

Orange County Title VI Nondiscrimination Policy and Plan



April 2022

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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 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 commensurate 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. Those wishing to view the Orange County’s Nondiscrimination Assurance may do so by visiting the County’s website or contacting the County’s designated Title VI/Nondiscrimination Coordinator.

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.

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 respond to the complaint within thirty (30) calendar days and, if the complaint is directly related to use of state pedestrian or transportation facilities, will notify FDOT in accordance with the FDOT Local Agency Program Manual. 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

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, signed in 2000, requires recipients of federal funds to:

- Examine programs, activities, and services that they provide,
- 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 a Limited English Proficiency Plan based on applicable federal guidance. Consistent with this guidance, Orange County’s Self-Assessment in Part A of this Plan includes a “four factor” evaluation of:

- Relevant demographic information for Orange County,
- Frequency of contact that the County has with LEP persons,
- Nature and importance of programs and services deemed vital, and
- Resources and associated 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 Proficiency 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.¹

¹ 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.

- 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.²
- 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).³
- 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.⁴ 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 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 Ricardo Daye, Director of County's Human Resources Department, as Title VI/Nondiscrimination Coordinator and as the individual responsible for oversight and implementation of the Limited English Proficiency Plan; the current information for this individual is noted immediately below. Responsibilities include coordinating and facilitating

² DOJ Guidance, p. 41459.

³ DOJ Guidance, p. 41463.

⁴ DOJ Guidance, p. 41463.

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

Ricardo Daye, Director, Human Resources Department
Title VI/Nondiscrimination Coordinator
Orange County Government
450 E. South Street
Orlando, Florida 32801
(407) 836-5825
Access@ocfl.net

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 Human Resources, 450 E. South Street, 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 shall be 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 Limited English Proficiency 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 www.ocfl.net.

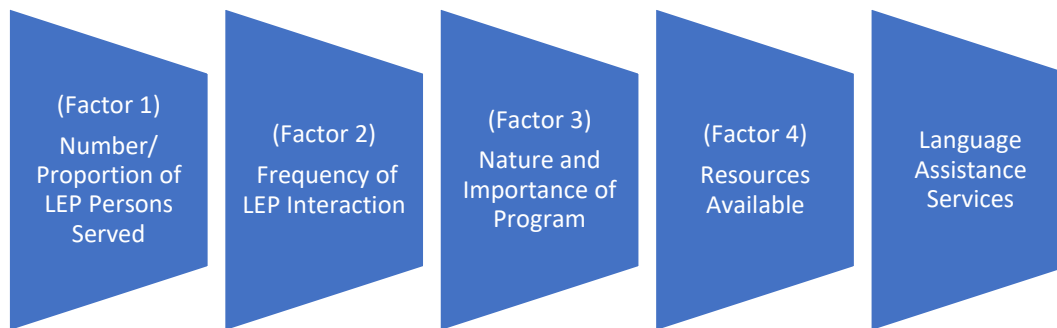
For infrequently encountered groups, LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to federal regulations.

Part A: Self-Assessment

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.⁵

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 13.0 percent of the County population, with the highest proportion speaking Spanish or Spanish-Creole (9.4 percent of the total County population). Other LEP populations of note speak Haitian Creole, other Indo-European Languages (including Portuguese), Vietnamese, Chinese, and Tagalog.

⁵ 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
1,349,746	175,849	13.0%

Source: 2015 -2019 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	126,847	72.1%	9.4%
French, Haitian, or Cajun Creole	17,079	9.7%	1.3%
Other Indo-European Languages*	12,036	6.8%	0.9%
Vietnamese	5,761	3.3%	0.4%
Chinese (incl. Mandarin, Cantonese)	5,331	3.0%	0.4%
Tagalog (incl. Filipino)	2,432	1.4%	0.2%
Other Languages	6,363	3.6%	0.5%
Total	175,849	100.0%	13.0%

Source: 2015 -2019 5-Year American Community Survey (Table C16001).

*According to the 2019 1-Year American Community Survey (Table B16001), 6,764 persons speak Portuguese at home and speak English "less than very well (n=1,309,758), or 0.5% when compared with the Total County Population. This language category was not available disaggregated in the 5-year estimates.

The locations of LEP populations in Orange County at the Census tract level are shown in Figure 2.

Figure 3 and Figure 4 show Spanish-speaking and Haitian Creole-speaking LEP populations, respectively.

The highest proportion of LEP Spanish speakers, over 20 percent, is located to the west and north of the Orlando International Airport and southwest of downtown Orlando near the Florida Turnpike. Additional Spanish-speaking LEP populations are located east of downtown Orlando, Ocoee, Winter Garden, and Apopka. While areas at the County boundary, such as Apopka and the southeast corner of the County, have Spanish speaking populations, it should be noted that these areas are sparsely populated. Identification of Spanish speaking LEP populations for outreach and engagement should focus on residential areas within sparsely populated communities like Apopka and Lake Mary Jane.

The highest proportion of LEP Haitian-Creole speakers (over 2.0 percent) is located northwest of Orlando in Pine Hills, Clarcona, and East Ocoee. Additional Haitian-Creole-speaking LEP populations are in southwest Orlando and communities in proximity, such as Oak Ridge, Sky Lake, Pine Castle, Taft, and Southchase.

Federal guidance defines a “safe harbor” for compliance with guidelines regarding provision of written translations as “providing written translations for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.”⁶ Because the County’s Spanish or Spanish-Creole LEP population exceeds five percent of the total County population, the County has the option to translate all vital documents into Spanish as a “safe harbor” to comply with translation obligations under Title VI. Other LEP populations should be considered for this standard if the County program, activity, or service is likely to serve, affect, or encounter them. According to U.S. Department of Transportation guidance, “A ‘safe harbor’ means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.”⁷

Frequency of Contact with LEP Persons

An internal vital communications survey circulated to County Divisions in November 2021 collected information on the frequency of contact with LEP persons. This survey identified the County’s

⁶ DOJ Guidance, p. 41464.

⁷ Department of Transportation, “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency Persons,” Federal Register, Vol. 70, No. 239, Dec 14, 2005, <https://www.govinfo.gov/content/pkg/FR-2005-12-14/html/05-23972.htm>.

frequency of contact with LEP persons; vital documents that are or should be translated; and types of activities, services, or programs where interaction with LEP persons occurs or is anticipated. County Divisions that provide more public-facing services reported higher frequency of contact with LEP populations.

For example, divisions such as Housing, Youth and Family Services, and Code Enforcement reported frequent/daily interactions with LEP persons, while the Stormwater Management, the Medical Examiner's Office, and Low-Income Energy Services Divisions reported one or fewer interactions annually. Many Divisions reported that they direct residents to the County's third-party Language Line (through 311 or 911) when there is a language barrier or that they request internal bilingual staff to interpret when needed.

Emergency and Non-Emergency Interpretation Requests

Between 2019 and October 2021, the Language Line fielded 196 requests for verbal and virtual

Figure 2. Percent of Population with Limited English Proficiency by Census Tract

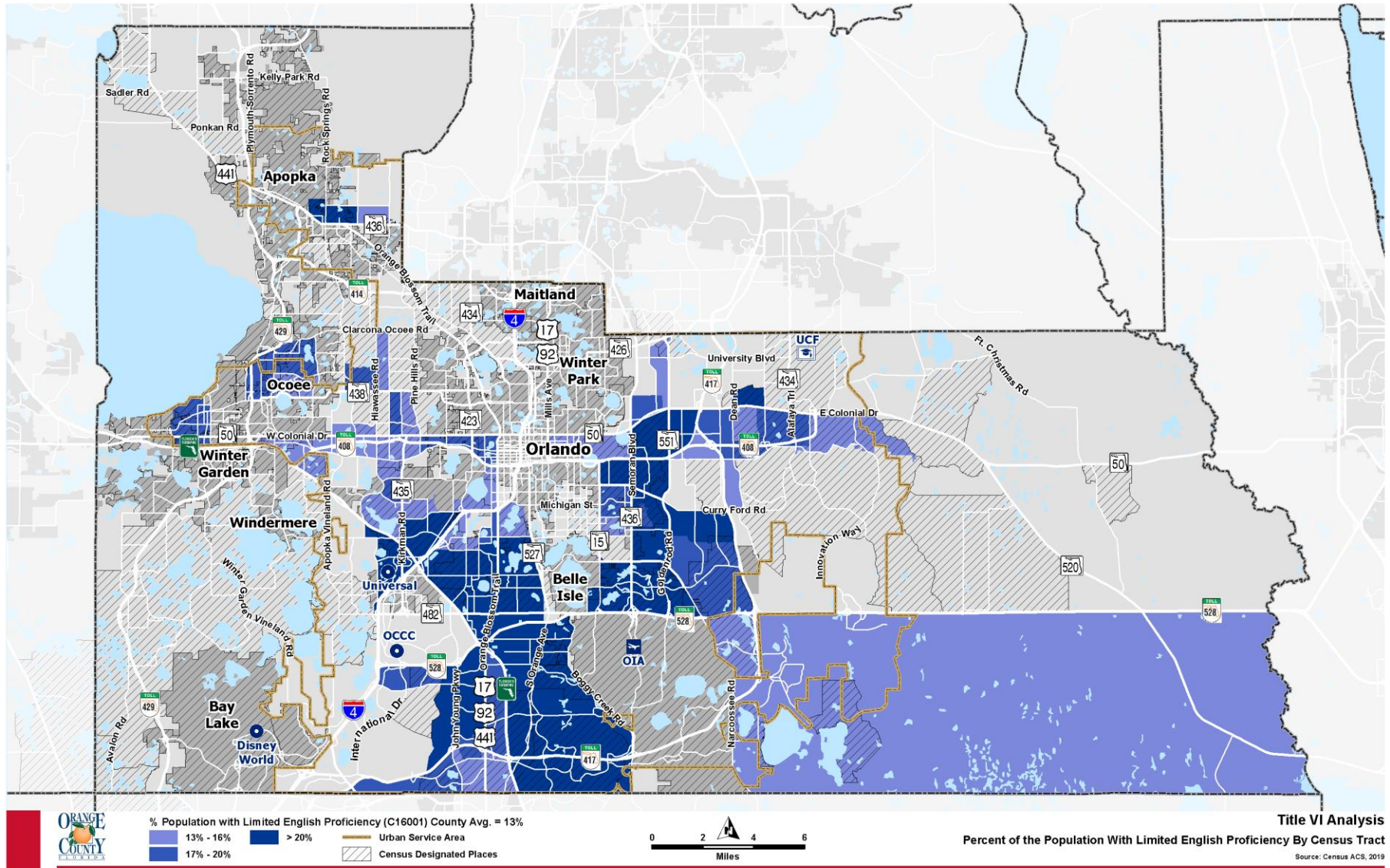


Figure 3. Percent of Spanish Population with Limited English Proficiency, Speaking Spanish or Spanish Creole by Census Tract

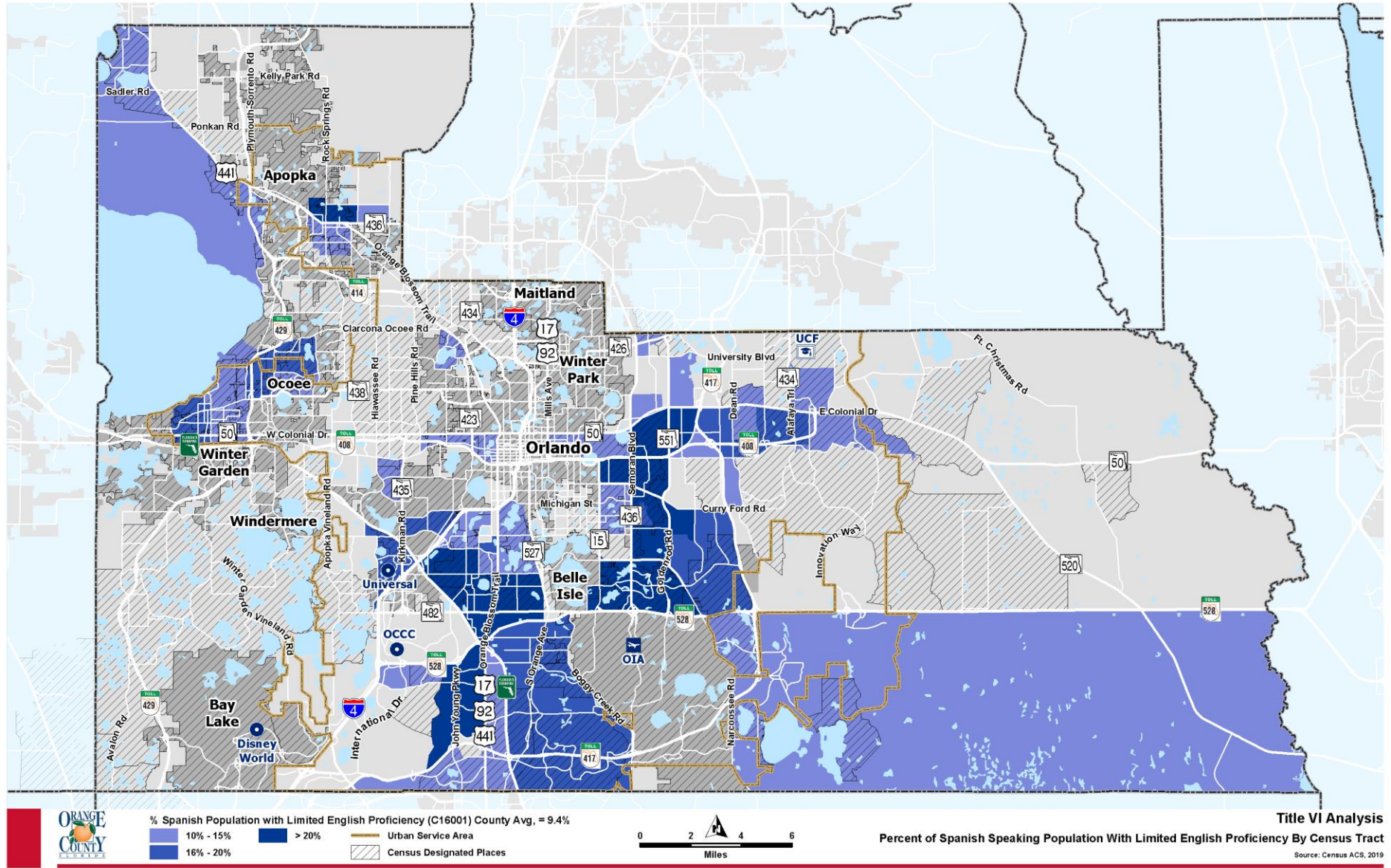
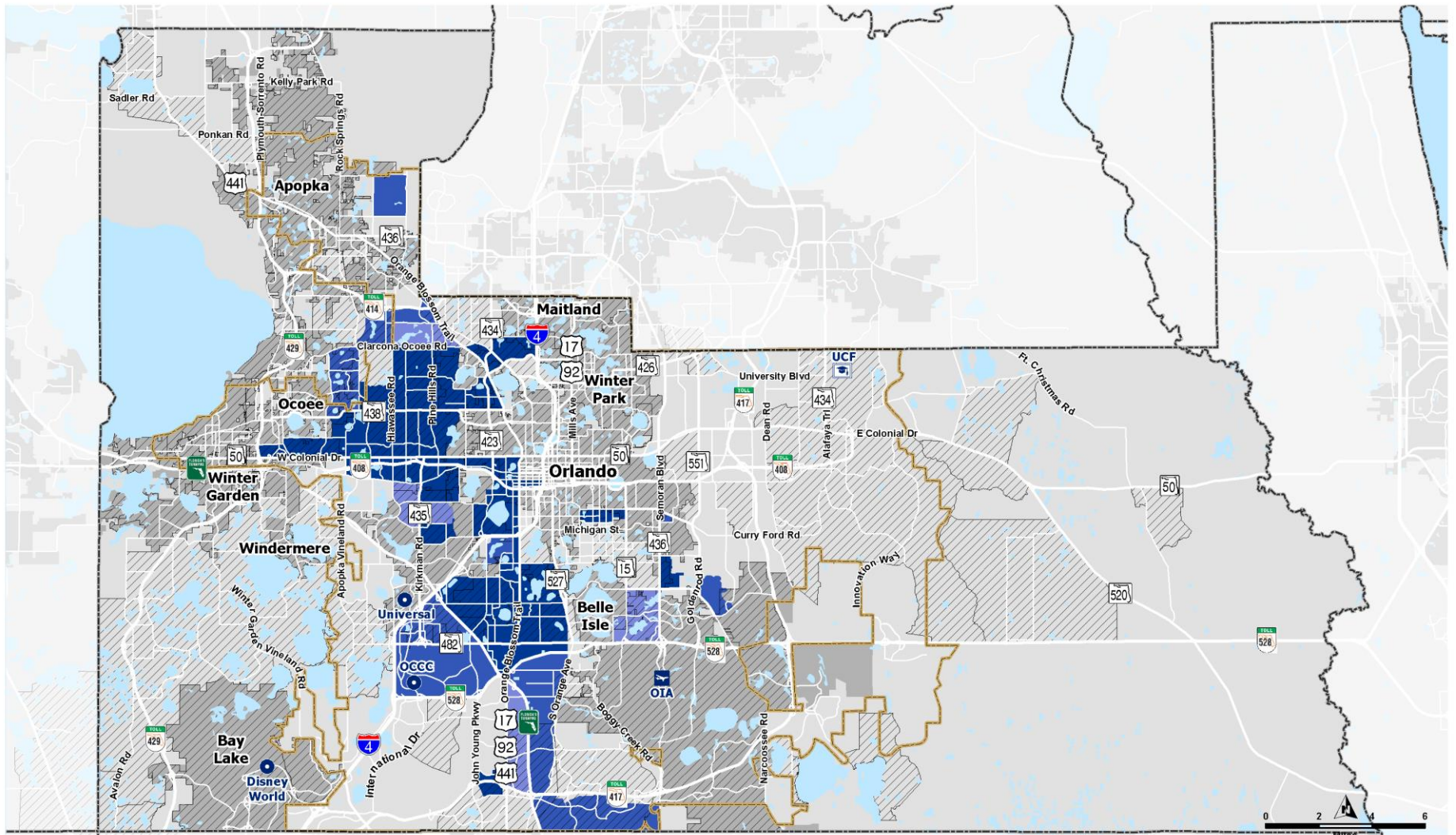


Figure 4. Percent of French, Haitian and Creole Population with Limited English Proficiency, Speaking French, Haitian and Creole by Census Tract



% French, Haitian, & Cajun Creole Population with Limited English Proficiency (C16001) County Avg. = 1.3%

 1.3% - 1.6%	 > 2%	 Urban Service Area
 1.7% - 2%	 Census Designated Places	

Title VI Analysis
Percent of French, Haitian, and Cajun Creole Speaking Population With Limited English Proficiency By Census Tract

Source: Census ACS, 2019
 Orange County

interpretation services. Languages requested were Spanish, Haitian Creole, Portuguese, Arabic, and Vietnamese. Between January 2019 and mid-December 2021, the Fire Rescue Department fielded 634,365 inbound calls (emergency and non-emergency) to the communications center, of which 6,690 calls, or 1.05 percent, required interpretation assistance. The volume of interpretation assistance slightly increased from the previous reporting period of 2016 to 2019, during which 0.84 percent of calls required language assistance.

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.

Title VI Website

In 2021, there was a total of 17,624 clicks of the County's Title VI webpage, and 7 clicks of the Spanish version of the webpage. The Title VI Policy, Plan, and Resolution document was opened 442 times.

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. 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.⁸

⁸ DOJ Guidance, p. 41460.

An internal vital communications survey circulated to County Divisions in May 2021 and November 2021 requested information on division programming and services related to LEP populations. 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

Project or Activity Specific Guidance

On a project or activity specific basis, project managers must determine the nature and importance of the program to LEP populations to guide language assistance services. 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 individual. 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.

Resources Available

The 2021 internal vital communications survey results demonstrated 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 employees have procedures on how to use the cards to assist LEP persons. Some Divisions use the County's

311 service for language interpretation when encountering LEP persons.

However, the surveys found these tools were applied inconsistently across Divisions, and their responses require additional review to evaluate how Divisions use the services or resources identified in the County’s 2019 Language Assistance Plan. Eighteen Divisions of Orange County reported having resources available for LEP persons. Ten Divisions reported that they did not have LEP resources available. The County will follow up to determine why some Divisions reported not having LEP resources available and provide appropriate staff training on the County’s LEP resources to assist LEP persons. The County must also improve documentation of the types of documents translated across Divisions and the potential training needs of bilingual staff to be competent translators.

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.	\$65,000 (2019 – Oct 2021)
Internal Staff Customer Service with Bilingual Speakers	Internal staff interpreter services on an as-needed basis available in six Divisions.	Variable
Website	County web pages available in Spanish.	Indeterminable
Statement of How to Obtain Language Assistance	A few Divisions report including a statement on how to obtain language assistance on otherwise English language materials shared with the public frequently. The Utilities Department frequently uses a standard statement. “I Speak” cards are also used at public hearings and events to identify LEP persons.	Indeterminable
Educational Brochures	Educational brochure translation into Spanish varies by Division. Minimal translation into Haitian Creole. Most updated on an as-needed basis. Examples of translated brochures include “Know your Watering Days,” and some incentive programs.	Variable
Program Services Brochures	Program service brochure translation into Spanish varies by Division. No translation into Haitian Creole. Most updated on an as-needed basis.	Variable

Resources and Materials	Description	Associated Cost
Activities/Events Newsletters	Divisions report minimal translation of activities and events newsletters into Spanish. None reported translation into Haitian Creole.	Variable
Public Meeting Notices	Divisions report a mix of translations on an as-needed basis and many report not translating these types of 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 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
Other	Signage and video visitation, including CCD (English-Spanish) is available in the “dress out” area of the correctional facility.	Variable
Forms	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).	Variable

Part B: Orange County Language Assistance Plan

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

- 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)⁹.

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:

- Hire bilingual staff;
- Hire staff interpreters;
- Contract for interpreters;
- Use telephone interpreter lines;
- Use community volunteers; and

⁹ DOJ Guidance, p. 41461.

- 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 interest¹⁰

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:¹¹

“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.”

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 and preparedness resources in Arabic, French, Haitian Creole, Hindi, Japanese, Korean, Portuguese,

¹⁰ DOJ Guidance, p. 41461 - 41462.

¹¹ 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>.

Russian, Tagalog, Vietnamese and Simplified Chinese at 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 Guidance¹² provides several examples:

- 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;
- 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;
- Providing notices on non-English radio and television stations about language assistance services; and
- Presentations and/or notices at schools and religious organizations.¹³

Upon adopting the 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. Notification will be provided on the County's website, within meeting notices, and on each agenda in Spanish and other LEP languages, as appropriate. The need for additional notification will be determined, in part, by the nature of the meeting or event and the degree to which such assistance is needed.

Standard notification regarding language assistance will be used for general communications and translated into other languages:

"Orange County does not discriminate on the basis of race, color, national origin, sex, age, religion, disability and family status. Those with questions or concerns about nondiscrimination, those requiring special assistance under

¹² DOJ Guidance, p. 41465.

¹³ DOJ Guidance, p. 41465.

*the Americans with Disabilities Act (ADA), or those requiring language assistance (free of charge) should contact the Title VI Coordinator at access@ocfl.net or by calling 3-1-1 (407-836-3111)."*¹⁴

The statement language can be tailored for specific public meetings and managing requests for language assistance prior to an event, and translated into other languages 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), or those requiring translation services (free of charge) are asked to contact the (person listed in the notice) at least (up to no longer than ten (10) days before the event."

¹⁴ Based on a template provided in the Nondiscrimination Handbook for Local Agencies, Florida Department of Transportation, October 2018, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/lap/title-vi/nondiscrimination-handbook-for-local-agencies.pdf?sfvrsn=2fe248ea_8.

Orange County’s Language Services Provided

Table 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	Provide notification of the County’s language assistance resources in all public meeting notices, advertisements, and newsletters. 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. For countywide communications, translate entirety of any communications determined “vital communications” as defined above.
Outreach Materials	General brochures, newsletters, community surveys, forms	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. For countywide notifications, post notification language in Spanish. For countywide communications, translate entirety of any communications determined “vital communications” as defined above.
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	Provide notification of availability of translation services and note they are at no cost to recipient. Follow noticing procedure as described above.

Staff Training

Federal LEP guidance recommends an effective LEP plan include staff training about LEP policies and procedures. Based on the assessment of resources and documentation noted in previous sections, more staff training on working with LEP populations would be beneficial. 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

Evaluation and Auditing of LEP Plan

The Orange County Limited English Proficiency Plan and Language Assistance Plan will be updated every three (3) years to ensure compliance 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:

Ricardo Daye, Director, Human Resources Department
Title VI/Nondiscrimination Coordinator
Orange County Government
450 E. South Street
Orlando, Florida 32801
(407) 836-5825
Access@ocfl.net

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.

Environmental Justice

Environmental justice was a concept first made official in 1994 by Executive Order 12898.¹⁵ Per this order, federal agencies and agencies receiving federal funds are required to identify and address disproportionately adverse effects of an agency's programs, policies, and activities on minority and low-income populations. The order also requires the County to include all potentially-affected communities in full and fair participation in the decision-making process and to prevent the denial, reduction, or significant delay in benefits from the County's programs, services, and projects.

Environmental justice requirements outlined in Executive Order 12898 apply to all of Orange County's activities, not just those funded with federal dollars. As a participant in the Florida Department of Transportation's (FDOT) Local Agency Program (LAP)¹⁶, Orange County must ensure and document compliance with all applicable federal and state requirements per LAP guidance.

Based on the County's equity and inclusion goals, six indicators are recommended for incorporation into Orange County's environmental justice framework and are listed with sources:

- Low-Income Households (American Community Survey Table B17017)
- People of Color (American Community Survey Table B03002)
- Older Adults (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)

The first two indicators – low-income and people of color – are included in the federal definition of environmental justice and commonly used by other agencies. The next three indicators part of the chosen group are older adults over 64, limited English proficiency, and people with a disability, which are commonly used by other agencies and are fairly high percentages of Orange County's

¹⁵ Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. US Environmental Protection Agency, February 1994. <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

¹⁶ Local Agency Program Manual, Chapter 3, Florida Department of Transportation, September 2018. https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/lap/manual/chapter-3.pdf?sfvrsn=85596d80_4

population. The last indicator recommended is overcrowded households, based on feedback from various Orange County Divisions.

Program Compliance

The Florida Department of Transportation, as a steward of federal funds, is responsible for oversight of funded projects on behalf of FHWA.¹⁷ Local agencies that are certified can receive funds to develop, design, and construct transportation facilities with federal funds. The FDOT Nondiscrimination Handbook for Local Agencies¹⁸ notes that LAP agencies have two primary responsibilities related to environmental justice:

1. **Outreach:** Local agencies must ensure and document early, continuous, and meaningful opportunities for involvement by minority and low income communities.
2. **Data Collection and Analysis:** Local agencies must scrutinize demographic data to ensure that LAP activities will not have disproportionately high or adverse impacts on underserved communities and, where impacts are unavoidable, that documented steps are taken to avoid, minimize or mitigate impacts

Orange County will conduct outreach and collect data on an ongoing basis and will perform data analysis at least every three (3) years, per LAP re-certification and compliance needs.

Environmental Justice Framework

As a result of the review of other agencies' approaches to define underserved or disadvantaged communities within their jurisdictions for prioritization in projects and funding decisions, a composite criterion, County Equity Priority Area (CEPA), is the recommended basis for Orange County's required data collection and analysis for environmental justice compliance. The County's CEPA-based analysis will determine where potential disproportionate high or adverse impacts would result from County programs and investments to avoid, minimize, or mitigate these impacts.

The CEPA composite indicator is comprised of data from the six indicators described in Table 6

¹⁷ Local Agency Program Manual, Chapter 3, Florida Department of Transportation, September 2018.
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/lap/manual/chapter-3.pdf?sfvrsn=85596d80_4

¹⁸ Nondiscrimination Handbook for Local Agencies, Florida Department of Transportation, October 2018,
https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/lap/title-vi/nondiscrimination-handbook-for-local-agencies.pdf?sfvrsn=2fe248ea_8

below. Areas in Orange County identified as having the highest risk of environmental justice impacts have CEPA scores of 5 or 6. Lower risk areas have CEPA scores of 3 or 4. The County can review CEPA scores in various planning, policy, and project activities to help ensure these activities maintain compliance with environmental justice regulations.

Table 6: Criteria for Identifying Underserved Communities

Model Criteria	American Community Survey Table Name	Protected Class	Authorizing Source or Guiding Document
Low-Income Households	B17017: Poverty Status in the Past 12 Months by Household Type	Low-Income	Executive Order 12898 and FHWA's Title VI Program and Related Authorities: 23 CFR
People of Color	B03002: Hispanic or Latino Origin by Race	Race and Minority	Executive Order 12898, 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
Limited English Proficiency Households	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
Older Adults	B01001: Sex by Age	Age	FHWA's Title VI Program and Related Authorities: 23 CFR 200
People with a Disability	B23024: Poverty Status in the Past 12 Months by Disability Status	Disability	FHWA's Title VI Program and Related Authorities: 23 CFR 200
Overcrowded Households	B25014: Tenure by Occupants per Room	N/A	U.S. HUD Comprehensive Housing Affordability Strategy

Low-Income¹⁹

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

¹⁹ 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.

residents with household income below poverty level.

People of Color²⁰

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.

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

²⁰ 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

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 Households²¹

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.

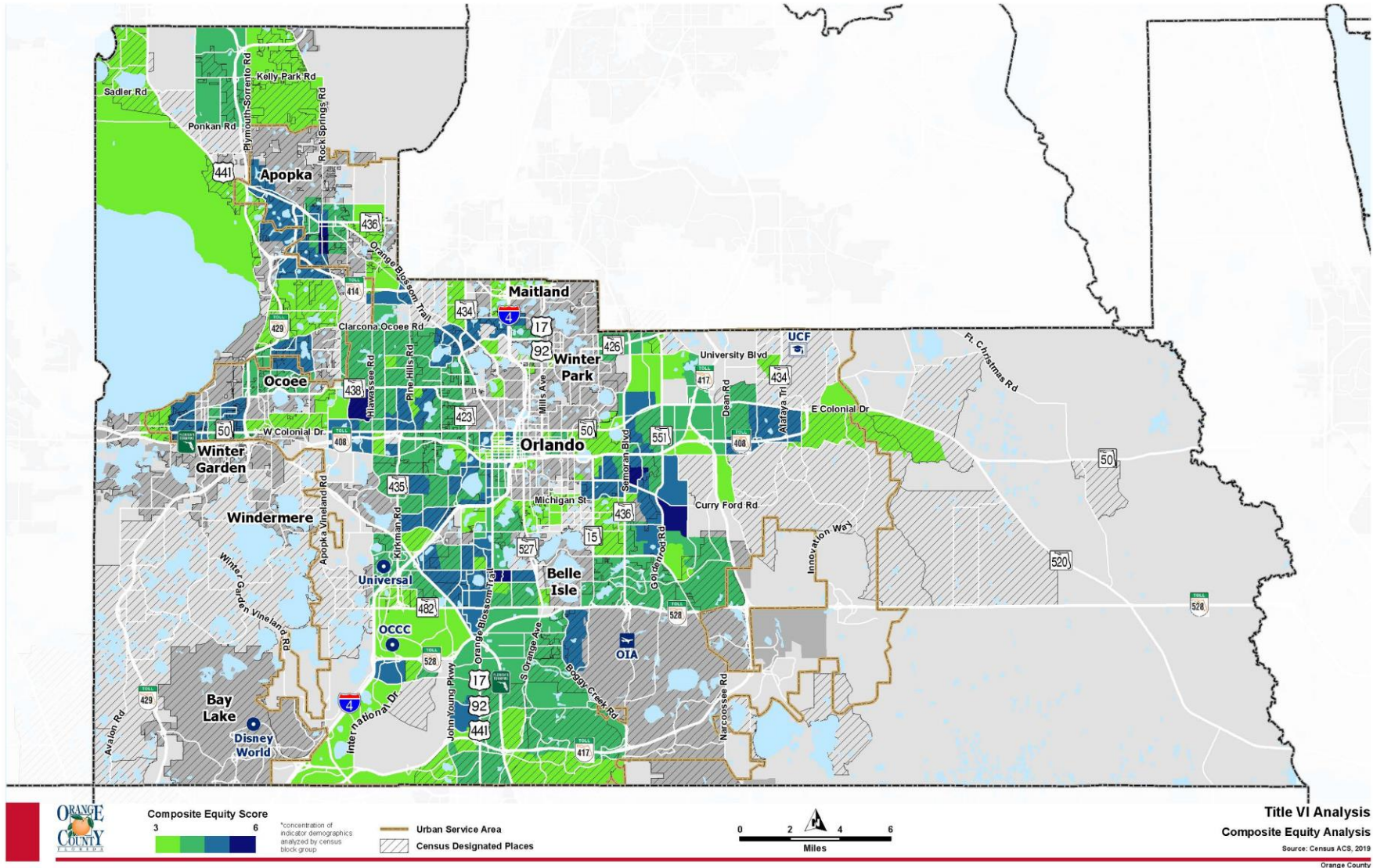
Locations of County Equity Priority Areas

Countywide, six of the County's total of 375 Census tract block groups, or 1.6 percent, have the maximum CEPA score of 6 points. These areas are in pockets around the North of Orlando International Airport, Ocoee, Apopka, and Belle Isle. Another 55 census tract block groups, or 14.6 percent, have a CEPA score of five points, for a total of 16.2 percent of the County Census tract block groups considered high-priority CEPAs. In addition, a total of 80 Census tract block groups, or 21.3 percent, have a CEPA score of four points. A total of 66 census tracts, or 17.6 percent, have a CEPA score of three points.

Among the 207 Census tract block groups that qualify as a CEPA, having a disability is the most prevalent vulnerable population, with 184 Census tract block groups (88.8%) having more residents with a disability than half of the County. Households under the FPL (155 Census tract block groups) and people of color (154 Census tract block groups) are the two next largest indicator populations present in the CEPAs.

²¹ 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 5. County Equity Priority Areas for Orange County, Florida



To comply with environmental justice regulations, Orange County must:

- 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;
- Use avoidance, minimization and mitigation strategies to eliminate or reduce disproportionately high or adverse impacts of its plans; and
- Coordinate with appropriate federal agencies where avoidance, minimization and mitigation strategies do not preclude disproportionately high and adverse impacts.