

ADMINISTRATIVE ORDER REGARDING COURTHOUSE GROUNDS

WHEREAS, it is incumbent upon the Court to maintain order, integrity and decorum in the courtroom, the courthouse, and those areas surrounding the courthouse; and

WHEREAS, the Court is charged with the responsibility and authority to ensure the safety of court personnel, litigants, attorneys, jurors and the general public in order that court matters may proceed without disruption, delay or any inappropriate influence; and

WHEREAS, the Court is obligated to minimize activities which unreasonably disrupt the orderly and peaceful conduct of court business in a neutral forum free of actual or perceived partiality, bias, prejudice or favoritism; to provide for the fair and orderly conduct of hearings and trials; to promote the free flow and access of court users on pedestrian pathways; and

WHEREAS, those having business with the courts must be able to enter and exit the Orange County Courthouse and those surrounding areas (the “Orange County Courthouse complex grounds”) freely, in a safe and orderly fashion and unhindered by threats, confrontation, interference or harassment; and

WHEREAS, in recent months there have been frequent observations of obstruction of ingress and egress between and into the buildings of the Orange County Courthouse complex grounds; and

WHEREAS, “[w]ithout security the public’s confidence in the integrity of the judicial system is threatened. The proper administration of justice requires that courts operate in a safe and secure environment. When society views the security of the court system with skepticism, the authority of the judicial branch is diminished.” *Verlo v. Martinez*, 262 F. Supp. 3d 1113,

1121 (D. Colo. 2017) (citing *Bd. of Cnty. Comm'rs of Weld Cty. v. Nineteenth Judicial Dist.*, 895 P.2d 545, 548-49 (Colo. 1995)); and

WHEREAS, courthouse grounds, and those areas around courthouse entrances, are a nonpublic forum. *Verlo v. Martinez*, 262 F. Supp. 3d 1113, 1149-50 (D. Colo. 2017); *Schmidter v. State*, 103 So. 3d 263 (Fla. 5th DCA 2012) (and cases cited therein); and

WHEREAS, “[t]he State, no less than a private owner of property, has power to preserve the property under its control for the use to which it is lawfully dedicated.” *Adderley v. State of Florida*, 385 U.S. 39, 47 (1967); and

WHEREAS, “[t]he First Amendment does not guarantee access to property simply because it is owned or controlled by the government.” *United States Postal Serv. v. Greenburgh Civic Ass’n*, 453 U.S. 114, 129 (1981); and

WHEREAS, “[i]n such places, the government’s ability to permissibly restrict expressive conduct is very limited: the government may enforce reasonable time, place and manner regulations as long as the restrictions are ‘content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication.’” *United States v. Grace*, 461 U.S. 171, 177 (1983) (quoting *Perry Educ. Ass’n v. Perry Local Educator’s Ass’n*, 460 U.S. 37, 45 (1983)); and

WHEREAS, it is of the utmost importance for the Court to provide free and clear ingress and egress to all entering and leaving the courthouse grounds. *See, e.g., Cameron v. Johnson*, 390 U.S. 611, 621-32 (1968) (upholding ordinance making it unlawful to engage in picketing or mass demonstrations “in such a manner as to obstruct or unreasonably interfere with free ingress or egress” to public buildings); *Cox v. Louisiana*, 379 U.S. 536, 554-55 (1965) (holding that right of free speech and assembly does not include right to block access to buildings); and

WHEREAS, the Court's duty to ensure the safe and orderly use of all facilities of the Ninth Judicial Circuit Court, including unfettered ingress and egress between and into the buildings, demands that reasonable standards must be in place to ensure the courthouse's essential functions:

NOW, THEREFORE, I, Donald A. Myers, Jr., in order to facilitate the efficient and timely disposition of judicial business and promote and maintain the safety and security of all employees and visitors to the courthouse, and 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** that, **effective immediately**, unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. Those persons, either individually or en masse, wishing to protest, demonstrate or solicit employees or others must comply with the following conditions, except as otherwise expressly provided by the Chief Judge or designee.
2. Such protest, demonstration or solicitation of employees and others will only be allowed to exist outside Orange County Courthouse complex buildings.
3. Such protest, demonstration or solicitation of employees or others shall not occur on the Orange County Courthouse complex grounds in any area highlighted in blue on the map attached hereto as "Exhibit A."

Those highlighted areas include all pedestrian pathways leading to all entrances and exits to the courthouse, the courthouse parking garage and all entrances and exits to both the State Attorney's Office building and the Public Defender's Office building.

4. Such protest, demonstration or solicitation of employees or others occurring outside the highlighted areas shall not impede any pedestrian traffic nor block any ingress or egress of any structure located on the Orange County Courthouse complex grounds, including the parking garage and the State Attorney Office building and Public Defender Office building.

5. If anyone who is within the Orange County Courthouse complex grounds, as described herein, is observed to be violating this Order, the Orange County Sheriff's Office or any other law enforcement agency, shall give a copy of this Order and advise that person of the provisions contained within this Order. Further, law enforcement shall instruct anyone violating the provisions of this Order to cease and desist immediately.

6. 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, may face contempt of court proceedings. If found to be in contempt of court, penalties include confinement, fine or both.

7. This Order is independent of any municipal code or county ordinance or policy concerning the conduct, licensing or permitting of any such activity.

DONE AND ORDERED at Orlando, Florida, this 24th day of September, 2019.

_____/s/_____
Donald A. Myers, 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>

“Exhibit A”

