

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. 2010-33
(Vacates and rescinds Administrative Order No. 2008-29)**

IN RE: ADA

AMERICAN WITH DISABILITIES ACT OF 1990

WHEREAS, the Americans with Disabilities Act of 1990 (ADA) requires that reasonable accommodations be provided to requesting qualified persons with disabilities in order that they might participate fully in court programs, services, activities and benefits; and

WHEREAS, it is the intent of the First Judicial Circuit to facilitate provisions for reasonable accommodations when requested by qualified persons with disabilities, and

WHEREAS, Rule of Judicial Administration 2.540, “Notices to Persons with Disabilities” as amended, “Request for Accommodations by Persons with Disabilities,” sets forth with specificity actionable direction in order to better guide the Florida courts and members of the public as to their rights and obligations under the Americans with Disabilities Act of 1990 (ADA) while also intended to promote uniformity in the provision of accommodations to individuals with disabilities.

WHEREAS, Title II of the Americans with Disabilities Act of 1990 (ADA) requires that a grievance procedure be implemented for each public entity; and

WHEREAS, the Americans with Disabilities Act of 1990 (ADA) requires that a person be designated to oversee Title II to assure compliance, it is hereby

ORDERED AND ADJUDGED that:

1. Pursuant to Rule 2.540(a), Duties of Court: Qualified individuals with a disability will be provided, at the court’s expense, with accommodations, reasonable modifications to rules, policies or practices, or the provision of auxiliary aids and services, in order to participate in programs or activities provided by the courts of this state. The Court may deny a request only in accordance with subdivision (e). Pursuant to Rule 2.540(b) Definitions, The definitions encompassed in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq., are incorporated.

2. Notice Requirement pursuant to Rule 2.540(c): All notices of court proceedings to be held in a public facility, and all process compelling appearance at such proceedings, shall include the following statement in bold face, 14-point Times New Roman or Courier font:

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact:

**Shelia Sims
190 Governmental Center, 5th Floor
Pensacola, FL 32502
(850) 595-4400**

at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”

3. The procedure for obtaining an accommodation, as well as the grievance procedure adopted by the First Judicial Circuit, are posted on the court’s website at: www.firstjudicialcircuit.org, as well as available through each Office of Court Administration, Court Program or Judicial Office of the First Circuit. Those procedures may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Florida State Court System. If such grievance involves a matter that may affect the orderly administration of justice, it is within the discretion of the presiding judge to stay the proceeding and seek expedited resolution of the grievance.

4. Requests for accommodations under this rule may be presented on the form provided on the website at: www.firstjudicialcircuit.org, in another written format or orally.

a. Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation and the duration that the accommodation is to be provided. The court, in its discretion, may require the individual with a disability to provide additional information about the impairment. Requests for accommodation shall not include any information regarding the merits of the case.

b. Requests must be forwarded to the ADA Coordinator, or designee, within the 7-day time frame. The court may, in its discretion, waive the 7-day time frame requirement.

5. Response to Accommodation Request: The court shall respond to a request for accommodation as follows:

a. The court shall consider, but is not limited by, the provisions of the Americans with Disabilities Act of 1990 in determining whether to provide an accommodation or an appropriate alternative accommodation.

b. The court shall inform the individual with a disability of the following:

(1) That the request for accommodation is granted or denied, in whole or in part, and if the request for accommodation is denied, the reason therefor; or that an alternative accommodation is granted;

(2) The nature of the accommodation to be provided, if any; and

(3) The duration of the accommodation to be provided.

If the request for accommodation is granted in its entirety, the court shall respond to the individual with a disability by any appropriate method. If the request is denied or granted only in part, or if an alternative accommodation is granted, the court must respond to the individual with a disability in writing, as may be appropriate, and if applicable, in an alternative format.

(4) If the court determines that a person is a qualified person with a disability and an accommodation is needed, a request for accommodation may be denied only when the court determines that the requested accommodation would create an undue financial or administrative burden on the court or would fundamentally alter the nature of the service, program or activity.

6. That the attached Designation of Responsible Person and Internal Grievance Procedure with Statement of Grievance form is the official accounting of the internal grievance procedures for the First Judicial Circuit and that Shelia Sims, Chief Deputy Court Administrator, is designated as the ADA Coordinator for the First Judicial Circuit until further order of this court.

DONE AND ORDERED at Pensacola, Escambia County, Florida, this 16th day of July, 2010.

Signed by: Terry D. Terrell, Chief Judge

Copies to:

All Judges, First Judicial Circuit
All Clerks of Court, First Judicial Circuit
William Eddins, State Attorney
James Owens, Public Defender
Robin Wright, Trial Court Administrator
All Court Program Managers, First Judicial Circuit
All Law Enforcement Agencies, First Judicial Circuit
State and County Probation, First Judicial Circuit
Escambia-Santa Rosa Bar Association (for distribution)
Okaloosa-Walton Bar Association (for distribution)

THIS ADMINISTRATIVE ORDER IS ACCOMPANIED BY ATTACHMENTS THAT ARE NOT COMPATIBLE WITH SCREEN READERS. IF YOU WISH TO OBTAIN A COPY OF THE ATTACHMENTS TO THIS ADMINISTRATIVE ORDER, PLEASE CONTACT COURT ADMINISTRATION AT 850-595-4400.