

FILED

MAY 15 2017

R. W. Fussell
CLERK CIRCUIT COURT

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

THIRD AMENDED ADMINISTRATIVE ORDER NO. 1993-02

**RE: AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED
ACCOMODATIONS – REQUESTS AND GREIVANCE 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, and 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 Second Amended Administrative Order No. 93-2 was entered on July 6, 2010, to comply with amendments made to Florida Rule of Judicial Administration 2.540 by the Florida Supreme Court;

WHEREAS since the entry of the Second Amended Administrative Order No. 93-2, the Duval County Courthouse has relocated to 501 West Adams Street, thus necessitating a revision to the contact information contained in the Second Amended Administrative Order No. 93-2; and

WHEREAS the Florida Supreme Court in Florida Rule of Judicial Administration 2.540 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 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, 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 a request for ADA accommodations is 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 “[a]ll 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 at: (i) the Duval County Courthouse; (ii) First Appearance Court in Duval County; 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)255-1695 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 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 above are subject to change.
4. That pursuant to Rule 2.540(c)(2), the Fourth Judicial Circuit will post on its website (currently www.jud4.org) the means for requesting an accommodation as well as the locations in all three counties for obtaining and submitting an ADA Statement of Grievance Form and grievance procedures adopted by the Fourth Judicial Circuit. The website will also post the ADA Accommodation Request Form and the ADA

Statement of Grievance Form in a format that has been approved by the Office of the State Courts Administrator.

5. That, to insure that the critical information is disseminated to the public appropriately by Court personnel pursuant to Rule 2.540(c)(2), the Fourth Judicial Circuit will distribute an ADA Information Sheet indicating where to request accommodations and where to obtain an ADA Statement of Grievance Form at each court facility. The ADA Information Sheet will be provided to all judicial assistants, all bailiffs, the receptionist at Court Administration in the Duval County Courthouse, and all appropriate locations in First Appearance Court in Duval County, the Clay County Courthouse, and the Nassau County Courthouses.
6. That pursuant to Rule 2.540(c)(2), 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), "[r]equests 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 and the Americans with Disabilities Act of 1990.
9. That, according to Rule 2.540(e)(2), 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), "[i]f 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 the Second Amended Administrative Order No. 93-2, addressing the same subject matter are hereby vacated and superseded.

12. This this Third Amended Administrative Order No. 1993-02 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 until further order of this Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 15 day of May, 2017.


MARK H. MAHON
CHIEF JUDGE

cc: All Judges in the Fourth Judicial Circuit
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable John H. Skinner, Administrative Judge, Clay County
All Magistrates in the Fourth Judicial Circuit
The Honorable Ronnie Fussell, Clerk of Courts, Duval County
The Honorable John A. Crawford, Clerk of Courts, Nassau County
The Honorable Tara S. Green, Clerk of Courts, Clay County
The Honorable Charles G. Cofer, Esq., Public Defender
The Honorable Melissa W. Nelson, Esq., State Attorney
The Honorable Jason R. Gabriel, Esq., General Counsel
The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office
The Honorable Darryl Daniels, Sheriff, Clay County Sheriff's Office
The Honorable Bill Leeper, Sheriff, Nassau County Sheriff's Office
Joseph G. Stelma, Fourth Judicial Circuit Trial Court Administrator
Eve Janocko, Chief Deputy Trial Court Administrator
Melissa Shelton, ADA Coordinator, Duval County Courthouse
Jim Kowalski, Esq., Executive Director JALA
James Gardner, Director of Alternative Dispute Resolutions
Charles Bishop, Family Court Manager, Fourth Circuit
Julie K. Taylor, Court Counsel
Stephen Siegel, Esq., Office of the State Attorney
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit
The Jacksonville Bar Association
Nassau County Bar Association
Clay County Bar Association

**STATE OF FLORIDA
DUVAL COUNTY**

I, UNDERSIGNED Clerk of the Circuit & County Courts, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing, consisting of 4 pages, is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit & County Courts of Duval County, Florida.

WITNESS my hand and seal of Clerk of Circuit & County Courts at Jacksonville, Florida, this the 15 day of May A.D., 2017.

RONNIE FUSSELL

Clerk, Circuit and County Courts
Duval County, Florida

By 
Deputy Clerk