

# Florida Department of Transportation

## Title VI/Nondiscrimination Program

### Implementation Plan

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#### Introduction

Florida Department of Transportation (Department) is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). All Recipients of federal funding must comply with the requirements of [Title VI of the Civil Rights Act of 1964](#) and other nondiscrimination statutes, regulations and authorities. This Implementation Plan describes how the Department effectuate nondiscrimination in the delivery of its federally-assisted programs, services and activities. The Plan includes the structure of the Department's Title VI/Nondiscrimination program as well as the policies, procedures and practices the Department uses to comply with nondiscrimination requirements. The Plan is intended to be a living document, regularly monitored and updated by the Department to meaningfully reflect the program as it changes and grows. Anyone wishing to provide input into the Department's Title VI/Nondiscrimination Program Implementation Plan is encouraged to contact the Title VI/Nondiscrimination Program Coordinator, Jacqueline Paramore at [Jacqueline.paramore@dot.state.fl.us](mailto:Jacqueline.paramore@dot.state.fl.us) or 850-414-4753 or by writing to the Department's Equal Opportunity Office (EOO) at 605 Suwannee Street, MS 65, Tallahassee, Florida 32399.

#### I. Policy Statement

It is the policy of the Department to comply with all federal and state laws and regulations requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). The Department does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability or income. In addition, the Department complies with the [Florida Civil Rights Act of 1992](#), and does not permit discrimination on the basis of religion or family status in its programs, services or activities. The Department's Title VI/Nondiscrimination policy and ADA policy statements may be found at: <http://www.dot.state.fl.us/equalopportunityoffice/TitleVI/001-275-006.pdf> and <http://www.fdot.gov/designsupport/ada/Notice.shtm>. Those requiring information in alternative formats or in a language subject to the Department's Limited English Proficiency (LEP) Plan, should contact the Title VI/Nondiscrimination Coordinator<sup>1</sup>.

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<sup>1</sup> Las personas que requieran acomodaciones especiales bajo la Ley para las Personas con Impedimentos (Americans with Disabilities Act), conocida por sus siglas en inglés ADA, o las personas que requieran servicios de traducción (de forma gratuita) deben comunicarse con el Oficial de Derechos Civiles.

Andikape American with Disabilities Act (ADA) rekonèt yo ki bezwen sipò espesyal oswa moun ki bezwen tradiksyon pap peye anyen, yap Selman bezwen kontakte ofis dwa sivik la.

## II. Organization Structure

The Department expects that its staff, sub-recipients, consultants and contractors will abide by nondiscrimination requirements as an integral part of working for and with the Department. Moreover, the Department requires that discrimination in any form be reported to leadership or other appropriate officials. The following chart describes the Department's organizational structure for the Title VI/Nondiscrimination Program.

Position	Title VI/Nondiscrimination Responsibility
<b>Secretary of Transportation</b>	<p>The Department Secretary is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and has directed that nondiscrimination is required in all Department programs and services. The Secretary provides leadership, guidance, direction and support for the Department's Title VI/Nondiscrimination Program. Pursuant to 23 CFR 200.9 (a) and 200.9 (b) (1), the Secretary has established and adequately staffed the Equal Opportunity Office (EOO) to fulfill the Title VI statutory and regulatory requirements, and has executed US DOT 1050.2A, Standard Title VI/Nondiscrimination Assurances.</p> <p><a href="http://www.dot.state.fl.us/equalopportunityoffice/TitleVI/2015%20FDOT%20Title%20VI%20Assurance%20(DOT%20Order%201050.2A)%20-%20Signed%20by%20Secretary%20Boxold.pdf">http://www.dot.state.fl.us/equalopportunityoffice/TitleVI/2015%20FDOT%20Title%20VI%20Assurance%20(DOT%20Order%201050.2A)%20-%20Signed%20by%20Secretary%20Boxold.pdf</a></p>
<b>Title VI/Nondiscrimination Manager</b>	<p>The Title VI/Nondiscrimination Manager is also the manager of the EOO, located in the Burns Building of the Department's Central Office at MS 65, 605 Suwannee Street, Tallahassee, FL 32399. The manager has direct, independent access to the Secretary and oversees a staff of seventeen (17) employees, one of whom is a dedicated Title VI/Nondiscrimination Coordinator. See, Equal. The Title VI/Nondiscrimination Manager is responsible for implementation and updates to the Title VI/Nondiscrimination Program.</p>
<b>State Title VI/Nondiscrimination Coordinator</b>	<p>The State Title VI/Nondiscrimination Coordinator is located in the Department's Central Office and reports directly to the Title VI/Nondiscrimination Manager. The State Coordinator has direct, independent access to the Manager, and may bypass the Manager to contact the Secretary should the need arise. The State Coordinator monitors the program, collecting data from each District; completing internal and federal reports; conducting training for internal and external partners; and conducting Quality Assurance Reviews (QARs) of all federal program areas to ensure nondiscrimination and sampling data to track program growth and progress.</p>
<b>District Title VI/Nondiscrimination Coordinators</b>	<p>Each of FDOT's seven (7) District Offices as well as the Turnpike Enterprise has a District Title VI/Nondiscrimination Coordinator assigned to screen/log complaints, conduct training, collect program area nondiscrimination data and provide reports to Central Office. The District Coordinator has direct, independent access to the District Secretary for matters involving Title VI/Nondiscrimination, and to the Title VI/Nondiscrimination Manager in Central Office. The District Coordinators work with the State Title VI/Nondiscrimination Coordinator to schedule annual effectiveness reviews, called Quality Assurance Reviews (QARs), and to implement corrective action measures, if necessary. The District Coordinator functions as the 'eyes and ears' of the nondiscrimination program in the field, holds a responsible position within the Department, and has adequate training and tools to implement the program.</p>
<b>Title VI/Nondiscrimination Program Area Officers (PAOs)</b>	<p>Each federal program area within each District, including the Turnpike Enterprise, has a Title VI/Nondiscrimination Program Area Officer (PAO) who regularly collects and reviews program data for nondiscrimination. These reviews are documented and provided to the District Coordinator, who then reports them to the Central Office Title VI/Nondiscrimination Coordinator. While the PAO attends regular nondiscrimination meetings and assists the District Coordinator with annual effectiveness reviews, the PAO is primarily responsible for collecting and reporting to the Statewide Coordinator program data for nondiscrimination analysis.</p>
<b>Executive Leadership and Management</b>	<p>The Department expects that all members of management will adhere to and advance the principles of nondiscrimination in all programs, services and activities. In addition, they must allow Title VI/Nondiscrimination Coordinators and Officers within their ranks 'easy access' to the District Secretary and/or Title VI/Nondiscrimination Manager in matters involving the Title VI/Nondiscrimination Program. They must also ensure that Coordinators and Officers have the time and resources they need to provide staff training, conduct assessments and collect/report program data.</p>

### III. Program Monitoring & Review

The Department's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities. The Department has a comprehensive transportation program, each area of which is essential to achieving the mission through Department core values: Integrity, Respect, Commitment, One DOT, Trust and Customer Focus. To measure the effectiveness of the program and ensure mission advancement, the Department monitors and collects program data related to transportation issues. The following describes the various program areas, the activities conducted, and the data reviewed for nondiscrimination.

#### 1. Planning

##### i. Overview of Department Planning operations

Transportation planning is a function of the Office of Policy Planning (OPP), one of four areas under Transportation Development. OPP develops, documents, and monitors a statewide and metropolitan planning process; develops, publishes, and distributes the Florida Transportation Plan, including necessary support documents; develops transportation policy alternatives and recommendations; provides necessary coordination on transportation policy issues with other agencies and the public; and identifies, analyzes, and documents long range trends and conditions, performs various economic and demographic analyses, and evaluates and reports on transportation system performance. Florida has [twenty-seven \(27\) Metropolitan Planning Organizations \(MPOs\)](#), for which it has oversight both as Department sub-recipients and to ensure planning consistency with 23 CFR 450.316 and state planning specifications.

##### ii. Activities to ensure nondiscrimination in planning

- The Department uses a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject minority, low income, disabled and elderly populations to disproportionately high and adverse effects. More information at <http://www.dot.state.fl.us/emo/pubinvolvement.shtm> .
- The Department requires all MPOs to annually provide a nondiscrimination assurance and a certification of nondiscrimination <http://www.dot.state.fl.us/planning/policy/metrosupport/assurance.shtm>. The Department tests these certifications at least triennially or whenever cause arises through FDOT/MPO Joint Certification Reviews. The Department monitors nondiscrimination compliance among smaller MPOs via the Quality Assurance Review process. One of the primary focal points of these reviews is to ensure nondiscrimination in the planning process.
- The Department has an extensive [Handbook](#) that covers the federal and state planning requirements. Chapter 9 of that document addresses Title VI and other nondiscrimination responsibilities.
- The Department and MPOs scrutinize planning projects, screening them through the Efficient Transportation Decision Making (ETDM) system to identify and categorize the various impacts and enhancements of planned projects. ETDM is a recognized best practice, providing extensive review and comment by project stakeholders, as well as data analysis. More information at <https://etdmpub.flatat.org/est/> .

- The Department uses its Quality Assurance Review (QAR) process to annually review planning activities to ensure nondiscrimination. Title VI/Nondiscrimination QARs are conducted by the Central Office Title VI/Nondiscrimination Coordinator, who issues a request for information (RFI), performs a desk audit, conducts 2-3 onsite visits and 5-6 videoconference reviews, and issues approved findings and oversees compliance with a corrective action plan, if any. As part of the QAR, the Coordinator examines data for nondiscrimination, including but not limited to:
  - ✦ Sampling contracts to ensure inclusion of required nondiscrimination provisions
  - ✦ Sampling public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language.
  - ✦ Reviewing Title VI/Nondiscrimination Quarterly Reports searching for possible trends of discrimination in planning.
  - ✦ Interviewing District and/or MPO planning staff to identify emerging issues and needs.
  - ✦ Reviewing Annual Certifications of MPO Planning Process Consistency with Title VI of the Civil Rights Act to ensure MPOs are current with nondiscrimination submissions.

## 2. Environment

### i. Overview of Department Environmental responsibilities

It is the mission of the Environmental Management Office (EMO) to protect and enhance a sustainable human and natural environment while developing safe, cost effective, and efficient transportation systems. The EMO carefully scrutinizes projects to ensure that underserved populations are identified and impacts are assessed for disproportionately high or adverse effects in compliance with EO 12898, FHWA Order 6640.23A and 23 CFR 200.9(b) (4).

### ii. Activities to ensure nondiscrimination in Environment

- As with all Department programs, public involvement is the cornerstone of Title VI and Environmental Justice compliance. The Department has a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject minority, low income, disabled and elderly populations to disproportionately high and adverse effects.
- The Department uses a detailed and comprehensive Project Development & Environmental (PD&E) Manual which describes how the Department complies with environmental requirements in project development. The Manual includes extensive chapters on both public involvement and Title VI compliance. More information at <http://www.dot.state.fl.us/emo/pubs/pdeman/pdeman1.shtml> .
- Each District has a Title VI/Nondiscrimination PAO who reviews NEPA documents and other project activities and reports quarterly to the District Title VI/Nondiscrimination Coordinator.
- The Department screens all projects for compliance with the PD&E Manual. Projects requiring an EIS or EA are also screened through the Efficient

Transportation Decision Making (ETDM) system to identify and categorize the various impacts and enhancements.

- The Department uses its QAR process to annually review EMO activities to ensure nondiscrimination. Title VI/Nondiscrimination QARs are conducted by the Central Office Title VI/Nondiscrimination Coordinator who issues a RFI, performs a desk audit, conducts 2-3 onsite visits and 5-6 videoconference reviews, issues approved findings and oversees compliance with a corrective action plan, if any. As part of the QAR, the Coordinator examines data for nondiscrimination, including but not limited to:
  - ✦ Sampling of consultant contracts to ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms
  - ✦ Sampling of PD&E public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language
  - ✦ Reviewing Title VI/Nondiscrimination Quarterly Reports searching data for possible trends of discrimination
  - ✦ Interviewing District EMO staff to identify emerging issues and needs
  - ✦ Sampling environmental documents to ensure Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization and mitigation of disproportionately high and adverse impact
  - ✦ Sampling ETDM entries by Community Liaison Officers to ensure validity of socioeconomic data

### 3. Public Information

#### i. Overview of Public Information operations

The Public Information Office's duty is to build and maintain a positive, customer friendly relationship with the public by keeping them informed of DOT and related activities through publications, response to inquiries and public meetings, hearings and other events. Each District and Turnpike Enterprise has a Public Information Officer that reports to the District Secretary and maintains a close relationship with the District Chief Counsel as well as the Central Office Public Information Office. The Department recognizes that public involvement is the cornerstone of all safe, efficient and equitable transportation systems.

<http://www.dot.state.fl.us/publicinformationoffice/>

#### ii. Activities to ensure nondiscrimination in public information

- Choosing media outlets and other disbursement networks to ensure access to traditionally underserved and limited English proficient customers.
- Ensuring that meetings, hearings and other public involvement events are held in accessible locations and at times to garner the best representation of the impacted community.
- Collecting questions, concerns, comments or complaints from the public, ensuring they are appropriately addressed and forwarding potential discrimination concerns to the appropriate official.
- The Department uses its QAR process to annually review Public Information. Title

- VI/Nondiscrimination QARs are conducted by the Central Office Title VI/Nondiscrimination Coordinator who issues a RFI, performs a desk audit, conducts 2-3 onsite visits and 5-6 videoconference reviews, issues approved findings and oversees compliance with a corrective action plan, if any. As part of the QAR, the Coordinator examines data for nondiscrimination, including but not limited to:
  - ✦ Sampling public involvement materials including meeting notices, project flyers and other similar documents to ensure presence of appropriate nondiscrimination language
  - ✦ Reviewing Title VI/Nondiscrimination Quarterly Reports searching for possible trends of discrimination in planning
  - ✦ Interviewing District PIO staff to identify emerging issues and needs
  - ✦ Comparing Public Information events to project information to ensure the Department is equitably distributing information and soliciting feedback

#### 4. Right-of-Way

##### i. Overview of Department Right of Way (ROW) operations

The Office of Right of Way is responsible for acquiring the real property necessary for the construction of transportation facilities. In carrying out this mission, it also provides relocation assistance to people and businesses displaced by various projects, and leases or sells any acquired property which may be surplus to the Department's needs. ROW activities are decentralized in the seven (7) Districts and Turnpike Enterprise, each of which oversees the facilities within their designated counties or area. ROW is also responsible for the outdoor advertising signs along state highways, but these activities are conducted by the Department's Central Office. The Department does not certify its sub-recipients in the Local Agency Program (LAP) for right of way. The ROW office is very sensitive to customer service and carefully monitors activities to ensure equitable treatment of all beneficiaries of the program. It has an extensive manual that describes program procedures <http://www.dot.state.fl.us/rightofway/ProceduresManual.shtm>.

##### ii. Activities to ensure nondiscrimination in ROW

- ROW uses interpreters and translators as necessary to ensure that those with LEP needs receive meaningful access to the Department's services.
- ROW addresses the need for special accommodation for those with disabilities.
- Each District has a Title VI/Nondiscrimination PAO who reviews appraisals, acquisition, relocation and other documentation for nondiscrimination and who quarterly reports activities to the District Title VI/Nondiscrimination Coordinator.
- All projects have a ROW plan that is monitored for compliance with the Uniform Act Relocation Assistance and Real Property Acquisition Policies Act of 1970 as well as for Title VI compliance.
- The Department uses its QAR process to annually review ROW activities to ensure nondiscrimination. Title VI/Nondiscrimination QARs are conducted by the Central Office Title VI/Nondiscrimination Coordinator who issues a RFI, performs a desk audit, conducts 2-3 onsite visits and 5-6 videoconference reviews, issues an approved finding and oversees compliance with a corrective action plan, if any. As part of the QAR, the Coordinator examines data for nondiscrimination, including but not limited to:

- ✦ Sampling of appraisal contracts to ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms
- ✦ Sampling of ROW public materials including information notices, relocation assistance documents and other similar materials to ensure appropriate nondiscrimination language is included and materials are offered in alternative languages as required by the Department's LEP Plan
- ✦ Reviewing Title VI/Nondiscrimination Quarterly Reports searching data for possible trends of discrimination, including equitable treatment without regard to race, color, national origin, age, disability, religion, income and family status
- ✦ Interviewing District ROW staff to identify emerging issues and needs
- ✦ Sampling project right of way documents to ensure appraisals, acquisitions and relocation assistance do not show trends in discrimination against minorities or those with low income
- ✦ Conducting interviews with members of the public impacted by acquisition and relocation

## 5. Construction

### i. Overview of the Construction Office's operations

The Department's Office of Construction provides safe and efficient facilities for the traveling public through innovative standards and processes that foster accountability. As with other program areas, Construction has offices in all seven (7) Districts and Turnpike Enterprise. Construction administers the Department's highway construction contract, inspecting and accepting work; authorizing payments and change orders; and providing customer services to travelers and property owners throughout construction. The majority of nondiscrimination activities within Construction are through the Department's extensive [Contract Compliance Program](#) covering Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) use and compliance; Equal Employment Opportunity (EEO); On the Job Training (OJT) of females and minorities; and prevailing wage compliance. FDOT has a number of specifications and a manual that govern nondiscrimination compliance requirements.

### ii. Construction Office's activities to ensure nondiscrimination

- Monitor prime and subcontracting to ensure disadvantaged and small business opportunities to receive Department work.
- Ensure project information is adequately distributed to stakeholders and the public, following the Department's public involvement procedures and LEP plan.
- Carefully review project activities to avoid disproportionately high or adverse impacts to underserved communities during the construction phases.
- Adhering to the Department's Construction Compliance Program for DBE/EEO/OJT and Prevailing Wages.
- Regularly check all contracts and random subcontracts to ensure appropriate nondiscrimination language and required contract inclusions.
- Each District has a Title VI/Nondiscrimination PAO that is responsible for Construction. The PAO reviews documents and other project activities for nondiscrimination and reports quarterly to the District Title VI/Nondiscrimination Coordinator.

- The Department uses its Quality Assurance Review (QAR) process to annually review activities to ensure nondiscrimination. Title VI/Nondiscrimination QARs are conducted by the Central Office Title VI/Nondiscrimination Coordinator who issues a RFI, performs a desk audit, conducts 2-3 onsite visits and 5-6 videoconference reviews, issues approved findings and oversees compliance with a corrective action plan, if any. As part of the QAR, the Coordinator examines data for nondiscrimination, including
  - ✦ Sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions
  - ✦ Sampling of construction public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language
  - ✦ Reviewing Title VI/Nondiscrimination Quarterly Reports searching data for possible trends of discrimination
  - ✦ Interviewing District Construction staff to identify emerging issues and needs
  - ✦ Sampling Contract Compliance Reviews to ensure adequacy and consistency of the process

## 6. Local Agency Program (LAP)

### i. Overview of the Local Agency Program (LAP)

The Department operates a LAP whereby state and local governments may design and construct projects using FHWA and/or State funds. The program requires the local agency to be certified through a comprehensive process demonstrating the agency's ability to deliver a compliant project. The Department's Local Agency Program Information Tool (LAPIT) serves as the repository for all project information, including personnel contact information, inspection reports and reimbursement records. More information at <http://www.dot.state.fl.us/programmanagement/LAP/>

### ii. Department nondiscrimination activities in LAP

- Recertification of local agencies occurs every three (3) years. As part of certification/recertification local agencies must complete a [Nondiscrimination Assurance](#) , as well as a Sub-[Sub-Recipient Compliance Assessment Tool \(SCAT\)](#) and upload documents demonstrating Title VI and ADA program compliance.
- District Title VI/Nondiscrimination Coordinators in cooperation with District LAP Coordinators review local agency nondiscrimination policies and procedures as part of the certification/recertification process. A Central Office Review Team comprised of the State Title VI Coordinator, State ADA Coordinator and Local Agency Program Administrator review LAP nondiscrimination policies and procedures forwarded to Central Office by District LAP Coordinators if Title VI program deficiencies are suspected or exist. Local agencies may not be certified for LAP work unless substantially compliant SCAT materials are uploaded into the LAPIT system.
- The Department uses its QAR process to annually review LAP activities to ensure nondiscrimination. Title VI/Nondiscrimination QARs are conducted by the Central Office Title VI/Nondiscrimination Coordinator who issues a RFI, performs a desk audit, conducts 2-3 onsite visits and 5-6 videoconference reviews, issues approved findings and oversees compliance with a corrective action plan, if any.

As part of the QAR, the Coordinator examines for nondiscrimination, including but not limited to:

- ✦ Sampling of local agency construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions
- ✦ Sampling of local agency construction public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language
- ✦ Reviewing SCAT documentation
- ✦ Interviewing District LAP staff to identify emerging issues and needs

#### 7. Nondiscrimination in other program areas

- i. The Department has other program areas that are either not represented in the Districts or otherwise have limited contact with the public or the manner in which Department's programs, services or activities are delivered. Thus, offices like Research & Development, Procurement and Emergency Management do not have specific Title VI/Nondiscrimination Representation in the Districts. Where warranted, Research & Development, Procurement and Emergency Management participate in annual Title VI Quality Assurance Reviews. If there is no significant Title VI activity associated with the above program, each is reviewed triennially ensuring that staff are receiving nondiscrimination training and understand their responsibilities under Title VI and other nondiscrimination authorities.

## IV. Environmental Justice (EJ)

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means (1) that all persons share in the benefits of our investments; and (2) that no person (including racial, ethnic, or low income groups) should bear a disproportionate share of the negative consequences resulting from the execution of Federal, State, and local programs and policies. There are three fundamental environmental justice principles:

1. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low income populations.
2. Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

In accordance with Executive Order 12898 on EJ and the related US DOT and FHWA Orders, the Department advances the principles of EJ in all programs, services and activities through a robust public involvement program and by screening its programs and projects to identify, avoid, minimize or mitigate disproportionately high and adverse impacts. More information on the Department's commitment to EJ may be obtained at <http://www.dot.state.fl.us/emo/pubs/sce/sce1.shtm> and at <http://www.dot.state.fl.us/equalopportunityoffice/titlevi.shtm>, or by contacting the Department's Title VI/Nondiscrimination Coordinator.

## V. Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP. These individuals may be entitled to language assistance with respect to a particular type of program, service or activity.

The Department complies with LEP Executive Order 13166 and related Federal authorities through an LEP Guidance which is annually reviewed for compliance and effectiveness. To develop the Guidance, the Department analyzed its service population; the frequency with which it encounters LEP; the nature of its programs and services; and the resources available to the Department. The Guidance and a separate Language Assistance Plan describes when and to what extent language services are offered to those who are LEP. The Department is fortunate to have a very diverse workforce, many of whom competently speak and write languages other than English, and who are familiar with terms common to transportation. As such, the Department is often able to provide interpretation and translation services in-house. Nevertheless, each District has the resources and flexibility to contract outside services as needed to comply with the LEP Guidance and Language Assistance Plan.

The Department does not consider requests for language services to be subject to the LEP Plan. Regardless of whether a particular language is identified as requiring LEP services, the Department's policy requires verbal language assistance, free of charge, with reasonable notice. To view or comment on the Department's LEP Plan, visit

[http://www.dot.state.fl.us/equalopportunityoffice/InvestigationsandCompliance/FDOT%20Limited%20English%20Proficiency%20\(LEP\)%20Guidance.pdf](http://www.dot.state.fl.us/equalopportunityoffice/InvestigationsandCompliance/FDOT%20Limited%20English%20Proficiency%20(LEP)%20Guidance.pdf) or contact the Department Title VI/Nondiscrimination

Coordinator.

## VI. Americans with Disabilities Act (ADA)

The Department believes that accessibility for those with disabilities is critical in all programs and services. This commitment is so fundamental to the Department's culture that it has a dedicated ADA Coordinator located in the Central Office, and an ADA Coordinator in each of the seven Districts and Turnpike Enterprise. These ADA Coordinators are responsible for collecting, sharing and resolving complaints, where possible, and for ensuring that Department facilities are planned, designed, constructed and maintained in accordance with ADA requirements. The Department does not discriminate against anyone on the basis of disability and makes reasonable accommodation upon request for those seeking assistance with accessibility. It also constructs new transportation facilities to ADA or higher standards and alters existing facilities to accessibility to the maximum extent feasible. For more information on the Department's extensive ADA program, visit <http://www.dot.state.fl.us/projectmanagementoffice/ADA/> or contact Dean Perkins, FDOT ADA Coordinator at 850-414-4359 or [dean.perkins@dot.state.fl.us](mailto:dean.perkins@dot.state.fl.us).

## VII. Discrimination Complaint Procedures

It is the Department's practice to informally resolve any complaints from the public through its customer service auspices. Persons with questions, concerns or comments about possible discrimination may always contact the Title VI/Nondiscrimination Coordinator for assistance. The Coordinator will make reasonable efforts to respond to the inquiry.

However, any individual(s) that believes they have been subjected to discrimination prohibited by Title VI or other nondiscrimination authorities may file a formal complaint with the Department. A formal complaint

must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

1. Complaint must be in writing and signed by the complainant(s) or by the complainant(s) representative(s);
2. Include the complainant's name, address, and telephone number;
3. Include the basis of the complaint (race, color, national origin, sex, age, disability, religion, familial status, or retaliation);
4. Include the respondent's name, address, and telephone number;
5. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
6. Present a detailed description of the facts that led the complainant(s) to believe that discrimination has occurred, including names and job titles of those individuals perceived as parties in the complained-of incident.
7. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established.

Those requiring assistance to file a formal complaint should contact the Department's State Title VI/Nondiscrimination Coordinator.

Upon receipt of a formal complaint, the Title VI/Nondiscrimination Coordinator will assess it for sufficiency, obtain additional information, if necessary, and provide it to the appropriate federal agency for assignment and disposition. Where the complaint is against a local agency in the FDOT LAP program, the Department may assume jurisdiction and investigate the complaint.

Regardless of the assignment of the complaint investigation, all copies of formal complaints are provided to the appropriate US DOT modal agency for tracking and reporting.

The Department strives to provide excellent customer service in processing discrimination complaints. However, it reserves the right to dismiss formal complaints in any of the following circumstances:

1. The complainant requests the withdrawal of the complaint.
2. The complainant fails to respond to repeated requests for addition information needed to process the complaint.
3. The complainant cannot be located after reasonable attempts.

Where the Department has been assigned or has assumed jurisdiction for investigating a complaint, it will:

- Provide notification and a case number to both the complainant and respondent within ten (10) calendar days.
- Solicit the respondent's defense within ten (10) calendar days.
- Examine the available evidence, requesting additional information and/or interviewing witnesses, as necessary.
- Issue a final investigative report within sixty (60) calendar days and provide copies to the appropriate federal agency, if applicable.
- Notify the parties of the findings/recommendations.

If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices, the complainant will be advised of appeal alternatives.

The Department provides complaint filing information, including forms in English, Spanish and Haitian Creole on its website at <http://www.dot.state.fl.us/equalopportunityoffice/titlevi.shtm>.

## **VIII. Annual Goals & Accomplishment Report**

The Department tracks its activities in the Title VI/Nondiscrimination Program and provides it to FHWA annually on November 1<sup>st</sup>. While this report is not generally posted on the Department's website, it is a public record and is available upon request to the Title VI/Nondiscrimination Coordinator. The annual report is meant to be an accurate reflection of the program, including its performance, any identified challenges and reasonable goals for the upcoming year. This means report content may vary from year to year. Nevertheless, the report will always contain:

1. Any changes to policy statements or procedures
2. Any changes to organizational structure or staffing
3. A summary of monitoring or reviews conducted and the outcomes or conclusions
4. A flow chart of Title VI/Nondiscrimination complaints, including the bases, investigation status and disposition
5. A summary of accomplishments in each program area, as applicable
6. A list of all Civil Rights education and or training; the type of training; dates; and the number in attendance