

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 18-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 18-08**

**(Rescinding Administrative
Orders No. 10-01 and 10-01 A2)**

**IN RE: AMERICANS WITH
DISABILITIES ACT OF 1990-
DESIGNATION OF ADA
COORDINATOR, RE-ESTABLISHING
NOTICE AND REQUEST FOR
REASONABLE ACCOMMODATIONS
REQUIREMENTS AND RE-ADOPTION
OF GRIEVANCE PROCEDURE**

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

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

WHEREAS, Rule 2.540, Florida Rules of Judicial Administration, sets forth language that shall be on all communications noticing court proceedings; and

WHEREAS, Title II of the ADA ("Title II") requires that a grievance procedure be implemented for each public entity with 50 or more employees; and

WHEREAS, the ADA requires such public entity to designate a responsible person to carry out its responsibilities by ensuring the prompt and equitable resolution of complaints alleging noncompliance or complaints alleging any actions that would be prohibited under Title II;

WHEREAS, the name and location of the Eleventh Judicial Circuit's ADA Coordinator has changed;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED**:

1. **Designation of Responsible Person** - In accordance with the Americans with Disabilities Act of 1990, there shall be an employee of the Eleventh Judicial Circuit designated to serve as the ADA Coordinator for the Circuit. The ADA Coordinator for this Circuit shall be Aliean Simpkins, until further order of the Court.

2. **Notices to Persons with Disabilities**

(a) All juror summonses compelling appearance of prospective and/or impaneled jurors 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 Clerk Of Courts ADA Coordinator, Bibiana Candame, Dade County Courthouse, 73 W. Flagler Street, Room 200, Miami, Florida 33130, Telephone (305) 349-7202, Email COCJURYADA@MIAMIDADE.GOV 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) All other 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 Aliean Simpkins, the Eleventh Judicial Circuit's ADA Coordinator at Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, Florida 33128; Telephone (305) 349-7175; TDD (305) 349-7174; Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, 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."

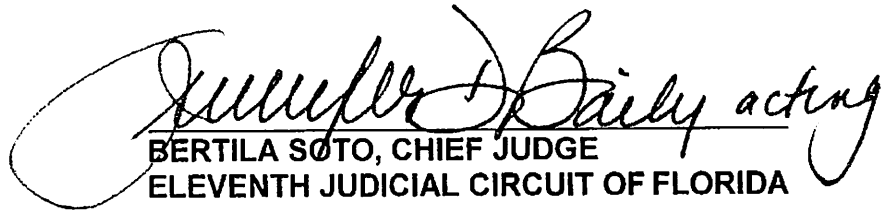
3. **Other Requests for Reasonable Accommodations** - In addition to participation in a court proceeding, should a person with a disability who needs a reasonable accommodation wish to participate in any court program, service, activity or benefit, such person must contact the ADA Coordinator in the manner set forth in paragraph 2 herein within seven (7) working days of the program, service, activity or benefit, or as soon as possible upon receiving notice of the service, activity or benefit.

4. **Re-adoption of Internal Grievance Procedure** - The Americans with Disabilities Act of 1990 Designation of Responsible Person and Internal Grievance Procedure for the Eleventh Judicial Circuit, attached hereto as

Attachment "A" is hereby re-adopted and shall remain in full force and effect until further order of the Court.

5. Administrative Orders No. 10-01 and 10-01 A2 are hereby rescinded in their entirety and held for naught.
6. This Administrative Order shall take effect upon execution and shall remain in full force and effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 25 day of October 2018.


BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

Attachment A

Americans with Disabilities Act of 1990

Designation of Responsible Person and Internal Grievance Procedure for the Eleventh Judicial Circuit

I. Authority

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. (28 C.F.R. §35.107)

II. Intent and Purpose

It is the intent of the Eleventh Judicial Circuit to fully comply with the ADA and to assure equity, fairness, and full participation in the judicial system for persons with disabilities.

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 they could file a complaint at the federal level.

It is the intent of the Eleventh Judicial Circuit that complainants be consulted and advised, and that communications be maintained, at each step of the grievance process. It is further the intent of the Eleventh Judicial Circuit to engage alternative dispute resolution techniques whenever necessary, and at any point in the grievance process.

III. Definitions

- A. *Americans with Disabilities Act (ADA)*—Public Law 101-336, the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability.
- B. *ADA Coordinator*—Same as "*Responsible Employee*."
- C. *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.
- D. *Grievance*—A formal complaint made by a person, or on behalf of a person, alleging that he or she has been subjected to unlawful discrimination, or inaccessibility to facilities, programs, services, benefits, or activities on the basis of a disability.

- E. *Office of the General Counsel*—An operational division of the Office of the State Courts Administrator, Supreme Court of Florida, Tallahassee.
- F. *Office of the State Courts Administrator (OSCA)*—The administrative office of the Supreme Court of Florida, Tallahassee, which serves as the liaison between the Supreme Court and other court entities and other branches of government.
- G. *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.
- H. *State Courts System*—All Florida courts at both appellate and trial levels.
- I. *Title II*—The second section of the ADA that prohibits discrimination on the basis of disability in state and local government services.

IV. Designation of Responsible Person

The ADA coordinator for the Eleventh Judicial Circuit is:

Aliean Simpkins
ADA Coordinator
Administrative Office of the Courts
Lawson E. Thomas Courthouse Center
175 NW First Ave., Suite 2400
(305)349-7351
E-mail: ADA@jud11.flcourts.org

V. Grievances

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 names of any witnesses who can provide supportive or relative information.

VI. Procedure for Grievances Relating to the Eleventh Judicial Circuit

A. Filing

- 1. Complaints must be filed with the ADA coordinator no later than one hundred eighty (180) days from the date of the alleged discrimination.
- 2. The filing deadline may be extended upon a show of good cause.

B. Assessment and Determination of Team Members

- 1. The ADA coordinator will determine which function(s) of the court is at issue: facilities, programs, services, benefits, or activities.
- 2. The ADA coordinator will notify the chief judge and the court administrator of the complaint.
- 3. A team consisting of the ADA coordinator, the administrator(s), and a member of the Office of the General 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.

C. Fact Finding

- 1. The team, or a member of the team, will review the complaint with the complainant.
- 2. The team, or a member of the team, will interview witnesses who can provide supportive or relative information and complete the fact finding.

D. Test of Legal Sufficiency

- 1. The team member representing the Office of the General Counsel will determine the legal sufficiency of the complaint.

E. Action

- 1. If a complaint is legally deficient, the complaint shall immediately be brought to closure.

2. If a complaint is legally sufficient, the team will establish a course of action to resolve the complaint.
3. To the extent necessary, the court will make reasonable modifications to its programs, services, benefits, and activities to ensure future compliance with the ADA.
4. 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.

F. Closure, Notification, and Records Retention

1. 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.
2. A record of the grievance shall be maintained for three (3) years; the record shall be located with the Office of the General Counsel.

Adopted in January, 1993

Modified in January, 2009 to ensure electronic accessibility and to reflect current contact information.

Modified in September, 2018 to update name and address of ADA Coordinator.

**Americans with Disabilities Act of 1990
Statement of Grievance**

Name of Individual Making the Complaint _____

Address _____

City _____

State _____

Zip _____

Day Telephone _____

Evening Telephone _____

Complete the following section if the complaint is being filed by a person other than the individual making the complaint:

Complaint Filed By _____

Title (if appropriate) _____

Firm (if appropriate) _____

Address _____

City _____

State _____

Zip _____

Day Telephone _____

Evening Telephone _____

This section is for court use only: -----

Date Filed _____ Time Filed _____

Complaint Taken By _____

Staff Person's Name

Complainant's Last Name _____

3. State the desired remedy or the solution requested

4. List those witnesses who can provide information that supports or is relevant to your complaint:

Witness _____

Address _____

City _____

State _____

Zip _____

Day Telephone _____

Evening Telephone _____

Witness _____

Address _____

City _____

State _____

Zip _____

Day Telephone _____

Evening Telephone _____