FLORIDA DEPARTMENT OF TRANSPORTATION LIMITED

ENGLISH PROFICIENCY (LEP) GUIDANCE

Title VI of the Civil Rights Act of 1964, The Civil Rights Restoration Act of 1987; 42 USC 2000(d) to 2000-4; and Executive Order 13166 prohibit recipients of federal financial assistance from discriminating against individuals based on race, color and national origin. Other federal and state nondiscrimination regulations prohibit discrimination against individuals based on age, sex, disability, religion, and family or income status. The Florida Department of Transportation (FDOT), as a recipient of federal financial assistance, takes reasonable steps to ensure meaningful access to its programs, services and activities for all citizens including those individuals with limited English proficiency.   Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English may be considered Limited English Proficient (LEP).

The FDOT interacts with persons who may be LEP in the administration of its programs, services and activities. This guidance ensures that LEP individuals are provided meaningful access to the FDOT's programs, services and activities.

LEP services can be provided in two ways: verbal interpretation and written translation of vital documents.   Florida is a richly diverse state with residents and visitors from all over the world.   FDOT's own staff is representative of that diversity and has competent language speakers of a variety of languages. FDOT does provide verbal interpretation with reasonable notice, regardless of the LEP language.   FDOT's public advertisements clearly state that language services are available with specified notice. These advertisements are also routinely translated and posted both in minority publications and at public forums. FDOT also utilizes 'I Speak' cards to help identify language needs and match them to LEP services.   Finally, most of FDOT's public meetings have staff members available who are competent speakers of the most frequently encountered languages in the FDOT district where the meeting is being held.

Written translation of vital documents is handled somewhat differently.   The Department of Justice (DOJ) LEP Guidance requires that four (4) factors be considered when deciding whether written LEP services are required:

- The number or proportion of LEP persons in the eligible service population;
- The frequency with which LEP individuals come into contact with the program or activity;
- The importance of the service provided by the program; and ⬜ The resources available.

Florida's population and diversity varies vastly from region to region, making a single

LEP approach difficult. For example, the recent American Community Survey (ACS) (an office of the U. S. Census Bureau) from 2009 indicated an LEP population (percent of people 5 years old and over who speak English less than very well) at an estimated 11.6% statewide compared to 8.6% nationwide. However, this percentage is not evenly represented throughout the State. Further, frequency of contact with FDOT by LEP individuals also varies greatly. The Miami area sees a much higher proportion of Spanish and Creole speakers than does its more rural partners in the northern area of the state. Similarly, based on transportation needs, availability of public transit and long/short term transportation planning, the importance of the services also varies depending on the area of the State.

Generally, the FDOT offers written language services in Spanish and Haitian-Creole. Public information documents such as project flyers, public safety brochures, public transit information, and nondiscrimination processes are translated into these languages. Moreover, the FDOT also has guidelines in place through its Right of Way Office (ROW) to equitably address the language needs of individuals and families being displaced.

More specifically, FDOT is divided into seven (7) districts and Florida's Turnpike Enterprise.   Each district serves a different region of the State, including the population centers of Miami, Tampa, Orlando and Jacksonville. Each district has a Title VI Coordinator responsible for disseminating Title VI and LEP information throughout the district with the assistance of Program Area Officers (PAOs) in the following programs: planning, environmental, design, right-of-way, construction, maintenance, public transportation, professional services, contractual services and public information (Procedure #275-010-010-e). In order to properly gauge the quantity, quality and type of LEP service for each region, the FDOT districts will each analyze their programs, services and activities using the four-factor test.

1. **The number or proportion of LEP persons eligible to be served.** The 2009 American Community Survey shows that the four (4) most prevalent languages spoken by individuals who are LEP in Florida (among the population 5 and over who speak English less than very well) are: Spanish (8.92%); French Creole (1.03%); Portuguese (.106%); and Vietnamese (.107%). The following table is representative of Florida's overall LEP demographics:

ANALYSIS OF TOP FOUR LANGUAGES STATEWIDE

DISTRICT	SPANISH	FRENCH CREOLE	VIETNAMESE	PORTUGUESE
1	175,549	15,549	2,104	2,110
2	33,625	3,737		
3	17,969	1,695	1,737	
4	265,871	81,233		5,205
5	187,291	16,920	6,839	6,397
6	718,521	53,970		4,427
7	125,431	3,981	7,761	
TOTAL	**1,524,257**	**177,085**	**18,441**	**18,139**
PERCENT	**8.92%**	**1.03%**	**0.107%**	**0.106%**

In addition, each District analyzed its census data and reported Spanish as the highest population of LEP individuals. However, the Districts found that their regional areas had other unique LEP populations, as represented by the following tables showing an analysis of the top four (4) languages spoken by LEP individuals in each district:

ANALYSIS OF TOP FOUR LANGUAGES IN DISTRICT 1

Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak French Creole		LEP Persons who Speak Portuguese		LEP Persons who Speak Vietnamese	
Total	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
2,389,201	220,824	9.24%	175,549	7.34%	15,549	0.65%	2,110	0.08%	2,104	0.08%

ANALYSIS OF TOP FOUR LANGUAGES IN DISTRICT 2

Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak French Creole		LEP Persons who Speak Tagalog		LEP Persons who Speak Serbo-Croatian	
Total	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
1,762,539	63,797	3.61%	33,625	1.90%	3,737	0.21%	3,090	0.17%	2,069	0.11%

ANALYSIS OF TOP FOUR LANGUAGES IN DISTRICT 3

Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak Vietnamese		LEP Persons who Speak Tagalog		LEP Persons who Speak French Creole	
Total	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
1,253,205	34,074	2.71%	17,969	1.43%	1,737	0.13%	1,709	0.13%	1,695	0.13%

ANALYSIS OF TOP FOUR LANGUAGES IN DISTRICT 4

Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak French Creole		LEP Persons who Speak Chinese		LEP Persons who Speak Portuguese	
Total	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
3,332,712	423,794	12.71%	265,871	7.97%	81,233	2.43%	6,361	0.19%	5,205	0.15%

ANALYSIS OF TOP FOUR LANGUAGES IN DISTRICT 5

Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak French Creole		LEP Persons who Speak Vietnamese		LEP Persons who Speak Portuguese	
Total	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
3,309,395	259,078	7.82%	187,291	5.65%	16,920	0.51%	6,839	0.20%	6,397	0.19%

ANALYSIS OF TOP FOUR LANGUAGES IN DISTRICT 6

Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak French Creole		LEP Persons who Speak Portuguese		LEP Persons who Speak Chinese	
Total	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
2,358,564	800,348	33.93%	718,521	30.46%	53,970	2.28%	4,427	0.18%	3,568	0.15%

ANALYSIS OF TOP FOUR LANGUAGES IN DISTRICT 7

Population 5 years and older	Number of LEP Persons	Percentage of LEP Persons	LEP Persons who Speak Spanish		LEP Persons who Speak Vietnamese		LEP Persons who Speak French Creole		LEP Persons who Speak Serbo-Croatian	
Total	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
2,671,137	178,012	6.66%	125,431	4.69%	7,761	0.29%	3,981	0.14%	2,263	0.08%

Note: For a breakdown by county within each District, see Appendix A.

FDOT used other sources to verify this data, including the environmental screening tool within the Efficient Transportation Decision Making (ETDM) Process. Another resource used to verify the LEP populations identified by the ACS was the U. S. Department of Education's Annual Consolidated State Performance Report (CSPR) for school year 2008-2009.   The CSPR includes a section on LEP students in grades K-12 and identifies the most commonly spoken languages by those students. The CSPR identifies Spanish, Creole, Portuguese and Vietnamese as the most commonly spoken languages among Florida's LEP students (Appendix B).

The results of the analysis are that Spanish and French Creole are the largest representative populations statewide with lesser representation of Vietnamese, Portuguese and Chinese. In addition some Districts have varying LEP populations of Italian, German, Tagalog and Greek.

2. **Frequency of contact with LEP persons.** In order to validate the census information and determine which of the LEP populations most frequently have contact with FDOT programs, services and activities, FDOT conducted a field review of each of its District nondiscrimination programs. Data was collected on the frequency of telephone, mail and in-person contact with LEP individuals. The FDOT also required the Districts to report frequency of contact with LEP individuals on its Quarterly District Title VI Report (Report Number 275-010-11). The results indicate that Spanish is by far the most frequently encountered LEP language in all Florida's Districts, though the regions of central and south Florida have more frequency of contact. Creole was also a commonly encountered language, though generally only in the southeast portion of the state.

3. **Nature or importance of the program.** All of the FDOT's programs are important; however, those related to safety, public transit, ROW, environment, nondiscrimination and public involvement are among the most important. As such, publications and other material disseminated regarding these programs are routinely available in both Spanish and French Creole. Nevertheless, the FDOT is committed to providing meaningful access and will provide written translation for any of its documents, when reasonable, effective and within the available resources. In other cases, the FDOT will strive to provide alternative but meaningful accessibility. Moreover, the FDOT continually evaluates its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access. For a list of publications/documents in Spanish and French Creole, see Appendix C.

4. **Resources available.** The FDOT understands that it is a large entity serving a potentially large number of Spanish and French Creole speaking individuals. The FDOT makes every effort to make its programs, services and activities accessible to LEP individuals. In addition to documents that are routinely

published in the most frequently encountered languages, the FDOT will use available resources, both internal and external, to accommodate reasonable requests for translation. Further, the FDOT's policies require free oral interpretation services, regardless of the language, with seven (7) days notice.

In addition, the FDOT has identified, developed and uses the following:

a. District lists of staff who volunteers to assist as interpreters and/or translators if needed. Lists are verified and updated annually by the District Title VI Coordinators and provided to the Statewide Title VI Coordinator.
b. Individuals who have contact with the public are provided with "I Speak" language cards to identify language needs in order to match them with available services. Language cards are verified and distributed annually by the District Title VI Coordinators.
c. The FDOT through the District Offices have developed partnerships with local agencies, organizations, law enforcement, colleges/universities, local school districts and social service agencies that are available to assist with its LEP responsibilities.
d. A list of web based translation services for use, when required.
e. A list of telephone translation services for use, when required.

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" stipulation so that recipients such as FDOT can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A "safe harbor" means that if a recipient (FDOT) provides written translations in certain circumstances; such action will be considered strong evidence of compliance with the FDOT's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under

'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of person's eligible to be served or likely to be affected or encountered. FDOT's translation of other documents, if needed, can be provided orally.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

CONCLUSION:

FDOT recognizes that language needs will change as Florida's population changes. Further, FDOT is required to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, FDOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the FDOT's commitment to nondiscrimination or to request LEP services, contact Aldrin T. Sanders, Interim FDOT Statewide Title VI Coordinator at (850) 414-4764 or by email Aldrin.Sanders@dot.state.fl.us .

APPENDIX A

DISTRICTS BY COUNTY

COUNTY	SPANISH	FRENCH-CREOLE	PORTUGUESE	ITALIAN	VIETNAMESE	CHINESE	POLISH
Charlotte	2,384	777	139	181			
Collier	37,317	4,861	174	538			
Desoto	6,933						
Glades	1,062						
Hardee	5,725						
Hendry	9,352	130					
Highlands	6,845	271					
Lee	39,994	4,186	1,246	595			
Manatee	15,548	1,939			630	579	
Okeechobee	4,395						
Polk	35,171	2,687	551		599		
Sarasota	10,823	1,095			875		931
D-1 TOTALS	**175,549**	**15,945**	**2,110**	**1,314**	**2,104**	**579**	**931**

COUNTY	SPANISH	FRENCH-CREOLE	CHINESE	KOREAN	VIETNAMESE	TAGALOG	ARABIC	OTH SLAVIC LANG	SERBO CROATIAN
Alachua	4,397	634	841	548					
Baker	142								
Bradford	166								
Clay	3,082	669	385			305			
Columbia	759								
Dixie	0								
Duval	15,793	2,070				2,785			2,069
Gilchrist	232								
Hamilton	468								
Lafayette	96								
Levy	937								
Madison	400								
Nassau	529								
Putnam	2,476								
St. Johns	1,912		287				261	237	
Suwannee	1,590								
Taylor	68								
Union	578				94				
D-2 TOTALS	**33,625**	**3,373**	**1,513**	**548**	**94**	**3,090**	**261**	**237**	**2,069**

COUNTY	SPANISH	FRENCH CREOLE	CHINESE	KOREAN	VIETNAMESE	TAGALOG	THAI	OTH ASIAN	GERMAN	HINDI
Bay	1,973	264			451			311		
Calhoun	236	116							102	
Escambia	3,107	564			593	820				
Franklin	148									
Gadsden	2,000	79								
Gulf	351	32								
Holmes	149	10								
Jackson	746	68			57					
Jefferson	71								100	235
Leon	2,984	539	512		326					
Liberty	63									
Okaloosa	3,126			445		473	309			
Santa Rosa	1,685			154	310	294				
Wakulla	102	23	25			51				
Walton	959					71	91			
Washington	269								61	
D-3 TOTALS	**17,969**	**1,695**	**537**	**599**	**1,737**	**1,709**	**400**	**311**	**263**	**235**

COUNTY	SPANISH	FRENCH CREOLE	PORTUGUESE	ITALIAN	CHINESE	VIETNAMESE	TAGALOG	POLISH
Broward	143,523	45,925			4,049	2,744		
Indian River	6,098	347		144		227		
Martin	6,676	779		174				237
Palm Beach	94,698	30,530	4,406		2,312			
St. Lucie	14,876	3,652	799				278	
D-4 Totals	**265,871**	**81,233**	**5,205**	**318**	**6,361**	**2,971**	**278**	**237**

COUNTY	SPANISH	FRENCH	GERMAN	RUSSIAN	PORTUGUESE	VIETNAMESE	CHINESE	ARABIC	OTH SLAVIC	ITALIAN	OTH INDIC
Brevard	8,180	1,264				647		959			
Flagler	1,673			678	524				494		
Lake	9,891	662	198				316			198	
Marion	9,508	380	265								199
Orange	87,455	11,484			5,251	5,232					
Osceola	37,895	1,678			622			587			
Seminole	16,037					780	711	355			
Sumter	2,792	71				180					
Volusia	13,860	1,381					498	503			
D-5 TOTALS	**187,291**	**16,920**	**463**	**678**	**6,397**	**6,839**	**1,525**	**2,404**	**494**	**198**	**199**

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COUNTY	SPANISH	FRENCH CREOLE	PORTUGUESE	CHINESE	RUSSIAN	OTH SLAVIC
Miami-Dade	714,117	53,349	4,427	3,568		
Monroe	4,404	621			290	143
D-6 TOTALS	**718,521**	**53,970**	**4,427**	**3,568**	**290**	**143**

COUNTY	SPANISH	FRENCH CREOLE	GERMAN	ITALIAN	CHINESE	VIETNAMESE	KOREAN	GREEK	SERBO-CROATIAN
Citrus	1,637	206		212	385				
Hernando	3,240	242	285	390					
Hillsborough	86,596	2,997				3,435	1,341		
Pasco	12,813	536			561			767	
Pinellas	21,145					4,326		1,810	2,263
D-7 TOTALS	**125,431**	**3,981**	**285**	**602**	**946**	**7,761**	**1,341**	**2,577**	**2,263**

APPENDIX B

1.6.2 Student Demographic Data

1.6.2.1 Number of ALL LEP Students in the State

In the table below, provide the <u>unduplicated</u> number of ALL LEP students in the State who meet the LEP definition under Section 9101(25).

- Include newly enrolled (recent arrivals to the U.S.) and continually enrolled LEP students, whether or not they receive services in a Title III language instruction educational program
- Do <u>not</u> include Former LEP students (as defined in Section 200.20(f)(2) of the Title I regulation) and monitored Former LEP students (as defined under Section 3121(a)(4) of Title III) in the ALL LEP student count in this table.

Number of ALL LEP students in the State	257,776
Comments:	

1.6.2.2 Number of LEP Students Who Received Title III Language Instruction Educational Program Services

In the table below, provide the <u>unduplicated</u> number of LEP students who received services in Title III language instructional education programs.

	#
LEP students who received services in a Title III language instruction educational program in grades K through 12 for this reporting year.	238,349
Comments:	

Source – The SEA submits the data in file N/X116 that contains data group ID 648, category set A.

1.6.2.3 Most Commonly Spoken Languages in the State

In the table below, provide the five most commonly spoken languages, other than English, in the State (for all LEP students, not just LEP students who received Title III Services). The top five languages should be determined by the highest number of students speaking each of the languages listed.

Language	# LEP Students
Spanish; Castilian	187,339
Haitian; Haitian Creole	28,088
Portuguese	3,353
Vietnamese	2,965
Arabic	2,095

Report additional languages with significant numbers of LEP students in the comment box below.

The response is limited to 8,000 characters.

APPENDIX C

FDOT DOCUMENTS THAT HAVE BEEN TRANSLATED INTO OTHER LANGUAGES

1. Title VI Policy (Spanish and Haitian Creole)
2. Title VI Complaint Form (Spanish and Haitian Creole)
3. Essential Right of Way Documents (Forms Library)