

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL, NASSAU AND CLAY COUNTIES, FLORIDA**

SECOND AMENDED ADMINISTRATIVE ORDER NO. 93-2

**RE: AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED
ACCOMMODATIONS - REQUESTS & GRIEVANCE PROCEDURES**

WHEREAS, the Americans with Disabilities Act (ADA) of 1990, as amended, requires that the Court's programs, services and activities be readily accessible to individuals with disabilities;

WHEREAS, Administrative Order No. 93-2 was entered on February 8, 1993, with the intent to provide reasonable accommodations where feasible, to allow ready access to the Court's programs, services and activities to individuals with disabilities;

WHEREAS, the first Amended Administrative Order No. 93-2 was entered on March 6, 1997 to revise language used in the notice provision of Administrative Order No. 93-2 regarding all communications that provide notice of court proceedings or activities such as jury summons, court appearances, depositions, etc.;

WHEREAS, the Florida Supreme Court issued an Order on May 20, 2010, amending Rule 2.540(c)(1) and requiring that notices of court proceedings include certain language with a particular font size, thus necessitating a revision to the first Amended Administrative Order No. 93-2; and

WHEREAS, Rule 2.540, as amended, further provides that each court "shall post on its respective website and in each court facility the procedures for obtaining an accommodation as well as the grievance procedure adopted by that court."

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth

Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

1. That, in accordance with the Americans with Disabilities Act (ADA) of 1990, as amended, and pursuant to Rule 2.540, as amended by the Florida Supreme Court on May 20, 2010, the Court's programs, services and activities are to be readily accessible to all individuals with disabilities who timely request reasonable accommodations; nevertheless, even if the requests for ADA accommodations are untimely, the Court, through its ADA Coordinator or designee, will attempt to grant reasonable requests for accommodations if at all possible, to the best of its ability, given the limited resources and time restrictions in light of the minimum advance notice provided.

2. That, pursuant to Rule 2.540, as amended by the Florida Supreme Court on May 20, 2010, "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:

(a) For all notices compelling appearance at: (i) the Duval County Courthouse; (ii) the Beach Boulevard Facility; and (iii) the Clay County Courthouse, the language shall state:

"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 at (904) 630-2564 or crtintrap@coj.net, 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."

(b) For all notices compelling appearance at either Courthouse in Nassau County, the language shall state:

"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 at (904)548-4600 (then press 0) 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. That the phone numbers listed in the notices above are subject to change.

4. That pursuant to Rule 2.540(c)(2), as amended, the Fourth Judicial Circuit will post on its website (currently www.coj.net/Departments/Fourth+Judicial+Circuit+Court/default.htm) the means for requesting an accommodation as well as the locations in all three counties for obtaining and submitting an ADA Grievance Form and grievance procedures adopted by the Fourth Judicial Circuit. The website will also post the ADA Accommodation Request Form and the ADA Grievance Form in a format that has been approved by the Office of the State Courts Administrator.

5. That, to ensure that the critical information is disseminated to the public appropriately by Court personnel pursuant to Rule 2.540(c)(2), as amended, the Fourth Judicial Circuit will distribute an ADA Information Sheet indicating where to request accommodations and where to obtain an ADA Grievance Form at each court facility. The ADA Information Sheet will be provided to: all of the Judicial Assistants, all Bailiffs, the receptionist at Court Administration in the Duval County Courthouse, and all appropriate locations in the Beach Boulevard Facility, the Clay County Courthouse, and the Nassau County Courthouses.

6. That pursuant to Rule 2.540(c)(2), as amended, the Fourth Judicial Circuit will post signs throughout each court facility that provides court functions in all three counties to clearly indicate the location, phone number, and e-mail address for requesting an accommodation and reporting an ADA grievance.

7. That, pursuant to Rule 2.540(d)(2), as amended, "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."

8. That the Fourth Judicial Circuit will respond to requests for accommodations in accordance with Rule 2.540, as amended and the Americans with Disabilities Act of 1990.

9. That, according to Rule 2.540(e)(2) as amended, if the request for an accommodation “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” and provide the reason(s) for the denial in writing. If any part of the request for accommodation is denied, the ADA Coordinator, Court Counsel, a Judicial Staff Attorney, the Court Administrator or a designee of any of the above, must prepare the written response.

10. That pursuant to Rule 2.540(e)(3), as amended, “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:

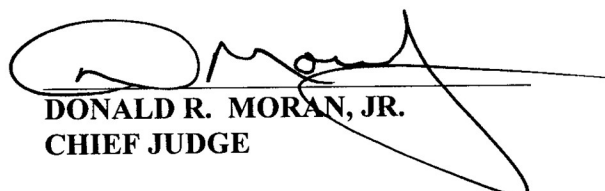
- would create an undue financial or administrative burden on the Court or
- would fundamentally alter the nature of the service, program or activity.

11. That all other Administrative Orders, including Amended Administrative Order No. 93-2 addressing the same subject matter are hereby vacated and superseded.

12. That this Second Amended Administrative Order No. 93-2 shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, shall take effect immediately, and shall remain in full force and effect unless and until otherwise ordered by this Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this

1 day of July, 2010.


DONALD R. MORAN, JR.
CHIEF JUDGE

cc: All Judges in the Fourth Circuit Court, in Duval County
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable William A. Wilkes, Administrative Judge, Clay County
All Magistrates in the Fourth Circuit
All Child Support Hearing Officers in the Fourth Circuit
The Honorable Matthew A. Shirk, Esq., Public Defender
The Honorable Angela B. Corey, Esq., State Attorney
The Honorable Jim Fuller, Clerk of the Circuit Court, Duval County
The Honorable James B. Jett, Clerk of the Circuit Court, Clay County
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
The Honorable Rick Mullaney, General Counsel
Steve Johnroe, Director, Court Operations, Duval County Clerk's Office
Betty Brown, Assistant to the Clerk, Duval County Clerk's Office
Henry P. Phelps, III, Child Support Enf. Service Center Manager, Dept. of Revenue
Patricia Clark, Child Support Enforcement Regional Manager, Dept. of Revenue
Lisa Steely, Managing Attorney, Circuit for Children's Legal Services, DCF
George Beckwith, Regional Counsel, Director for Children's Legal Services, DCF
David Tucker, N.E. Regional Legal Counsel, DCF
Michael Figgins, Director JALA
Director Colleen Reardon, Correctional Services, The Salvation Army
Joseph Stelma, Fourth Judicial Circuit Trial Court Administrator
Mia Heiney, Chief Deputy Court Administrator
Carole Jones, Family Court Manager, Fourth Circuit
James Gardner, Director, Alternative Dispute Resolution
Caroline C. Emery, Court Counsel
The Jacksonville Bar Association
Nassau County Bar Association
Clay County Bar Association
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit