



Legislation Text

File #: 19-0040, **Version:** 2

Summary

To: Mayor Gary H. Katica and Commissioners
From: JP Murphy
Date: 9/17/2014

Subject:

Title VI Non-Discrimination Policy and Plan for Sub-Recipients in the FDOT Local Agency Program (LAP)

Summary:

The Florida Department of Transportation (Department) is the primary recipient of Federal funds, that it then distributes to sub-recipients to fund local project priorities. In the context of the Local Agency Program (LAP) sub-recipients are defined as a Local Agency and the Local Agency's contractors or consultants. In order to receive Federal funds, the Local Agency and their contractors and consultants must comply with Federal and State nondiscrimination authorities, including the Florida Statutes; US Department of Justice (USDOJ), US Department of Transportation (USDOT) and Federal Highway Administration (FHWA) regulations, orders and notices; and the policies and procedures implemented by the Department.

Title VI of the Civil Rights Act of 1964 (Title VI) states that no person should be excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color or national origin in any program or activity receiving Federal financial assistance. Other authorities such as the Federal Highway Act of 1973, Age Discrimination Act of 1975, Americans with Disabilities Act of 1990 and the Florida Civil Rights Act of 1992 forbid discrimination against anyone on the basis of sex, age, disability, religion, or familial (or marital) status.

The Civil Rights Restoration Act of 1987 (CRRRA) provided clarification of the original intent of Congress for Title VI and restored broad institution-wide scope and coverage to all programs and activities of federal-aid recipients and sub-recipients, whether such programs and activities are federally funded or not. Institutions may include schools and colleges, government entities, or private employers. Regardless of the entity or the program receiving Federal-Aid, all must take steps to prevent discrimination and ensure nondiscrimination in all programs, services and activities. Thus, all programs, services and activities of Local Agencies participating in LAP must comply with nondiscrimination requirements, whether or not the individual programs or activities receive Federal funding

Essentially, assurances serve two purposes. First, they provide written commitment from the Local Agency that no person shall on the grounds of race, color, national origin, sex, age, disability, religion or family status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program, service or activity conducted by the Local Agency or its Contractor(s), regardless of whether those programs and activities are Federally funded or not. Second, assurances serve as a contract agreement for which remedy may be sought for breach. This policy ensures compliance with Federal and State requirements to become a LAP certified agency and federal sub-grant recipient

Recommendation: I recommend approval, this is the boiler plate language provide by the State of Florida

DOT.

Proposed Motion: I move approval of the Title VI Non-Discrimination Policy.