IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 1.15

# AMERICANS WITH DISABILITIES ACT: GRIEVANCE PROCEDURES AND COURT NOTICES

**In order to provide** for the requirements of the Eighth Judicial Circuit with regard to access to the court by persons with disabilities; and

**Whereas,** Federal Regulations implementing the Americans With Disabilities Act of 1990 ("ADA") requires public entities with 50 or more employees to designate a responsible employee and adopt grievance procedures providing for prompt and equitable resolution of complaints alleging noncompliance or complaints alleging any actions that would be prohibited under Title II of the ADA, see 28 CFR section 35.107; and

**Whereas,** the ADA requires that reasonable accommodations be provided to 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 Eighth Judicial Circuit to comply fully with the ADA; to assure equity, fairness, and full participation in the judicial system for persons with disabilities; to establish a mechanism for resolving complaints without requiring the complainant to resort to federal complaint procedures; to maintain communications at each step of the grievance process; and to use alternative dispute resolution techniques whenever necessary; and to facilitate the provision of reasonable accommodations when requested by qualified persons with disabilities; it is therefore

**ORDERED:**

## I. DESIGNATION OF RESPONSIBLE PERSON

The responsible person for the Eighth Judicial Circuit shall be known as the ADA Coordinator and is:

ADA Coordinator, Human Resource Manager
Alachua County Courthouse, Room 410
201 E University Ave, Gainesville, FL 32601
(352) 337-6237

## II. ACCOMODATION REQUEST

1. Requests for accommodations may be presented on a form approved by, or substantially similar to one approved by, the Office of the State Courts Administrator; in another written format; or, orally. Requests must be forwarded to the ADA coordinator, or designee, within 7 days before the scheduled court appearance, or immediately upon receiving notification if the time before the scheduled court appearance is less than 7 days.

2. Requests for accommodations must include: (1) a description of the accommodation sought; (2) a statement of the impairment that necessitates the accommodation; and, (3) the duration that the accommodation is to be provided. The court, in its discretion, may require the individual with the disability to provide additional information about the impairment.

3. Requests for accommodation shall not include any information regarding the merits of the case.

4. Upon consideration of the request, the individual with a disability shall be informed of the following:

   (a) That the request for accommodation has been granted or denied, in whole or in part, and if the request for accommodation has been denied, the reason why it was denied; or that an alternative accommodation was granted;

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

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

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

## III. GRIEVANCES

A complainant shall use the recommended Statement of Grievance on file with the Court Administrator's Office. If the complainant cannot write, then staff will assist the complainant in filling out the form. The Statement of Grievance form shall contain the following minimum information:

1. Name, address, and telephone number of the complainant on whose behalf the complaint is being made,
2. The court facility in which the violation is alleged to have occurred,
3. A complete statement of the grievance and the facts upon which it is based,
4. The desired remedy or solution requested, and
5. The names of any witnesses who can provide supportive or related information.

## IV. GRIEVANCE PROCEDURE

1. Complaints shall be filed with the ADA Coordinator no later than one hundred eighty (180) days from the date of the alleged violation. The filing deadline may be extended upon a showing of good cause.
2. The ADA coordinator will determine which function of the court is at issue: facilities, programs, services, benefits, or activities.
3. The ADA Coordinator will notify the Chief Judge, the Court Administrator, and the county government of the complaint as soon as practical.
4. A team consisting of at least three (3) people shall address the complaint. This team shall consist, at a minimum, of a judge, the ADA coordinator, and an independent party not employed by the court. A person who is charged in the complaint with alleged discriminatory conduct shall not be a member of the team.
5. The team shall consult representatives from county government entities in the resolution of the grievance when the complaint involves a court facility, program, service, benefit, or activity that is under the authority or is provided by county government.

6. The team, or a member of the team, will review the complaint with the complainant. The team, or a member of the team, will interview witnesses who can provide supportive or relevant information and complete the fact finding process.

7. The team, or a member of the team, shall determine the legal sufficiency of the complaint. In making this determination, the team shall consider a consultation with the Office of the State Courts Administrator, Department of Legal Affairs and Education.

8. If a complaint is legally deficient, the grievance process shall be brought to a close immediately. If a complaint is legally sufficient, the team will establish a course of action to resolve the grievance.

9. To the extent necessary, the court may make reasonable modifications to its programs, services, benefits, and activities in order to ensure future compliance with the ADA.

10. When appropriate, and to the extent necessary, the court may work with county government to make reasonable modifications to court facilities, programs, services, benefits, and activities that are under the authority of, or provided by, county government to ensure future compliance with the ADA.

11. The court may invoke the course of action described in the regulations implementing the ADA (28 CFR sec.35.164) when modifications would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

12. The ADA Coordinator shall communicate the results of the investigation and the chosen course of action to the complainant not later than thirty (30) working days from the date the complaint is filed.

13. A record of the grievance shall be maintained for three (3) years. The record shall be located with the ADA Coordinator.

## V. COMMUNICATIONS NOTICING COURT PROCEEDINGS

1. All communications which provide notice of court proceedings shall include the following statement in bold face, 14-point Times New Roman or Courier Font:

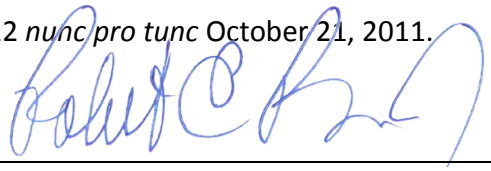
**"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Alachua County Courthouse, 201 East University Ave., Gainesville, FL 32601 at (352) 337-6237 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."**

2. All new notices of court proceedings and all computer-generated forms that need to be altered shall comply with this order.

This order revises and supersedes Administrative Order No. 1.595(A), entered June 17, 2010.

This order renumbers and reformats prior Administrative Order No. 1.595(B) entitled "Americans With Disabilities Act Grievance Procedure and Court Notices."

**ORDERED ON** this 5th day of October, 2012 *nunc pro tunc* October 21, 2011.



Robert E. Roundtree, Jr., Chief Judge