.

Zone 2 - Located on the front portion of the courthouse complex between the intersection of Orange Avenue and Amelia Street and the semi-circle drop-off area adjacent to

Orange Avenue. The specific parameters of this Exempt Zone shall be marked on the ground in yellow tape.

5. Any person or group seeking to hold a press conference on the courthouse complex grounds must make application to Orange County government and follow its procedures to obtain permission to hold a press conference. Persons or entities with offices located within the courthouse complex are exempt from the provisions of this Order relating to press conference permission. The location of any press conference is not necessarily limited to an Exempt Zone.

6. The size and location of Exempt Zones shall be clearly marked on the ground. If the size or location of an Exempt Zone as delineated in this Order differs in any manner from the Exempt Zone as officially marked on the public property, the Exempt Zone as marked on the ground shall control.

7. In the event that conflict arises between two opposing viewpoints within an Exempt Zone, the Orange County Sheriff's Office may separate those espousing different viewpoints and specify from which Exempt Zone a person or group may present their message.

8. Any one person or group's presence and conduct in an Exempt Zone is subject to all other regulations provided for by local and/or state law, such as, without limitation, noise, camping, blocking passage, licensing and permitting.

9. The Orange County Sheriff's Office, or any other law enforcement agency, shall give a copy of this Order and advise anyone who is within the courthouse complex grounds, as described herein, violating the provisions of this Order, of the restrictions on expressive conduct contained within this Order if not within an Exempt Zone, as defined herein. Further, law enforcement shall instruct anyone violating the provisions of this Order to cease and desist immediately.

10. Anyone who is observed continuing to engage in such conduct as contemplated by this Order, after receiving a copy of this Order and being instructed to cease and desist by law enforcement or move to an Exempt Zone, may face indirect civil contempt of court proceedings. If found to be in contempt of court, penalties include confinement, fine or both.

DONE AND ORDERED at Orlando, Florida, this 4th day of May, 2011.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>