

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR  
SARASOTA, MANATEE, AND DESOTO COUNTIES**

**Administrative Order: 2010-13.2  
(Rescinding and Superseding  
Administrative Orders 95-01.1 and 2003-09.1)**

**IN RE: AMERICANS WITH DISABILITIES ACT OF 1990**

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

**WHEREAS**, it is the intent of the Twelfth Judicial Circuit to comply fully with the ADA, to assure equity, fairness, and full participation in the judicial system for persons with disabilities, and to facilitate provision of reasonable accommodations when requested by qualified persons with disabilities; and

**WHEREAS**, Florida Rule of Judicial Administration 2.540, “Requests for Accommodations by Persons with Disabilities,” outlines the rights and obligations afforded to members of the public by the Florida courts under the ADA;

It is **ORDERED AND ADJUDGED** that, in accordance with the ADA and Fla. R. Jud. Admin. 2.540, the Circuit adopts the following procedures to be followed for requests for accommodations and for grievances under the ADA.

**DEFINITIONS**

As used in this Administrative Order, the following terms are defined as follows.

1. **Americans with Disabilities Act (“ADA”).** Public Law 101-336, the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.
2. **ADA Coordinator.** Same as “Responsible Employee.”
3. **Court Administration.** The administrative office of the Twelfth Judicial Circuit, Sarasota, Manatee, and DeSoto Counties.
4. **Disability or Persons with Disabilities.** With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment as defined in Public Law 101-336 and 28 C.F.R. § 35.104.
5. **Grievance.** A formal complaint made by a person, or on behalf of a person, alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits.

6. **Legal Counsel.** The Court's own legal counsel, who is an employee of Court Administration for the Twelfth Judicial Circuit.
7. **Responsible Employee.** An employee designated to coordinate a public entity's efforts to comply with and carry out its responsibilities under Title II of the ADA. These responsibilities include any investigation and/or follow through of any complaint alleging noncompliance or alleging any actions that would be prohibited by Title II of the ADA.
8. **State Courts System.** All Florida courts at both appellate and trial levels.
9. **Title II.** The second section of the ADA that prohibits discrimination on the basis of disability in state and local government services.

### NOTICES

The Clerk of Court in each county has been designated as the initial contact for ADA-related matters and shall screen calls, handle the request if it pertains to a function of the Clerk's office, or obtain pertinent information in order to forward the request to the appropriate office. The Clerks of the Courts for Sarasota, Manatee and DeSoto counties may refuse to issue any document prepared by counsel that does not contain the appropriate language required under the provisions of this Administrative Order.

All notices of court proceedings to be held in a public facility and all process compelling appearance at such proceedings (*e.g.*, subpoenas for trial, jury summonses, notices of hearing, notices for depositions, etc.) shall contain the following language:

#### **A. Sarasota County**

"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 Sarasota County Jury Office, P.O. Box 3079, Sarasota, Florida 34230-3079, (941)861-7400, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."

#### **B. Manatee County**

"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 Manatee County Jury Office, P.O. Box 25400, Bradenton, Florida 34206, (941)741-4062, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."

#### **C. DeSoto County**

"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 DeSoto County Clerk's Office, 115 East Oak Street, Arcadia, Florida 34266, (863)993-4876, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."

### **REQUESTS FOR ACCOMMODATION**

All requests for obtaining an accommodation must be made in accordance with the following procedures:

1. The request must be presented either (1) on the circuit's ADA Accommodation Request Form,<sup>1</sup> (2) in another written format, or (3) orally.
2. The request must include a description of the accommodation sought, along with a statement identifying the impairment that necessitates the accommodation, and the duration that the accommodation is to be provided.
  - a. The Court, in its discretion, may require the individual requesting the accommodation to provide additional information about the impairment.
  - b. Requests shall not include any information regarding the merits of the case.
3. The request must be forwarded to the ADA coordinator, or designee, at least 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. The Court may, in its discretion, waive this requirement.

The ADA Coordinator for the Twelfth Judicial Circuit is:

William P. Price  
ADA Coordinator  
Twelfth Judicial Circuit  
Administrative Office of the Courts  
2002 Ringling Blvd., 8<sup>th</sup> Floor  
Sarasota, Florida 34237  
(941)861-7811

Or such other person as the chief judge may appoint, whose contact information shall be posted on the circuit website, [www.jud12.flcourts.org](http://www.jud12.flcourts.org).

The ADA Coordinator will forward the request to, and work with, the appropriate judge.

4. In determining whether to provide an accommodation or an appropriate alternative accommodation, the provisions of the ADA of 1990 will be considered.

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<sup>1</sup> The ADA Accommodation Request Form is available on the Twelfth Circuit's website ([www.jud12.flcourts.org](http://www.jud12.flcourts.org)), or by contacting the office of the Trial Court Administrator at (941)861-7800.

5. The person requesting the accommodation will be informed:
  - a. That the request for accommodation is granted or denied, in whole or in part, or that an alternative accommodation is granted;
  - b. If the request for accommodation is denied, the reason therefore must be stated;
  - c. The nature of the accommodation to be provided, if any;
  - d. The duration of the accommodation to be provided.
6. If the request is granted in its entirety, the individual may be notified by any appropriate method. However, if the request is denied or granted only in part, or if an alternative accommodation is granted, the individual must be notified in writing, as may be appropriate, and if applicable, in an alternative format.
7. If a person is determined to be a qualified person with a disability and an accommodation is needed, a request for accommodation may be denied only when it is determined 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.

### **GRIEVANCES**

The following procedures are adopted for any grievance relating to a request for accommodation. The purpose of this procedure is to establish a mechanism for resolving complaints without requiring the complainant to resort to federal complaint procedures. However, complainants would not be required to exhaust this grievance procedure before filing a complaint at the federal level.

These 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.

1. A complaint shall contain the following minimum information:
  - a. Name, address, and telephone number of the complainant on whose behalf the complaint is being made;
  - b. The court facility in which the violation is alleged to have occurred;
  - c. A complete statement of the grievance and the facts upon which it is based;
  - d. The desired remedy or solution requested;
  - e. The name and contact information of any witness who can provide supportive or relevant information.

A grievance form is available on the Twelfth Circuit's website ([www.jud12.flcourts.org](http://www.jud12.flcourts.org)), or by contacting the office of the Trial Court Administrator at (941)861-7800.

2. The complaint must be filed with the ADA Coordinator no later than one hundred eighty (180) days from the date of the alleged violation. However, the filing deadline may be extended upon a showing of good cause.
3. Upon receipt of the complaint:
  - a. The ADA Coordinator will determine which function(s) of the court is at issue: facilities, programs, services, benefits, or activities.
  - b. The ADA Coordinator will notify the Chief Judge and the Court Administrator of the complaint. If the complaint involves a court facility, program, service, benefit, or activity that is under the authority or provided by another administrative agency, the ADA coordinator shall also notify the involved agency head.
  - c. A team consisting of at least three (3) people, one of which must be the ADA coordinator and one of which must be the court's legal counsel, shall address the complaint. Individual(s) who are charged in the complaint with alleged discriminatory conduct shall not be a member of the team.
  - d. The team will involve representatives from county government entities in the resolution of the complaint when the complaint involves a court facility, program, service, benefit, or activity that is under the authority or provided by county government.
4. The team shall investigate the facts, which shall include:
  - a. The team, or a member of the team, will review the complaint with the complainant.
  - b. The team, or a member of the team, will interview witnesses who can provide supportive or relevant information and complete the fact-finding.
  - c. Although the complainant may have previously requested that their identity be confidential, confidentiality may not be possible during an investigation. The team will, however, make every effort to honor the confidentiality request.
5. The Court's legal counsel shall determine the legal sufficiency of the complaint.
  - a. If a complaint is legally deficient, the complaint shall immediately be brought to closure.
  - b. If a complaint is legally sufficient, the team will establish a course of action to resolve the complaint.
  - c. To the extent necessary, the court will make reasonable modifications to its programs, services, benefits and activities to ensure future compliance with the ADA.
    1. When appropriate, and to the extent necessary, the Court will work with county government to make reasonable modifications to court facilities, programs, services, benefits, and activities that are under the authority or provided by county government to ensure future compliance with the ADA.
    2. The Court may invoke the course of action described in the regulations implementing the ADA (28 C.F.R. § 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.

6. 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 was filed, or as soon as reasonably practicable under the circumstances.
  - a. In instances where a grievance against the Judicial Circuit is filed via the ADA coordinator of the State Courts System, the Twelfth Circuit's ADA Coordinator shall also communicate the results of the investigation and the chosen course of action to the ADA coordinator of the State Courts System not later than thirty (30) working days from the date the complaint was filed.
7. If the 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.
8. A record of the grievance shall be maintained for three (3) years; the record shall be located with the ADA Coordinator.

**DONE AND ORDERED** in Chambers, Sarasota, Sarasota County, Florida on this 20th day of July, 2010.

**Original Signed and filed with Clerk of Court**  
**LEE E. HAWORTH, CHIEF JUDGE**  
**TWELFTH JUDICIAL CIRCUIT**

Original: Clerk of Court, Sarasota County

Copies to: Clerk of Court, Manatee and DeSoto Counties  
Court Administrator, Twelfth Judicial Circuit  
ADA Coordinator, Twelfth Judicial Circuit