



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Legislation Text

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**File #:** 25-467, **Version:** 1

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### Interoffice Memorandum

**DATE:** March 5, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Joseph C. Kunkel, P.E., Director, Public Works Department

**CONTACT:** Brian R. Sanders, Manager

**PHONE:** (407) 836-8022

**DIVISION:** Transportation Planning Division

**ACTION REQUESTED:**

Approval and execution of 1) Resolution of the Orange County Board of County Commissioners regarding the Adoption of the Orange County Title VI Nondiscrimination Policy and Plan for Compliance with the Title VI Requirements of the Civil Rights Act Of 1964, Section 504 of the Rehabilitation Act of 1973, and other Nondiscrimination Authorities; and 2) Title VI/Nondiscrimination Assurance Agreement; and approval of Orange County Title VI Nondiscrimination Policy and Plan. All Districts. **(Transportation Planning Division)**

**PROJECT:** N/A

**PURPOSE:**

The Orange County Transportation Planning Division is undertaking the triennial recertification of Orange County as a Florida Department of Transportation (FDOT) Local Agency Program (LAP) agency eligible to receive state and federal funding for transportation projects. To do so, Orange County is requesting approval of the Title VI/Nondiscrimination Assurance agreement and Orange County Title VI Nondiscrimination Policy and Plan.

Adoption of this Resolution regarding the Title VI/Nondiscrimination Assurance of the Orange County Title VI Nondiscrimination Policy and Plan reaffirms Orange County's continued commitment to comply with all applicable non-discrimination laws and to assess the needs to provide appropriate translations and interpretation services for members of the public who have limited proficiency with the English language. Approval and execution of these documents is required to ensure continued receipt by Orange County of state and federal funding for transportation projects.

**BUDGET: N/A**

MAR 25 2025

## TITLE VI/ NONDISCRIMINATION ASSURANCE

Orange County Board of

County Commissioners

Pursuant to Section 9 of US DOT Order 1050.2A, the "Subrecipient" assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992 and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

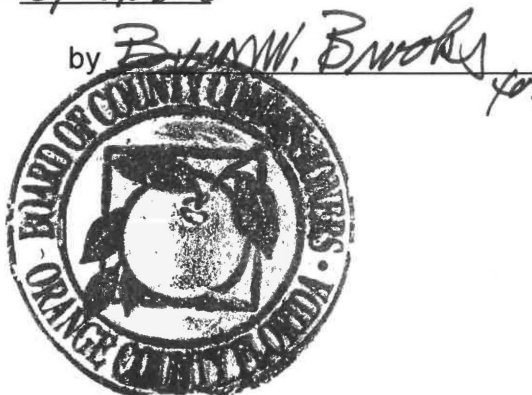
The Subrecipient further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Subrecipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Subrecipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendices A and E* of this assurance in every contract subject to the Acts and the Regulations
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Subrecipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Subrecipient.

Dated 3/25/2025

by



for, Chief Executive Officer

## APPENDICES A and E

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

- (1.) **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
  - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. cancellation, termination or suspension of the contract, in whole or in part.
- (6.) **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the



*Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7.) **Compliance with Nondiscrimination Statutes and Authorities:** Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects); Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex); Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age); Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex); The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not); Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex); Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations; Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## Appendix “B”: Orange County Title VI Policy and Plan

APPROVED BY ORANGE  
COUNTY BOARD OF  
COUNTY COMMISSIONERS

BCC Mtg. Date: March 25, 2025

# **Orange County Title VI Nondiscrimination Policy and Plan**



March 2025

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# **Title VI Nondiscrimination Policy and Complaint Procedures**

## **Policy Statement**

Orange County, Florida (the “County”) values diversity and welcomes input from all interested parties, regardless of cultural identity, background or income level. Moreover, the County believes that the best public policy and governmental services result from careful consideration of the needs of all of its communities and when those communities are involved in the public policy and governmental services decision-making process. Thus, the County does not tolerate discrimination in any of its programs, services, or activities.

Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. (Title VI and related laws and regulations), other federal and state nondiscrimination authorities, and Orange County, Florida Regulations and Standard Operating Procedures, the County will not exclude from participation in, deny the benefits of, or subject to discrimination any person on the grounds of race, color, national origin, sex, age, disability, religion, income, or family status.

## **Nondiscrimination Assurances**

As a participant in the Florida Department of Transportation’s (FDOT) Local Agency Program (LAP), Orange County must certify to FDOT and the Federal Highway Administration (FHWA) that its programs, services and activities are being conducted in a nondiscriminatory manner. This certification is required every three years or with a change in executive leadership.

These certifications are termed “assurances” and serve two important purposes. First, they document the County’s commitment to nondiscrimination and equitable service to its community. Second, they serve as a legally-enforceable agreement by which the County may be held liable for breach. Orange County’s Nondiscrimination Assurance are available by visiting the County’s website or contacting the County’s designated Title VI/Nondiscrimination Coordinator.

## **Administrative Regulations**

Several Orange County Administrative Regulations (Regulations), adopted by the Orange County Board of County Commissioners in November 2024, provide guidance and standard operating procedures to implement the County’s Title VI Nondiscrimination Policy and Plan:

- Administrative Regulation 5.03 – “Language Assistance Services: Title VI Limited English Proficiency Plan,” includes the County’s Title VI Nondiscrimination Policy and summarizes key provisions of the Limited English Proficiency Plan to support implementation, including required standard meeting notices in English, Spanish, and Haitian Creole to advise of the availability of interpretive services free of charge;

- Administrative Regulation 2.09.01 – “Compliance with the Sunshine Law – Meetings of County Advisory Boards,” provides required standard meeting notices in English, Spanish, and Haitian Creole to advise of the availability of interpretive services free of charge for meeting participation;
- Administrative Regulation 6.17 – “Neighborhood Grant Program,” requires certain grant-funded improvements to comply with the Americans with Disabilities Act of 1990 (ADA) and federal Public Right-of-Way Accessibility Guidelines (PROWAG) standards;
- Administrative Regulation 8.09 – “Development of Facilities Exempt from County Zoning Regulations- Public Meeting Procedures,” requires meeting notices to advise of the availability of interpretive services as specified in Administrative Regulation 2.09.01; and
- Administrative Regulation 11.05.07 – “Sidewalk Policy,” requires that disproportionately adverse effects of programs, policies, and activities on minority and low-income populations, be identified and addressed in implementation, while ensuring full and fair participation in the decision-making process.

## **Complaint Procedures**

The County has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, age, disability, religion, income, family status, or other reason in any of the County's programs, services, or activities may file a complaint with the County Title VI/Nondiscrimination Coordinator by visiting [www.orangecountyfl.net](http://www.orangecountyfl.net).

Natalia Garcia

Orange County Title VI/Nondiscrimination Coordinator

Orange County Government

201 S. Rosalind Avenue, 5<sup>th</sup> Floor

[Natalia.Garcia@ocfl.net](mailto:Natalia.Garcia@ocfl.net) or [access@ocfl.net](mailto:access@ocfl.net)

407-836-7334 or dial 7-1-1 to access the Florida Relay Service

The written complaint should contain the identity of the complainant; the basis for the allegations (i.e., race, color, national origin, sex, age, disability, religion, income, family status, or other reason); and a description of the alleged discrimination with the date of occurrence. If the complaint cannot be submitted in writing, or if the complainant has a Limited English Proficiency (LEP), the complainant may phone 3-1-1 (407-836-3111) for assistance.

The Title VI/Nondiscrimination Coordinator will acknowledge receipt of the complaint within seven (7) calendar days and will respond to the complaint within thirty (30) calendar days. The County will promptly take reasonable steps to resolve the matter. If the County is unable to resolve the complaint to the satisfaction of the complainant, the Title VI/Nondiscrimination Coordinator will forward the complaint, along with a record of its disposition, to the FDOT District 5 Office and other appropriate federal and/or state agency or agencies for further processing. Additionally, the Title VI/Nondiscrimination Coordinator shall maintain a record of every complaint and whether the complaint was resolved at the County level or forwarded for resolution.

The County's Title VI/Nondiscrimination Coordinator communicates with the County Administrator, as deemed necessary, but is not required to obtain management or other approval to discuss discrimination issues with the County Administrator. If the complainant is unable or unwilling to submit a complaint to the County, or if the complainant is dissatisfied with the County's handling or resolution of a complaint, the complaint may be submitted directly to FDOT for processing. FDOT serves as a statewide clearinghouse for Title VI purposes and will either assume jurisdiction over the complaint or forward it to the appropriate federal or state authority for continued processing:

Florida Department of Transportation Equal Opportunity Office  
ATTN: Title VI Complaint Processing  
605 Suwannee Street MS 65  
Tallahassee, FL 32399

If it is determined the complaint originated from a Local Agency Program (LAP) project, the complaint will be provided to FDOT and/or Federal Highway Administration (FHWA). The County will attempt to resolve all issues, but only FHWA can accept, investigate and issue findings under Title VI, which is specific to the classes of race, color, and national origin.

The County will cooperate with any ensuing investigation by, for example, making information available for inspection and cooperating with onsite visits and witness interviews.



## **ADA/504 Statement**

Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA), and related federal and state laws and regulations forbid discrimination against persons with disabilities. Furthermore, these laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate the persons with disabilities and ensure that their needs are equitably represented in County programs, services, and activities.

### **Accessibility**

The County will comply with Title II of the ADA through implementation of its ADA Transition Plan for the construction and repair of sidewalks, curb ramps, and other facilities within public-rights-of-way. Additionally, the County will make every reasonable effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The County will also make every reasonable effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

### **Request for Reasonable Accommodation**

The County encourages the public to report any facility, program, service, or activity that appears inaccessible to persons with disabilities. The County will provide reasonable accommodation to persons with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, organization(s), or resources, the County asks that requests be made at least seven (7) calendar days prior to the need for accommodation.

Questions, concerns, comments, or requests for accommodation should be made to the Orange County ADA Coordinator:

Nicola Norton  
Office of Disability Concerns/ADA  
2100 E. Michigan Street, 2nd Floor  
Orlando, FL 32806  
OfficeOnDisability@ocfl.net  
(407) 836-6568 or dial 7-1-1 to access the Florida Relay Service

The email should contain the identity of the individual/requestor and a description of the question, concern, comment, or request for accommodation. If an email cannot be submitted electronically or if the individual/requestor has Limited English Proficiency (LEP) and requires interpretation services free of charge, please phone 3-1-1 (407-836-3111) for assistance.

# Limited English Proficiency Plan

## Introduction and Background

Based on U.S. Census data, most Orange County residents read, write, speak, and understand English, but English is not the primary language of some Orange County residents. If these residents have a limited ability to read, write, speak, or understand English, they are described in Census data as Limited English Proficient (LEP). Language for LEP persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable regulations and responsibilities, or understanding other information provided by publicly-funded programs, activities, and services.

In 1974, the U.S. Supreme Court affirmed that the failure to ensure a meaningful opportunity for national origin minorities with limited English proficiency to participate in or benefit from federally-funded programs and services violates the "Prohibition Against National Origin Discrimination" of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities. Executive Order 13166 and corresponding implementation guidance from the U.S. Department of Justice (US DOJ) and U.S. Department of Transportation (US DOT) outline requirements and provide directives regarding Title VI's prohibition against national origin discrimination against LEP persons.

Executive Order 13166 was rescinded on March 1, 2025, by a subsequent Executive Order.<sup>1</sup> However, the order stated "agency heads are not required to amend, remove, or otherwise stop production of documents, products, or other services prepared or offered in languages other than English" and requires the Attorney General to provide updated guidance. Pending the issuance of that guidance, the County will continue to:

- Examine programs, activities, and services provided,
- Identify specific needs for providing meaningful access for LEP persons, and
- Implement a program or system to ensure meaningful access to such programs, activities, and services.

Orange County has conducted a Self-Assessment and developed this Limited English Proficiency Plan based on applicable federal guidance in place at the time. The Housing and

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<sup>1</sup> Executive Order "Designating English as the Official Language of the United States." March 1, 2025. <https://www.whitehouse.gov/presidential-actions/2025/03/designating-english-as-the-official-language-of-the-united-states/>.

Community Development Division also has created a Language Access Plan Addendum, available on the County's website, as a recipient of U.S. Department of Housing and Urban Development's (HUD) funds, including the Community Development Block Grant (CDBG) program and Community Development Block Grant Disaster Recovery (CDBG-DR) program.

Consistent with federal guidance, Orange County's Self-Assessment in Part A of this Plan includes a "four factor" evaluation of:

- Relevant demographic information for Orange County to indicate LEP persons eligible to be served or likely to be encountered by the County's programs, services, or activities;
- Frequency with which LEP persons come into contact with these programs, services, or activities;
- Nature and importance of the program, service, and activity to people's lives; and
- Resources available and likely costs of providing LEP services.

Using the results of the Self-Assessment, the County had developed a Language Assistance Plan (Part B of the Limited English Proficiency Plan). The Language Assistance Plan identifies LEP needs and resources available to provide meaningful access to programs, activities, and services and notes the County's current efforts to provide meaningful access.

It is the policy of the Orange County Board of County Commissioners (BCC) that the County shall "protect and safeguard the right and opportunity of all individuals to be free from all forms of discrimination, including discrimination based on national origin." It is also BCC policy to ensure that persons with limited English proficiency are not discriminated against or denied the opportunity for meaningful access to and participation in County programs, services, and activities.

## **Scope**

Orange County's Limited English Proficiency Plan shall specifically apply to Limited English Proficient Persons as defined below.

## **Definitions**

- **Bilingual Staff**: Persons who are fluent in two languages, including those who are fluent in agency terminology and therefore able to conduct the business of their workplace in both languages.
- **Competent Translators**: Persons who possess competence in providing for the linguistic, cultural, factual and technical information in the replacement of written text from one

language (source language) into an equivalent or best matching written text in another language (target language).

- Interpretation: The act of listening to something in one language (source language) and orally translating it into another language (target language).
- Limited English Proficient Persons: Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English and who are entitled to language assistance with respect to a particular type of service, benefit, or encounter.<sup>2</sup>
- Recipient: Entities, including local governments, that receive federal financial assistance, including grants, training, use of equipment, donations of surplus property, and other assistance, are considered recipients.<sup>3</sup>
- Subrecipient: Entities that receive federal funds from a recipient and that are subject to the requirements of Title VI.
- Translation: The replacement of a written text from one language (source language) into an equivalent or best matching written text in another language (target language).<sup>4</sup>
- Vital Documents: Examples of vital documents include consent and complaint forms; notices of rights and disciplinary action; notices advising LEP persons of the availability of free language assistance; written tests that assess competency for a particular license, job, or skill for which English competency is not required; and applications to participate in a program or activity or to receive benefits or services.<sup>5</sup> US DOJ also provides that vital documents must be translated when a significant number or percentage of the population eligible to be served, or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.
- Competent Interpreters: Persons who possess competence in listening with understanding of the linguistic, cultural, factual and technical information in one language (source

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<sup>2</sup> Department of Justice, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons," Federal Register, Vol. 67, No. 117, June 18, 2002, (DOJ Guidance) p. 41459.

<sup>3</sup> DOJ Guidance, p. 41459.

<sup>4</sup> DOJ Guidance, p. 41463.

<sup>5</sup> DOJ Guidance, p. 41463.

language) and orally translating such information into another language (target language) with competence in conveying the linguistic, cultural, factual and technical information into the target language.

## **Designation of Staff Coordinator**

Orange County has designated a Title VI/Nondiscrimination Coordinator who is the individual responsible for oversight and implementation of the Limited English Proficiency (LEP) Plan:

Natalia Garcia  
Orange County Title VI/Nondiscrimination Coordinator  
Orange County Government  
201 S. Rosalind Avenue, 5<sup>th</sup> Floor  
[Natalia.Garcia@ocfl.net](mailto:Natalia.Garcia@ocfl.net) or [access@ocfl.net](mailto:access@ocfl.net)  
407-836-7334 or dial 7-1-1 to access the Florida Relay Service

Responsibilities include coordinating and facilitating delivery of related services, staff training on the Plan's policies and procedures, and ongoing monitoring and assessment of the Plan's effectiveness.

The Title VI/Nondiscrimination Coordinator also is required to present an annual Title VI/LEP Update to the Board of County Commissioners, in a format to be determined, that includes an inventory of LEP services, activities, and programs provided during the preceding year, consistent with Administrative Regulation 5.03.

## **Complaint Procedures**

The County has established a nondiscrimination procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based on race, color, national origin, sex, age, disability, religion, income or familial status in any of the County's programs, services, or activities may file a complaint with the County Title VI/Nondiscrimination Coordinator in writing at Orange County Administration Building, 201 S. Rosalind Avenue, 5<sup>th</sup> Floor, Orlando, FL 32801, in person, or via US mail.

The written complaint should contain the identity of the complainant, the basis for the allegations, and a description of the alleged discrimination with the date of the occurrence. Based on the Self-Assessment, Orange County's Title VI complaint forms are provided in English, Haitian Creole, and Spanish.

The Title VI/Nondiscrimination Coordinator will respond to the complaint within thirty (30) days and will take reasonable steps to resolve the matter. Should the County be unable to satisfactorily resolve the complaint, the Title VI/Nondiscrimination Coordinator will forward the complaint, along with the record of its disposition, to the appropriate federal and/or state authority for further processing.

For persons included in a regularly-encountered LEP group, based on the Self-Assessment in Part A, the County shall provide written notification of the opportunity to file a discrimination complaint in accordance with federal regulations at <https://www.ocfl.net/OpenGovernment/TitleVI.aspx>.

For infrequently-encountered groups, LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to federal regulations.



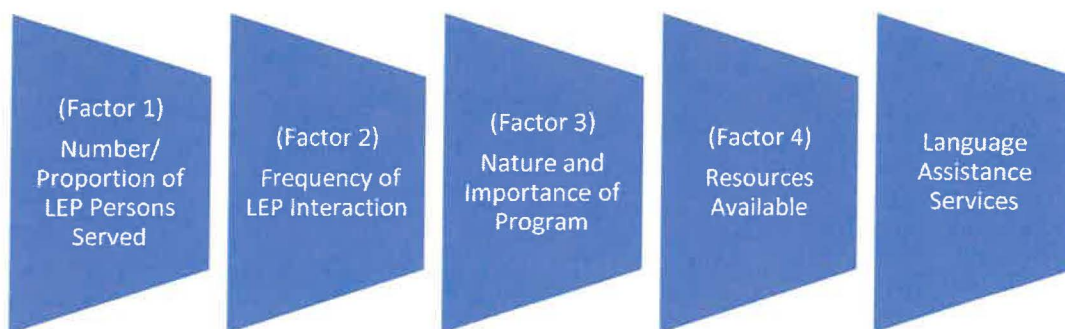
## Part A: Self-Assessment

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Pursuant to Executive Order 13166 and implementing guidance, Orange County is required to take reasonable steps to ensure meaningful access to programs and activities by LEP persons. DOJ Guidance provides four (4) factors that recipient agencies should consider and balance to determine the extent of their obligations to provide LEP services.<sup>6</sup>

This section describes the results of an assessment of how Orange County is identifying and addressing requirements for LEP populations based on the U.S. DOJ's four factors, illustrated in Figure 1.

Figure 1. DOJ Four Factors for Self-Assessment



### Number/Proportion of LEP Persons Served

LEP populations within the County were identified using U.S. Census data. For purposes of the analysis, a “Limited English Proficient” person is the Census category of “Speaks English less than very well.” As shown in Table 1 and Table 2, LEP persons make up 15 percent of the County population, with the highest proportion speaking Spanish or Spanish-Creole (10.40 percent of the total County population). Other LEP populations of note speak Haitian Creole, other Indo-European Languages (including Portuguese), Vietnamese, Chinese, Arabic, and Tagalog.

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<sup>6</sup> DOJ Guidance, p. 41459 - 41461.



Table 1. Limited English Proficiency Populations in Orange County

Total County Population (5 Years and Older)	Limited English Proficiency Population	Percent of Limited English Proficiency Population
1,358,258	199,645	15.0%

Source: 2019 -2023 5-Year American Community Survey (Table C16001)

Table 2. Limited English Proficiency by Language Spoken

Language Spoken	Persons Speaking English Less than Very Well	Percent of Persons Speaking English Less than Very Well (Compared with Total LEP Population)	Percent of Persons Speaking English Less than Very Well (Compared with Total County Population)
Spanish or Spanish Creole	141,259	70.76%	10.40%
French, Haitian, or Cajun Creole	18,784	9.41%	1.38%
Other European Languages	18,731	9.38%	1.38%
Vietnamese	6,468	3.24%	0.48%
Chinese (incl. Mandarin, Cantonese)	5,456	2.73%	0.40%
Arabic	3,215	1.61%	0.24%
Tagalog (incl. Filipino)	1,145	0.57%	0.08%
Other Languages	6,363	3.6%	0.5%
<b>Total</b>	<b>199,645</b>	<b>100.0%</b>	<b>15.0%</b>

Source: 2019 -2023 5-Year American Community Survey (Table C16001)

The locations of LEP populations in Orange County at the Census tract level are shown in Figure . Figure 4 and Figure 5 show Spanish-speaking and Haitian Creole-speaking LEP populations, respectively.

Figure 3. Percent of Population with Limited English Proficiency by Census Tract

2023 5-Year American Community Survey (ACS)

Orange County Total Population with Limited English Proficiency (LEP) by Census Tract

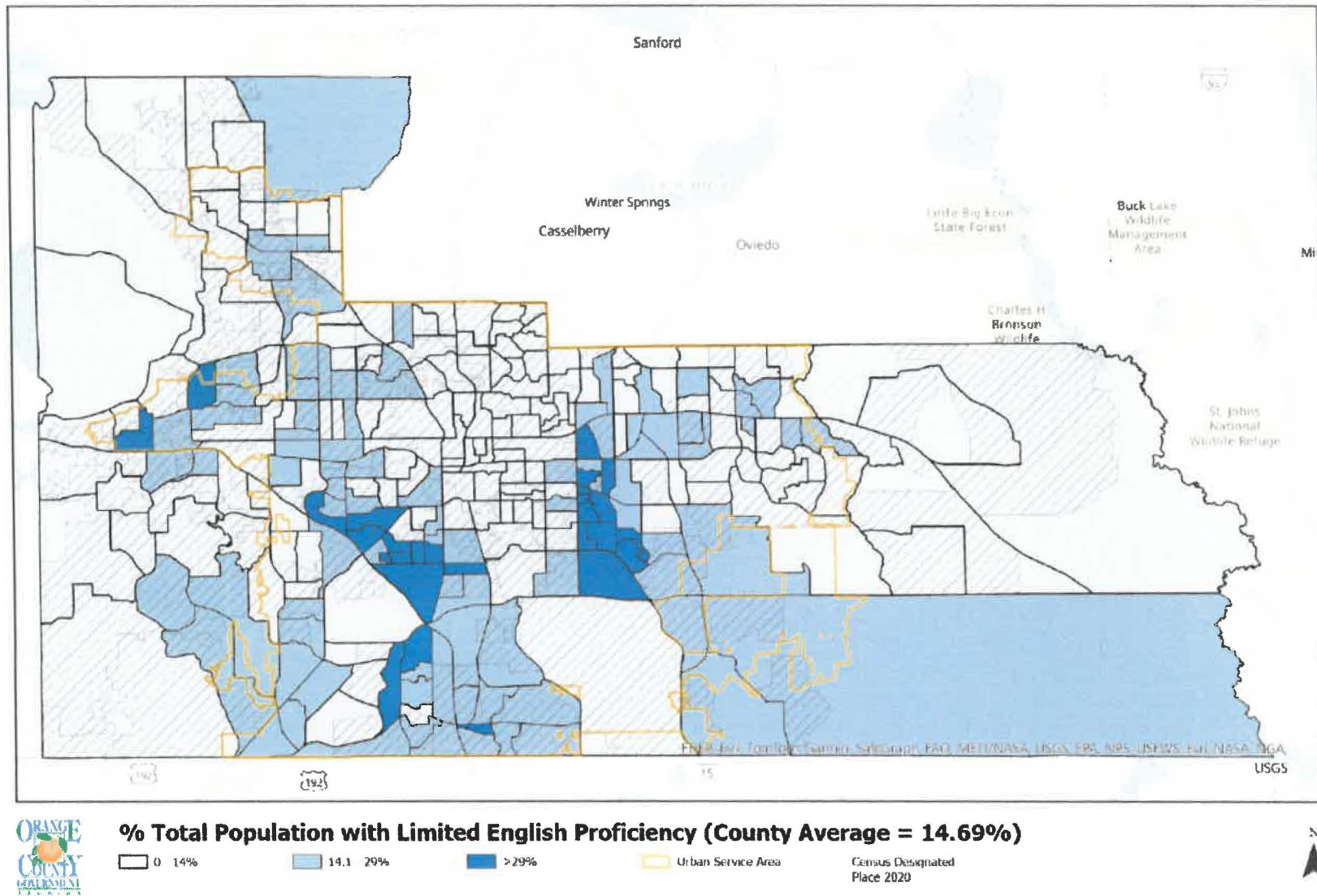
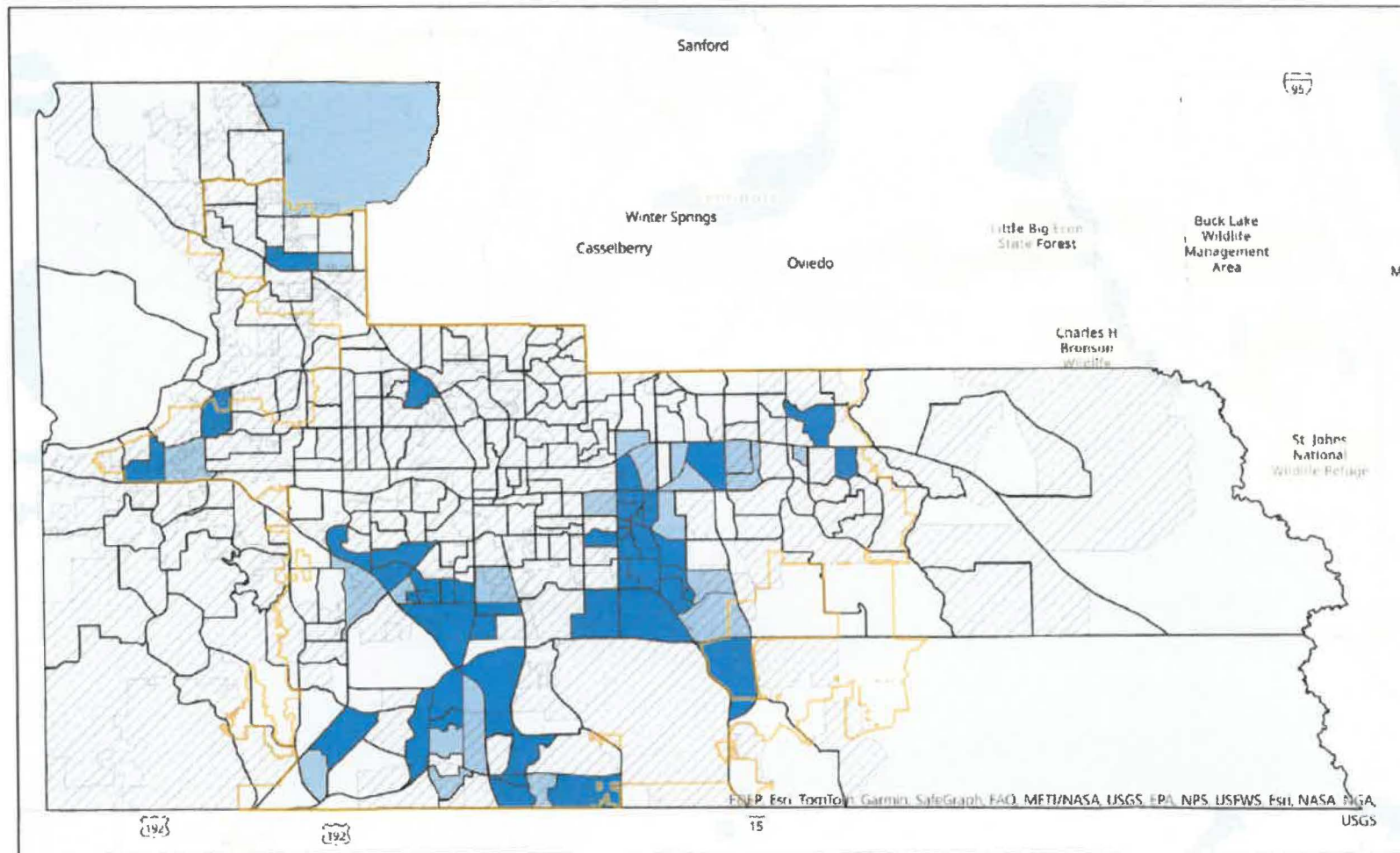


Figure 4. Percent of Spanish Population with Limited English Proficiency, Speaking Spanish or Spanish Creole by Census Tract

2023 5-Year American Community Survey (ACS)

Orange County Spanish Population with Limited English Proficiency (LEP) by Census Tract



**% Spanish Population with Limited English Proficiency (County Average = 10.4%)**

0 15% 15.1 20% > 20% Urban Service Area

Census Designated Place 2020

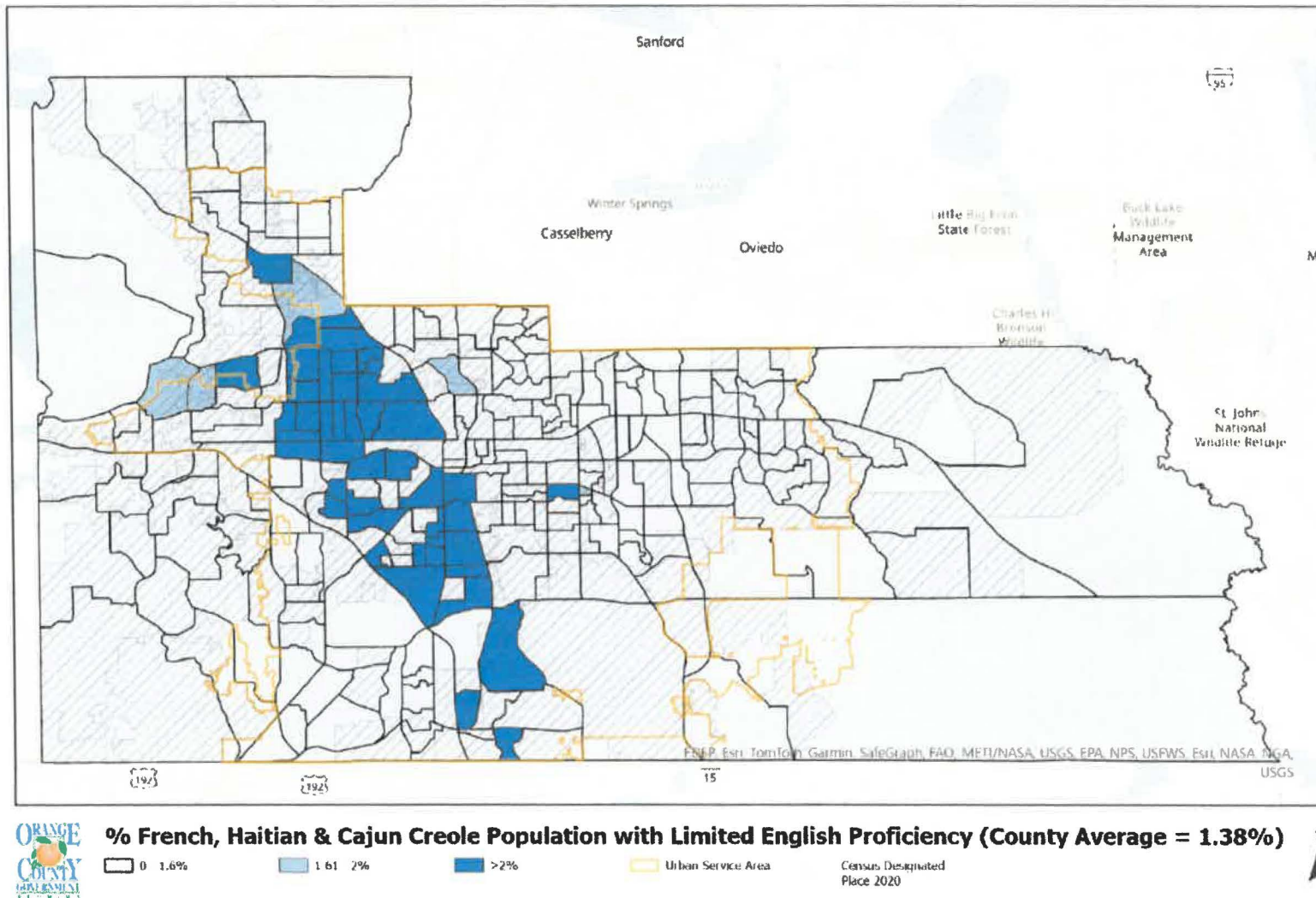




Figure 5. Percent of French, Haitian and Creole Population with Limited English Proficiency, Speaking French, Haitian and Creole by Census Tract

2023 5-Year American Community Survey (ACS)

Orange County French, Haitian & Cajun Creole Population with Limited English Proficiency (LEP) by Census Tract



## Frequency of Contact with LEP Persons

The County continues to conduct periodic surveys to help assess the frequency of contact with LEP persons. Although many Divisions have internal bilingual staff to interpret when needed, many also reported they direct residents to the County's third-party Language Line (through 311 or 911), which provides a contracted vendor to provide over the phone translation services for 240+ languages. Between 2021 and March 2023, the Language Line handled 21,445 calls requiring translation services. The breakdown of these needs is reported in Figure 2.

Figure 6. Requests for Language Line Assistance (2021 – March 2023)

Language by year	Calls	Duration	Cost
<b>2021</b>	<b>11859</b>	<b>1031:56:52</b>	<b>\$11,859.00</b>
Chinese (Cantonese)	5	0:40:09	\$3.00
Creoles and pidgins	16	3:13:51	\$16.00
Haitian Creole	26	3:04:30	\$26.00
Mandarin	5	1:06:11	\$5.00
Portuguese	41	5:01:58	\$41.00
Portuguese - Brazilian	6	0:27:36	\$6.00
Russian	4	0:39:52	\$4.00
Spanish	11737	1014:04:28	\$11,737.00
Spanish Latin American	11	0:48:48	\$11.00
Vietnamese	10	2:49:29	\$10.00
<b>2022</b>	<b>8490</b>	<b>798:26:06</b>	<b>\$8,490.00</b>
Chinese	6	0:48:56	\$6.00
Cree	3	0:49:56	\$3.00
Creoles and pidgins	11	2:45:42	\$11.00
Haitian Creole	41	15:39:03	\$41.00
Mandarin	7	0:42:31	\$7.00
Portuguese	40	7:00:45	\$40.00
Portuguese - Brazilian	6	1:13:16	\$6.00
Spanish	8371	768:45:40	\$8,371.00
Ukrainian	2	0:12:59	\$2.00
Vietnamese	3	0:27:18	\$3.00
<b>2023</b>	<b>1096</b>	<b>111:44:54</b>	<b>\$1,096.00</b>
Afrikaans	1	0:20:26	\$1.00
Chinese	2	0:13:45	\$2.00
Cree	9	2:04:22	\$9.00
Haitian Creole	3	0:32:01	\$3.00
Krio	1	0:00:51	\$1.00
Mandarin	2	0:08:21	\$2.00
Portuguese	9	0:27:54	\$9.00
Russian	1	0:17:24	\$1.00
Spanish	1067	107:33:46	\$1,067.00
Vietnamese	1	0:06:04	\$1.00
<b>Grand Total</b>	<b>21445</b>	<b>1942:07:52</b>	<b>\$21,445.00</b>

The Spanish-speaking LEP population is likely to be the most frequent LEP population encountered, but all County Divisions and staff must do appropriate review of programs, services, and activities to identify other LEP language populations where language assistance is needed. For example, Haitian Creole LEP populations are concentrated in certain parts of the County and may require language assistance for projects or programs in those areas.

#### *Project, Service- or Activity-Specific Guidance*

For a specific project, service, or activity conducted by the County, the County has support documents and training for staff to help identify LEP populations and ensure appropriate translations and services, including support via County translation and interpretation professional services contracts. In 2024, Orange County Human Resources published a comprehensive online training on Title VI/LEP that is now required for over 8,000 County employees annually on a compliance basis. The training highlights the importance of Title VI, provides examples of translated vital documents, and notes the translation services available via the County's 311 service.

For most projects, services, and activities, identification of LEP populations occurs during the stakeholder identification process, and the frequency of contact should be documented.

#### Nature or Importance of the Program

For a specific project or activity, project managers must determine the nature and importance of the program to LEP populations to determine which language assistance services may be needed. According to DOJ Guidance, this criterion should be used to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP person. DOJ Guidance notes the example of the difference in consequences between communicating rights to a person who is arrested versus providing recreational programming.<sup>7</sup>

Also, the County believes that transportation is of critical importance to its public, as access to health care, emergency services, employment, and other essentials would be difficult or impossible without reliable transportation systems. In that spirit, the County defines as vital any document that advises the public of how to access nondiscrimination and public involvement policies, as well as those that impact public safety, health and welfare, and emergency services.

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<sup>7</sup> DOJ Guidance, p. 41460.



In 2023, County staff completed an internal vital communications survey requesting information on division programming and services related to LEP populations, which was summarized in a LEP Inventory report provided to the BCC in May 2023. The LEP Inventory and a subsequent Title VI Progress Report provided to the BCC in September 2024 can be requested from the County's Title VI/Nondiscrimination Coordinator.

County Divisions with the most public-facing work and most frequent encounters with LEP populations indicated the most need for vital documents in additional languages. Individual departments reported the following types of programs, activities, and services that may require translation of vital documents or interpreters:

- Language Line for 911 and 311 callers
- Building and flood permit applications and inspections
- Housing assistance, energy assistance, and loan assistance programs
- Code enforcement services
- Curbside garbage collection
- Customer service support within specific divisions (Mosquito Control, Solid Waste, Water, Stormwater, Housing, Utilities)
- Medical Examiner examination reports
- State Criminal Alien Assistance Program
- Youth and Family Services Programs, including foster care, homeless shelter care, and counseling services
- Public education and incentive programs, such as Water Conservation and Reuse Program

### Resources Available

The County's internal surveys and reporting demonstrate the County's efforts to provide meaningful access to LEP persons using several tools, as depicted in Table 3. All County Divisions have been provided printed "I Speak" cards with 46 different languages, and all employees received training on how to use the cards to assist LEP persons. The County employs a number of proficient non-English language speakers that are able to interpret and/or provide translation services. Some Divisions use the County's 311 service for language interpretation when encountering LEP persons. The County has support documents and training for staff to help ensure appropriate translations and services, including support via County translation and interpretation professional services contracts. These resources are summarized in the Language

Assistance Plan table following and detailed in recent County reports available from the Title VI/Nondiscrimination Coordinator upon request.

Table 3. Language Assistance Services Resources Reported for LEP Persons

Resources and Materials	Description	Associated Cost
Language Line Interpreter Services	Third party interpreter services for emergency (911) and non-emergency (311) calls. Also, some County phone lines prompt callers with language options. For example, the Office of Tenant Services provides four options for preferred language connections including English, Spanish, Haitian Creole, and Portuguese.	\$95 per hour per interpreter (current contract price)
Internal Staff Customer Service with Bilingual Speakers	Internal staff interpreter services on an as-needed basis available in many Divisions.	Variable
Website	County website is available in Spanish.	Indeterminable
Statement of How to Obtain Language Assistance	Administrative Regulations 5.03 and 2.09.01 provide standard notification language in English, Spanish, and Haitian Creole and require their use in all County notices . "I Speak" cards are also used at public hearings and events to identify LEP persons.	Indeterminable
Educational Brochures	<p>Educational brochure translation into Spanish and Haitian Creole varies by Division. Most updated on an as-needed basis.</p> <p>Examples of translated brochures include "Know your Watering Days," and some incentive programs.</p> <p>Customer brochures for Solid Waste Programs including Automated Curbside Collection, Think 5 Recycling, Household Hazardous Waste, and the Orange County Recycler Customer Newsletter are available in Spanish and Haitian Creole.</p> <p>Hurricane Preparedness Brochures are produced in English, Spanish, and Haitian Creole.</p>	Variable
Program Services Brochures	Program service brochure translation into Spanish varies by Division. Some translation into Haitian Creole. Most updated on an as-needed basis.	Variable
Activities/Events Newsletters	Divisions report minimal translation of activities and events newsletters into Spanish. None reported translation into Haitian Creole.	Variable



Resources and Materials	Description	Associated Cost
Public Meeting Notices	Divisions report a mix of translations on an as-needed basis. Administrative Regulations 5.03 and 2.09.01 provide standard notification language in English, Spanish, and Haitian Creole and require their use in all County notices.	Variable
Press Releases or Announcements	The types of announcements translated include general notices about construction where individual residents will be impacted by county projects. These notices are translated into Spanish within 24 hours of posting and into Haitian Creole on an as-needed basis.	Variable
Written Materials related to Individual Rights	Most of these materials are not translated, with the exception of Youth and Family Services and Housing on an as-needed basis.	Variable
Emergency Operations	<p>Bilingual services are offered through the 911 Emergency Line. For additional services, Orange County retains two contracted language translation services for use by the 911 centers that can translate hundreds of languages.</p> <p>When an individual dials 911 and needs translation, the 911 Operator connects to the translation service via a direct button transfer. When the translator comes on the line, a three-way conversation is established with the 911 caller, 911 operator and the translator.</p> <p>For text 911 calls, the 911 Operator can send the 911 caller a link via their cellphone. Once the 911 caller opens the link via their cellphone, they are texted what language, and they make a selection. There are 71 languages in this application. Once the language is selected, the application converts the text from English to the language chosen, and the reverse automatically.</p> <p>The iTranslate App is installed on all Fire Rescue Department mobile devices which enables First Responders with the ability to text and voice translate 100 of the most popular languages.</p>	

Resources and Materials	Description	Associated Cost
Other	<p>For major initiatives, everything is translated into Spanish and Haitian Creole.</p> <p>The Office of Communications has a contract with The CCI Group, who is on retainer to operate the AKKADU APP (<a href="http://www.akkadu.com">www.akkadu.com</a>) which provides Remote Simultaneous Interpretation (RSI), AI Subtitles, and or Human Live Captioning to any on-site, hybrid or online meeting.</p> <p>Residents may access the service at <a href="http://www.ocfl.net/language">www.ocfl.net/language</a> for Spanish, Haitian Creole, and Portuguese translation. Other languages can be made available upon request.</p> <p>Orange TV offers live captions in Spanish on CC2 for meetings that are broadcast on Orange TV.</p> <p>Communications produces a monthly newsletter, the Demings Digest, in both English and Spanish that is distributed to two separate email lists.</p> <p>For Head Start, the Vasco Pocket Resource Translator M3 or V4 is available for individual client usage. The EXMAX Wireless Transmission System is deployed for large groups that include LEP residents.</p>	Variable
Forms	<p>Most of these materials are not translated, with the exception of Youth and Family Services (translated into both Spanish and Haitian Creole) and Housing (on an as-needed basis). For example, Health Insurance Portability and Accountability Act (HIPAA) information forms are translated in English, Spanish, and Haitian Creole.</p>	Variable

## **Part B: Orange County Language Assistance Plan**

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Orange County's Language Assistance Plan (LAP) is intended to provide an implementation process to address appropriate language needs within the County as identified in the Self-Assessment.

### **Orange County's Commitment**

- Maintain a list of employees who competently speak the LEP language(s) and who are willing to provide translation and/or interpretation services;
- Distribute this list to staff that regularly has contact with the public;
- Provide public notification in the LEP language of the availability of language assistance, free of charge;
- Provide opportunities for meaningful access by LEP persons to Orange County's programs, services and activities based on the four-factor analysis;
- Identify resources to ensure that the County can balance meaningful access to programs and services while not incurring undue burdens on the County's financial resources; and
- Complete LEP LAP updates every three (3) years based on an assessment of the effectiveness of the Language Assistance Plan.

DOJ Guidance identifies the primary ways to provide language services as oral language services (interpretation) and written language services (translation)<sup>8</sup>.

### **Oral Interpretation**

For oral language services, or interpretation, DOJ Guidance emphasizes the quality and accuracy of the language service with competent interpreters. Services should also be provided in a timely manner. The U.S. DOJ recommends the following strategies that have been implemented in Orange County:

- Hire bilingual staff;

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<sup>8</sup> DOJ Guidance, p. 41461.



- Contract for interpreters;
- Use telephone interpreter lines;
- Use community volunteers; and
- Use family members, friends, other inmates, or other detainees, although it should not be used as a primary strategy and is allowable only in certain circumstances that take into account confidentiality, privacy, or conflict of interest<sup>9</sup>

### Written Translation

For written translation obligations under Title VI, the County can use competent translators to provide translation of vital documents into Spanish for countywide programs, services, and activities as a “safe harbor,” because the County’s Spanish or Spanish-Creole LEP population exceeds 5 percent. For other LEP populations, the County will carefully assess the translation of vital documents for programs, services, and activities.

LEP.GOV describes vital documents as follows:<sup>10</sup>

“A document will be considered vital if it contains information that is critical for accessing the agency’s program or activities or is required by law. Vital documents include, but are not limited to:

- Documents that must be provided by law;
- Complaint, consent, release, or waiver forms;
- Claim or application forms;
- Conditions of settlement or resolution agreements;
- Letters or notices pertaining to the reduction, denial, or termination of services or programs or that require a response from the LEP person;
- Time-sensitive notice, including notice of hearing, upcoming grand jury or deposition appearance, or other investigation or litigation-related deadlines;
- Form or written material related to individual rights;
- Notice of rights, requirements, or responsibilities; and,
- Notices regarding the availability of free language assistance services for LEP individuals.”

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<sup>9</sup> DOJ Guidance, p. 41461 - 41462.

<sup>10</sup> Common Language Access Questions, Technical Assistance, and Guidance for Federal Conducted and Federally Assisted Programs, LEP.GOV, <https://www.lep.gov/faq/faqs-federally-conducted-and-assisted-programs/common-language-access-questions-technical>.

This also includes disaster preparedness or emergency information, and the County will continue to evaluate translations completed and needed to protect the safety of all County residents. The federal government provides a Spanish-language preparedness website at [www.listo.gov](http://www.listo.gov) and preparedness resources in Arabic, French, Haitian Creole, Hindi, Japanese, Korean, Portuguese, Russian, Tagalog, Vietnamese and Simplified Chinese at [www.ready.gov](http://www.ready.gov) that can support the County's efforts.

### Notices to LEP Persons about Available Language Services

There are various means of informing LEP persons that language services are available and free of charge. The DOJ Guidance<sup>11</sup> provides several examples that have been implemented by Orange County:

- Posting signs in intake areas and other entry points;
- Including statements translated into the most common languages that notify LEP persons language services are available from the agency in the County's outreach documents consistent with applicable Administrative Regulations;
- Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services;
- Using a telephone voice mail menu;
- Including notices in local newspapers in languages other than English; and
- Providing notices on non-English radio and television stations about language assistance services

Upon adopting this Limited English Proficiency Plan, the County will publish the plan and notification of the availability of language assistance services, free of charge, prior to board and committee meetings, workshops, and public hearings consistent with applicable Administrative Regulations. Notification will continue to be provided on the County's website, within meeting notices, and on each agenda in Spanish and other LEP languages, as appropriate.

Administrative Regulation 5.03 relating to Language Access (Regulation) requires that prior to board and committee meetings, workshops, and public hearings, County staff shall provide notification of the availability of language assistance services, free of charge, on the County's website, within meeting notices, and on each agenda in English, Spanish, and Haitian Creole.

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<sup>11</sup> DOJ Guidance, p. 41465.



Also, County staff shall provide meeting notices in other languages, as deemed appropriate for meetings involving a significantly large group of LEP persons who speak a language other than Spanish and Haitian Creole. The Regulation states that County staff shall determine the need for additional notification to LEP persons based on the nature of the meeting or event.

The Regulation provides the following standard notice of the availability of language assistance services for notification purposes and requires that it be used in substantially the same form:

*Orange County does not discriminate on the basis of race, color, national origin, sex, age, religion, disability or family status. Those with questions or concerns about nondiscrimination, those requiring special assistance under the Americans with Disabilities Act (ADA), and those requiring language assistance (free of charge) should contact the Title VI/Nondiscrimination Coordinator at [access@ocfl.net](mailto:access@ocfl.net) or by calling 3-1-1 (407-836-3111).*

*El Condado de Orange no discrimina por motivos de raza, color, origen nacional, sexo, edad, religión, discapacidad o situación familiar. Aquellos que tengan preguntas o inquietudes sobre la no discriminación, aquellos que requieran asistencia especial según la Ley de Estadounidenses con Discapacidades (ADA) y aquellos que requieran asistencia lingüística (gratuita) deben comunicarse con el Coordinador de No Discriminación/Título VI en [access@ocfl.net](mailto:access@ocfl.net) o llamando 3-1-1 (407-836-3111).*

*Orange County pa fè diskriminasyon sou baz ras, koulè, orijin nasyonal, sèks, laj, relijyon, andikap oswa sityasyon fanmi. Moun ki gen kesyon oswa enkyetid konsènan non diskriminasyon, moun ki bezwen asistans espesyal dapre Lwa Ameriken andikape yo (ADA), ak moun ki bezwen asistans nan lang (gratis) ta dwe kontakte Kowòdonatè Tit VI/Nondiscrimination nan [access@ocfl.net](mailto:access@ocfl.net) oswa lè yo rele 3. -1-1 (407-836-3111).*

For language assistance related to a community meeting or other event, the Regulations states that County staff shall modify the above-referenced standard notice form as follows:

*Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require special accommodation under the Americans with Disabilities Act (ADA), and those requiring translation services (free of charge) are asked to contact the Title VI Nondiscrimination Coordinator no less than (10) days before the event at [access@ocfl.net](mailto:access@ocfl.net) or by calling 3-1-1 (407 -836-3111).*

*Se solicita la participación del público sin distinción de raza, color, origen nacional, edad, sexo, religión, discapacidad y situación familiar. Las personas que requieran adaptaciones especiales según la Ley de Estadounidenses con Discapacidades (ADA), y aquellas que requieran servicios de traducción (sin cargo), deben comunicarse con el Coordinador de No Discriminación del Título VI al menos (10) días antes del evento en [access@ocfl.net](mailto:access@ocfl.net) o llamando al 3-1-1 (407-836-3111).*

*Yo mande patisipasyon piblik san konsiderasyon ras, koulè, orijin nasyonal, laj, sèks, relijyon, andikap oswa sityasyon fanmi an. Moun ki bezwen aranjman espesyal dapre Lwa Ameriken andikape yo (ADA), ak oswa moun ki bezwen sèvis tradiksyon (gratis) yo mande pou kontakte Kowòdonatè Non Diskriminasyon Tit VI pa mwens pase (10) jou anvan evènman an nan*

The County's adopted Regulation requires department directors to guide division managers in applying four factor analysis to evaluate translated documents and to prepare the translation of additional vital documents.

### Orange County's Language Services Provided

Table 4 summarizes the County's language services and commitments to services.

Table 4. Orange County Language Services

Area	Service	Description
Notification	Print Publications, Website, Direct Mail	<p>Provide notification of the County's language assistance resources in all public meeting notices, advertisements, and newsletters per applicable Administrative Regulations.</p> <p>For countywide notifications, post notification language in Spanish. Use four-factor analysis to determine other languages for translation of notices in projects and programs. Post ads in Spanish newspaper if vital.</p> <p>For countywide communications, translate entirety of any communications determined "vital communications" as defined above.</p>
Outreach Materials	General brochures, newsletters, community surveys, forms	<p>Provide notification of the County's language assistance services in all general brochures, newsletters, and surveys. Use four-factor analysis to determine other languages for translation of notices in projects and programs.</p> <p>For countywide notifications, post notification language in Spanish. For countywide communications, translate entirety of any communications determined "vital communications" as defined above.</p>
Website	Spanish	Provide Spanish language general information and contact information.
Phone Services	Emergency Services	Use Language Line services to provide interpretation services as needed when 911 is called.
Phone Services	Non-Emergency Services	Use Orange County 311 Customer Service Center to patch in interpretation (in-house staff), if the caller requires language assistance.
Meetings/Events	Public hearings, community meetings	Use standard notification of availability of translation services and note they are at no cost to recipient and follow noticing procedure as described above per applicable Administrative Regulations.



## Staff Training

Federal LEP guidance recommends an effective LEP plan include staff training about LEP policies and procedures. The designated Title VI/Nondiscrimination Coordinator, with support of all County Departments, will share the County's LEP Plan and associated guidance with all Divisions and will require staff to complete one or more LEP trainings, depending upon their frequency of interaction with LEP persons. The Human Resources Department developed the County's LEP trainings, which are listed in Table 5.

Table 5. Orange County Training Awareness/Campaign Communication Materials

Training Activity	Audience
E-mail concerning the Title VI BCC Resolution	All Directors and Managers
Title VI and LEP Plan Training-1	All Directors and Managers
Title VI and LEP Plan Training-2	All Orange County personnel
Internet banner and video concerning Title VI/ADA requirements	All Orange County personnel
Title VI course and video on the LMS	All Orange County personnel
LAP Department Liaison Training	All Department Liaisons
iSpeak Cards/Posters Training-1	311 Leadership Team
iSpeak Cards/Posters Training-2	All Directors and Managers
iSpeak Cards/Posters Training-3	Front desk receptionists and guards at public-facing buildings

To support County-required training and overall compliance, the County Attorney's Office has provided the guidance to County staff regarding translation of vital documents, included in Figure 5 on the following pages.



Figure 7. County Attorney's Office Vital Documents Guidance



## Title VI Compliance: Translating “Vital” Documents

### Overview

Title VI of Civil Rights Act of 1964 and implementing regulations require Orange County, as a local government that receives federal funding, to translate “vital” documents and written materials that provide information about the County's services and programs for the public.

These translations should be made into those languages that have been identified to have a substantial number of Limited English Proficient (LEP) persons, which are persons who do not speak English as their primary language and who have a limited ability to speak, read, write, or understand English.

### What kind of written materials are “vital documents”?

- “Vital” documents that are those which are critical to ensuring meaningful public access to those major activities, services, and programs provided by the County.

### 4 categories of “vital documents”

- (1) Documents that create or define “legally enforceable rights or responsibilities on the part of individual beneficiaries”
  - Rule books; Rules of Conduct
  - Notice or determination of eligibility for, award of, denial of, loss of, or decreases in services, benefits, or rights
  - Notices of disciplinary action
  - Anything requiring an official response from the LEP person
  - Anything with appeal rights
- (2) Documents that “solicit important information required [for] eligibility to participate in a Federally-assisted program or activity.”
  - Application, certification, or intake forms
  - Complaint forms or claim forms
  - Consent forms
  - Written tests which test for a particular license or skill for that do not assess English language capabilities, or for which knowledge of written English is not required
- (3) Written documents that are “the core benefit or service provided by the program or activity.”
  - Prisons: Rule books, drug and alcohol counseling forms
  - Courts: Notices of rights and disciplinary action
  - Housing: Applications for housing or housing assistance
- (4) Documents that are for “programs or activities . . . specifically focused on providing benefits or services to significant LEP populations.”
  - Notices and materials advising of free language assistance;
  - Notices and materials explaining a Department's services or programs, including publicly-posted documents or signage



### **What documents are NOT necessarily considered “vital”?**

- Voluntary tours of County buildings or property
- Applications for bicycle safety courses
- Applications for recreational programs (*except if the recreational program is the major source of the applicable federal funding*)

### **If you aren’t sure whether documents should be considered “vital” or not?**

- Apply a case-by-case analysis
  - Whether or not a document is “vital” may depend on the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the subject information is not provided accurately or in a timely manner.  
  
*Example:* The City of San Francisco determined that it would commit to providing translation of meetings notices, agendas, and minutes of its meetings for City Boards, Commissions, advisory bodies and Departments *upon written request*. (San Francisco Ordinance No. 27-15)
- Any judicial or legal proceedings?
  - Court systems are a key area where translation of vital documents is necessary. Federal guidance now interprets “courts” to include administrative adjudicatory hearings conducted by a local government.
- Large documents containing both vital and nonvital information?
  - Some documents can include information in appropriate languages to instruct LEP persons where they can request and obtain a full translation of the document.
  - Large documents may also isolate and translate the vital information in lieu of translating the entire document.

### **How to prioritize translation of “vital” documents?**

- Recommended to prioritize the translation of materials that **affect public safety and critical services**.
- Consider the 4 above categories, as well as any necessary case-by-case analysis. Which documents are “vital” based on these considerations?

### **How to get started?**

- Federal guidelines encourage the County to **create and maintain a plan** for consistently determining what documents are “vital” for its various programs, services, and activities.
  - Creating a written policy could be helpful
  - Community outreach situations are a good chance to gauge needs of LEP persons.
- County Departments and Division should consider **designating a responsible staff member** to manage all translations of the Department's written materials and ensure that translations meet accuracy and appropriateness standards.
  - For legal documents (orders, motions, notices), certified or accredited translators may be necessary.

## Evaluation and Auditing of LEP Plan

The County understands that its community characteristics change and that the four factor analysis may reveal the need for more or varied LEP services in the future. The Orange County Limited English Proficiency Plan and Language Assistance Plan will be updated every three (3) years to ensure that it remains reflective of the community's needs and is compliant with federal and state law by:

1. Updating the demographic statistics to accurately track Orange County's population and language needs;
2. Confirming Orange County's commitment to providing meaningful opportunities for LEP persons to access County programs, services and activities; and
3. Providing an assessment of the Plan's effectiveness in addressing nondiscrimination objectives.

Evaluation of the Plan shall consider, at a minimum, the following performance measures:

- Number of requests for translation and/or interpretation assistance prior to or at public hearings, meetings, or other public event, including completed "I Speak" cards received;
- Number of unique hits to the Title VI/Nondiscrimination website portal; and
- Current LEP populations in the service area and nature and importance of activities to such LEP persons;
- Staff awareness of the LEP Plan and implementation;
- Viability and availability of assistance sources;
- Frequency of encounters with LEP language groups; and
- Whether provided assistance is meeting LEP needs.

All performance measures, including the above listed performance measures, shall be compiled and tracked annually by the Title VI/Nondiscrimination Coordinator and shall be used in conjunction with the best available demographic data from the American Community Survey to evaluate the Plan. The evaluation shall consider any significant changes in Orange County's demographics that may warrant changes or updates to the Language Assistance Plan. This Plan shall become effective following adoption of the resolution by the Board of County Commissioners.



## Public Involvement

To plan for efficient, effective, safe, equitable and reliable transportation systems, Orange County requires public involvement from residents, communities, and businesses. Orange County allocates staff and financial resources to further this goal and strongly encourages the participation of the entire community. Orange County's website advises the public how it can access information and provide input. Orange County also holds public meetings, workshops and other events designed to gather public input on program/project planning and construction. Orange County sponsors, attends and participates in other community events to promote its services to the public.

Orange County is constantly seeking ways of measuring the effectiveness of its public involvement. Persons wishing to request special presentations from County staff, to volunteer in any of its activities, to offer suggestions for improvement, or to learn more about the County's programs and services should visit <http://www.ocfl.net> or contact:

Natalia Garcia  
Orange County Title VI/Nondiscrimination Coordinator  
Orange County Government  
201 S. Rosalind Avenue, 5<sup>th</sup> Floor  
[Natalia.Garcia@ocfl.net](mailto:Natalia.Garcia@ocfl.net) or [access@ocfl.net](mailto:access@ocfl.net)  
407-836-7334 or dial 7-1-1 to access the Florida Relay Service

## Data Collection

Federal Highway Administration (FHWA) regulations require federal-aid recipients to collect racial, ethnic and other similar demographic data on beneficiaries of or those affected by transportation programs, services and activities. Orange County accomplishes this through the use of U.S. Census data, American Community Survey reports, environmental screening tools, driver and ridership surveys, community development activities, and other methods.

From time to time, Orange County may find it necessary to request voluntary identification of certain racial, ethnic or other data from those who participate in Agency programs, services or activities. This information assists Orange County with improving service equity and ensuring effective outreach. Self-identification of personal data to Orange County will always be voluntary

and anonymous. Orange County will not release or otherwise use this data in any manner inconsistent with the FHWA regulations.

## Community Assessment

To help determine areas of greatest need, Orange County uses six indicators based on agency practices in Central Florida and feedback from various Orange County Divisions:

- Low-Income Households (American Community Survey Table B17017)
- People of Color (American Community Survey Table B03002)
- Older Adults Over 64 (American Community Survey Table B01001)
- Limited English Proficiency Households (American Community Survey Table C16002)
- Population with a Disability (American Community Survey Table B23024)
- Overcrowded Households (American Community Survey Table B25014)

A composite indicator is comprised of data from the six indicators described in Table 6 below. Areas in Orange County identified as having the highest need have scores of 5 or 6. Lower risk areas have scores of 3 or 4. The County can review scores in various planning, policy, and project activities to help ensure these activities serve all residents' needs.

Table 6: Criteria for Identifying High-Need Areas

Model Criteria	American Community Survey Table Name	Protected Class	Authorizing Source or Guiding Document
<b>Low-Income Households</b>	B17017: Poverty Status in the Past 12 Months by Household Type	Low-Income	FHWA's Title VI Program and Related Authorities: 23 CFR
<b>People of Color</b>	B03002: Hispanic or Latino Origin by Race	Race and Minority	Title VI of the Civil Rights Act of 1964, FHWA's Title VI Program and Related Authorities: 23 CFR, and Title VI Requirements and Guidelines for FTA Recipients
<b>Limited English Proficiency Households</b>	C16002: Household Language by Household Limited English-Speaking Status	Limited English Proficiency and National Origin	Title VI of the Civil Rights Act of 1964, FHWA's Title VI Program and Related Authorities: 23 CFR 200, and Title VI Requirements and Guidelines for FTA Recipient
<b>Older Adults</b>	B01001: Sex by Age	Age	FHWA's Title VI Program and Related Authorities: 23 CFR 200

<b>People with a Disability</b>	B23024: Poverty Status in the Past 12 Months by Disability Status	Disability	FHWA's Title VI Program and Related Authorities: 23 CFR 200
<b>Overcrowded Households</b>	B25014: Tenure by Occupants per Room	N/A	U.S. HUD Comprehensive Housing Affordability Strategy

### Low-Income<sup>12</sup>

This indicator is the percentage of households whose income in the past 12 months was below the Federal Poverty Level (FPL). In Orange County, the average was 14.48 percent of households in 2019. The areas where more than 25 percent of the households have incomes below the poverty level are located in downtown Orlando, near University of Central Florida, Belle Isle, near Orange County Convention Center, and Apopka. Outside the Urban Service Area, the unincorporated areas of Zellwood and Tangerine to the northwest of Apopka also have a significant portion of residents with household income below poverty level.

### People of Color<sup>13</sup>

This indicator is the percentage of population that identifies as a people of color. The nomenclature of People of Color (POC) is used, instead of the traditional terminology of “minority,” due to the fact that Orange County had a non-white population of 59.98 percent in 2019 and is a “majority-minority” county. Being majority-minority, referencing people from traditionally minority race and ethnicity groups as the minority is no longer applicable from a statistical or socioeconomic standpoint. Areas in the top quintile with the most POC have over 90 percent within a census tract block group and are mostly concentrated on the west side of the City of Orlando around Clear Lake, Lake Mann, Lake Lawne, Hiawassee, and east of Universal Orlando Resort. Other areas are outside the Urban Service Area boundary in Winter Garden and North of Lake Apopka, which has between 60 percent and 75 percent of its population identifying as POC.

<sup>12</sup> The Federal Poverty Level (FPL) is a measurement of the minimum amount of annual income that is needed for individuals and families to pay for essentials, such as room and board, clothes, and transportation. The FPL takes into account the number of people in a household, their income, and the state in which they live. The percentage of the population living below the indicated federal poverty threshold is based on their family income, size, and composition.

<sup>13</sup> The designation “people of color” indicates the percentage of the population that does not identify as Non-Hispanic White, inclusive of the following categories: Black, Hispanic (Latino), Native American, Asian/Pacific Islander, and Mixed/Other. The term people of color recognizes the significant disparities that have endured over time as a result of historical discrimination and racism and highlights these inequities against non-white populations. Racial Equity Baseline Conditions Report, SCAG, March 2021. [https://scag.ca.gov/sites/main/files/file-attachments/racialequitybaselineconditionsreport\\_03242021revision.pdf](https://scag.ca.gov/sites/main/files/file-attachments/racialequitybaselineconditionsreport_03242021revision.pdf)



### Limited English Proficiency

This indicator is the percentage of households speaks English less than very well. Please refer to the Part A: Self-Assessment section of this document for more information.

### Persons with a Disability

This indicator is the percentage of households with at least one person with a disability. In Orange County, the average was 9.93 percent of the households in 2019. The top quintile has over 20 percent of the households with a disability within a census tract block group, and there is a higher proportion of this population near Lake Lawne, east of Belle Isle, Winter Garden, and southeast Apopka. Outside of the Urban Service Area, there are a few concentrations of persons with a disability in northwest Apopka and the unincorporated areas of Christmas and Wedgefield.

### Older Adults

This indicator is the percentage of the population over 64 years old. In Orange County, the average was 11.64 percent of the population in 2019. The top quintile has over 29 percent of older adults within a census tract block group, and there is a higher proportion of this population in Maitland, Winter Park, Windermere, Belle Isle, Lake Mann, and near Orange County Convention Center. Outside the Urban Service Area, Apopka and the unincorporated areas of Christmas and Wedgefield have a higher average of older adults, compared to the rest of the county.

### Overcrowded Households<sup>14</sup>

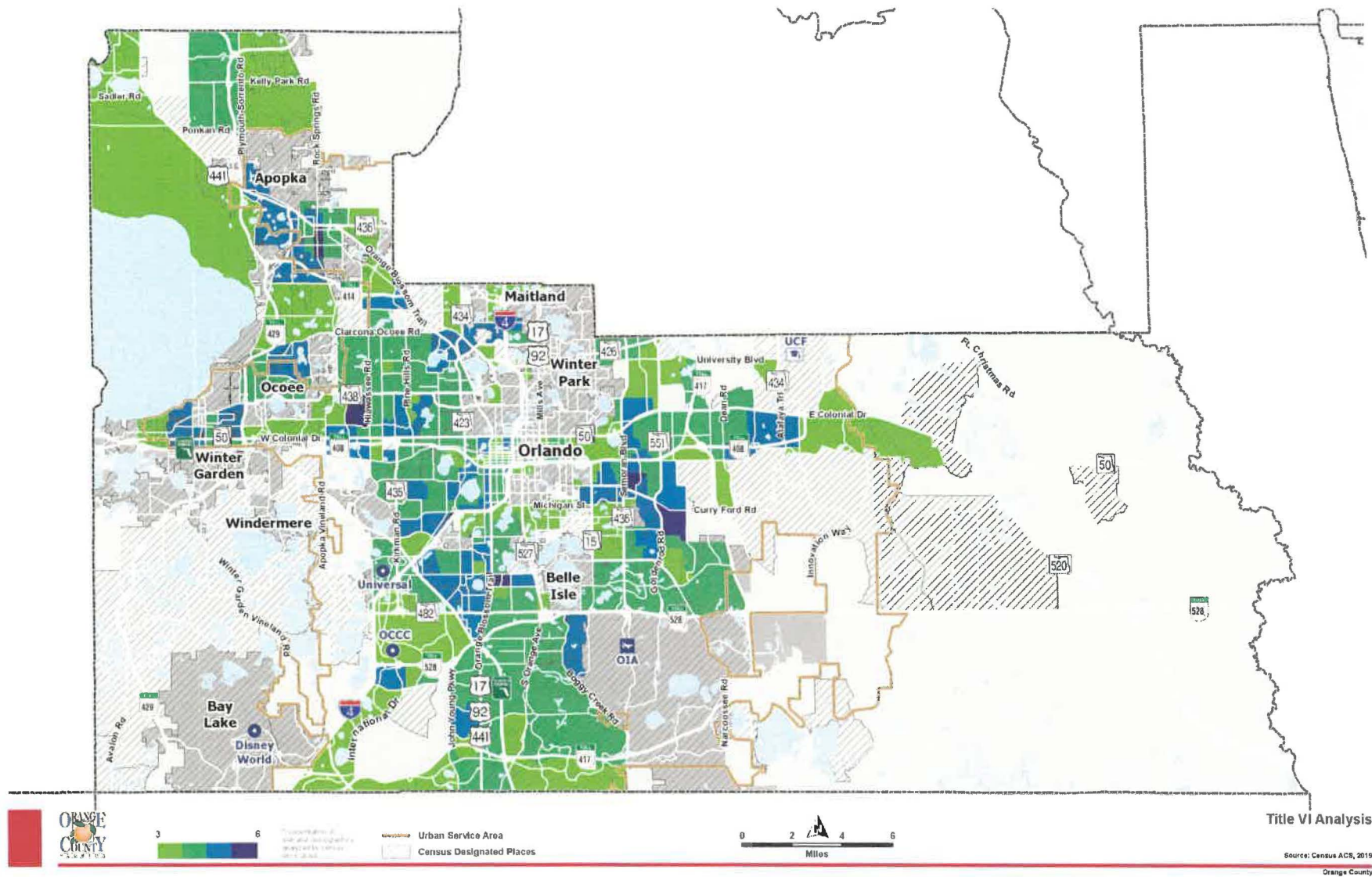
This indicator is the percentage of households whose number of occupants per room exceeded 1.5 in 2019. In Orange County, the average was 1.07 percent of households that are overcrowded. The areas in the top quintile, where more than 3 percent of households are overcrowded, are located in on the south side of Universal Orlando Resort, around Orange County Convention Center, southeast Orlando, south side of Ocoee, south side of Apopka, and in Maitland. Outside the Urban Service Area, the unincorporated areas northwest of Apopka and east of the Urban Service Area boundary also have a portion of households with the problem of overcrowding, compared the rest of Orange County.

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<sup>14</sup> The US Department of Housing and Urban Development considers more than 1 person per room in a dwelling as "crowding" and more than 1.5 persons per room in a dwelling as "overcrowding."



Figure 8. Orange County High-Need Areas



To best serve these communities, Orange County should:

- Collect demographic data to understand the socioeconomic characteristics of the community;
- Have a robust public involvement strategy for reaching out to and collecting input from underserved communities;
- Ensure full and fair participation by all potentially-affected communities in transportation decisions;
- Analyze plans, programs and activities to ensure they avoid disproportionately high or adverse impacts on protected communities;
- Prevent denial, reduction, or significant delay in benefits to protected communities; and
- Use avoidance, minimization and mitigation strategies to eliminate or reduce disproportionately high or adverse impacts of its plans.