



Florida Division of Emergency
Management (FDEM)
Nondiscrimination Program

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Federal Civil Rights Laws

Title VI of the Civil Rights Act of 1964, as amended

- Provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”¹
- The prohibition on discrimination as to national origin also extends to a person or persons who have a limited English language proficiency.

Section 504 of the Rehabilitation Act of 1973, as amended

- Provides that “[n]o otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.”²
- Under Section 504 of the Rehabilitation Act of 1973 the term “program or activity” is defined as “all of the operations of a department, agency, special purpose district, or other instrumentality of a State or of a local government; or the entity of such State or local government that distributes such assistance and each such department or agency to which the assistance is extended.”³

Title IX of the Education Amendments Act of 1972

- Provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”⁴
- Likewise, Title IX provides that an “education institution” under the statute is “any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education.”⁵ Therefore, this definition encompasses institutions of vocational training so long as they receive Federal financial assistance.

¹ [42 U.S.C.A. § 2000d](#)

² [29 U.S.C.A. § 794\(a\)](#)

³ [29 U.S.C.A. § 794\(b\)](#)

⁴ [20 U.S.C.A. § 1681\(a\)](#)

⁵ [20 U.S.C.A. § 1681\(c\)](#)

Age Discrimination Act of 1975

- Provides that “no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.”⁶

U.S. Department of Homeland Security regulation 6 CFR Part 19

- Provides for the “equal treatment of faith-based organizations in social service programs administered or supported by the Department of Homeland Security or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries.”⁷

Florida Civil Rights Act of 1992

Sections 760.01-760.11 and section 509.092, Florida Statutes, created the Florida Civil Rights Act of 1992 (“Act”) for the general purpose of securing the right of all individuals within the State of Florida to be protected from discrimination. In many ways the Act mirrors the Federal Civil Rights Act of 1964:

- Section 760.01 provides that:
 - all individuals within the state [are free] from discrimination because of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status and thereby [the purposes of the Act are] to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights, and privileges of individuals within the state.⁸
- Moreover, Section 509.092 provides that the operator of a public lodging establishment and public food service establishment cannot refuse someone “based upon race, creed, color, sex, pregnancy, physical disability, or national origin.”⁹

The Federal Civil Rights laws enacted by Congress protect the rights of individuals against discrimination. The Florida Civil Rights Act of 1992 pursue the same goal, ensuring that individuals within the State of Florida are not discriminated against because

⁶ [42 U.S.C.A. § 6102](#)

⁷ [6 C.F.R. Part 19.1](#)

⁸ [FLA. STAT. § 760.01\(2\)](#)

⁹ [FLA. STAT. § 509.092](#)

of their race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Together these laws create a blanket of protection under both federal and state law creating causes of actions against those that violate the laws in both the state and federal judiciary.

FDEM's Nondiscrimination Program

PURPOSE

This policy establishes FDEM's stance against discrimination in its delivery of programs, services, and resources to individuals and organizations across the state; establishes procedures for sub-recipient civil rights compliance; and establishes procedures for filing complaints of alleged civil rights violations.

SCOPE

This policy affects all federally and non-federally funded programs and activities administered by the Florida Division of Emergency Management (Division) and its subrecipients. It is unlawful for employees of the Division or any individuals performing work on behalf of the Division to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

AUTHORITIES & REFERENCES

- Title IV of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Title IX of the Education Amendments Act of 1972
- Age Discrimination Act of 1975
- Title 6 Code of Federal Regulations Part 19 (6 CFR 19)
- Chapter 760, Florida Statutes (F.S.), Florida Civil Rights Act

DEFINITIONS

- **Discrimination:** the unfair or unequal treatment of an individual or group based upon membership in a protected class under federal and/or Florida law, including but not limited to, race, color, national origin (including language), disability, handicap, sex, age, religion, pregnancy, and marital status.
- **Subrecipient:** a non-federal entity that receives grant funding from the Division as part of a federal grant program.
- **Disability:** A hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulty.
- **Limited English Proficient (LEP) Person:** An individual who does not speak English as their primary language and who has limited ability to read, write, speak, or understand English.

- **Nondiscrimination Program Coordinator:** Division representative who ensures compliance with federal nondiscrimination statutes

POLICY

- A. The Division does not tolerate discrimination based on race, color, national origin (including language), disability, handicap, sex, age, religion, pregnancy, and marital status.
- B. The Division will ensure that all of its programs comply with state and federal civil rights laws and nondiscrimination requirements in the Stafford Act.
- C. The Division will maintain procedures to ensure that the Division's subrecipients have nondiscrimination processes in place for responding to discrimination complaints lodged by clients, customers, program participants, or consumers of a subrecipient directly.
- D. The Division will maintain procedures for receiving, processing, and responding to discrimination complaints, notifying the public of this official process, and encouraging anyone who feels they have been subject to discrimination in relation to its programs, activities, or services to notify the Division's Nondiscrimination Program Coordinator directly.
- E. The Division's Nondiscrimination Program Coordinator will serve as the point of contact for discrimination complaints and is responsible for ensuring compliance with this policy.

DISCRIMINATION COMPLAINT PROCESS

Notification Procedures

1. Notice of the Division's official discrimination complaint process, as well as discrimination complaint instructions for program participants, clients, customers, or consumers, are to be provided on a public-facing physical posting located on premises at sites of its programs, activities, and services. It may also be disseminated by way of incorporation into program, activity, and service-related written materials and/or published on its public-facing website.
 - i. These notices must include the requirement that an individual must file a complaint within 180 days of an alleged discriminatory act.
 - ii. In most cases, the Division will also post the Federal Emergency Management Agency's (FEMA) Civil Rights Notice on premises at sites of its programs, activities, and services.

2. The Division is committed to ensuring that its official discrimination complaint process is accessible for persons with disabilities and persons with limited English proficiency, and so notice of its discrimination complaint process is provided in alternative formats and languages (e.g., voice recording, TTY, Braille, Haitian Creole, Spanish).
3. All notices of the Division's official discrimination complaint process must include the contact information for the Division's Nondiscrimination Program Coordinator, specifically, the physical address, contact number, and email address. All notices must instruct individuals to contact the Division's Nondiscrimination Program Coordinator by either telephone, email, or regular mail to lodge a discrimination complaint.
4. The Division's Nondiscrimination Program Coordinator ensures FDEM's compliance activities related to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments Act of 1972. The Coordinator's responsibilities include overseeing the discrimination complaints process, developing and updating civil rights policies and procedures, processing requests for reasonable accommodations, coordinating the translation of vital documents and processing requests for language interpretation.
5. Nondiscrimination Program Coordinator Contact Information:

Nondiscrimination Program Coordinator
Florida Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399
850-815-4181
nondiscriminationprogram@em.myflorida.com

Complaint Procedure

1. Individuals filing discrimination complaints must do so within 180 calendar days of an alleged discrimination incident.
2. Individuals may file their complaint with the Division's Nondiscrimination Program Coordinator via phone, e-mail, United States Post or other courier service, or in-person.

- i. The complainant must provide contact information so that the Nondiscrimination Program Coordinator can communicate with the complainant throughout the investigation process.
 - ii. If a discrimination complaint is made to any other Division employee, that employee must report the complaint to the Nondiscrimination Program Coordinator immediately upon receipt.
3. Once a discrimination complaint is received by the Nondiscrimination Program Coordinator, he/she shall provide written acknowledgment of the discrimination complaint to the complainant within 14 business days. Acknowledgement shall include instructions for any communications with the Nondiscrimination Program Coordinator during the discrimination complaint investigation.
4. The Nondiscrimination Program Coordinator shall then review the discrimination complaint to determine whether it will be investigated internally at the Division or, if necessary, referred to an appropriate external agency (e.g., local or state human rights commission).
 - i. If the Division determines the discrimination complaint will be referred to an appropriate external agency for investigation, the Division shall endeavor to identify and transition the matter to that external agency within 21 business days of receipt. During the same timeframe, the Division shall notify the complainant of both the transition of the discrimination complaint as well as any additional instructions for communications with the external investigation entity.
5. If the discrimination complaint will be investigated internally, the Division shall endeavor to conduct its investigation and resolve the matter within 180 calendar days of receipt.
6. Moreover, if the Division discovers during communications with the complainant that the discrimination complaint was filed concurrently with another agency, the Division shall request authority from the complainant to communicate with that agency in order to coordinate the investigation and prevent duplicative efforts.

REASONABLE ACCOMMODATIONS

The Florida Division of Emergency Management (Division) is committed to providing individuals with disabilities an equal opportunity to participate in and benefit from the Division's programs, activities, and services. Therefore, the Division has created an official process for receiving, processing, and responding to reasonable accommodation requests, notifying the public of this official process, and encouraging anyone who feels

they need a reasonable accommodation in relation to its programs, activities, or services to notify the Division's Nondiscrimination Program Coordinator directly.

Reasonable Accommodation Notification

Notice of the Division's official reasonable accommodations process, as well as instructions for program participants, clients, customers, or consumers, to submit reasonable accommodation requests (including *Frequently Asked Questions*), is provided on a public-facing physical posting located on premises at sites of its programs, activities, and services. It may also be disseminated by way of incorporation into program, activity, and service-related written materials and/or published on its public-facing website.

Further, the Division is committed to ensuring its official reasonable accommodations request process is accessible to persons with disabilities and persons with limited English proficiency, and so notice of its reasonable accommodations request process is provided in alternative formats and languages (e.g., voice recording, TTY, Braille, Haitian Creole, Spanish).

The Division provides appropriate auxiliary aids and services (including qualified interpreters) to LEP persons, disabled persons who are deaf or hard of hearing, and other individuals as necessary at no cost to ensure effective communication and an equal opportunity to participate fully.

Limited English Proficiency (LEP)

Over 5 million Floridians age 5 years and older speak a language other than English at home (28% of the population). Languages with the highest prevalence include Spanish and Haitian Creole. Spanish is the most frequently spoken language (by 3.85 million individuals) of which 43% of Spanish speakers reported speaking English less than "very well." Haitian Creole is spoken at home by nearly 390,000 residents (about 2% of the state's population), with 46% reporting speaking English less than "very well."

Data regarding the total Florida populations and distribution of LEP persons was drawn from the latest available American Community Survey (ACS):

Most common languages spoken at home (2015-2019)

	Total Number of speakers	Number who speak English less than "very well"	Percent of total population who speak English less than "very well"
Total population 5 years and over	18,564,715	2,167,671	11.7%
Spanish	3,849,991	1,665,389	9.0%
Haitian Creole	386,481	176,888	1.0%
Chinese	65,163	34,922	0.2%
Vietnamese	59,694	34,670	0.2%
Portuguese	86,583	32,400	0.2%
French	116,651	29,711	0.2%

Source: US Census Bureau, 2015-2019 American Community Survey (Table C16001 5-year estimate)

Significant resources are directed at ensuring the availability of key materials and services in both English, Spanish and Haitian Creole including:

- Compliance and Enforcement brochures and flyers
- Division main phone line accommodations for Spanish and Haitian Creole speakers:
- Phone line menu options in Spanish and Haitian Creole
- Access to Spanish and Haitian Creole speaking representatives
- Voicemail options in Spanish and Haitian Creole
- Complaint line directions in Spanish and Haitian Creole
- Communications Office staff who respond to Spanish media calls
- TV public service announcements in Spanish
- Radio advertisements in Spanish
- Newspaper articles and press releases in Spanish

The Division is also able to accommodate the needs of LEP persons through specialty contracts for translation services.

All notices of the Division’s official reasonable accommodations process must include the physical address, telephone, and email address of the Nondiscrimination Program Coordinator and instruct individuals to contact the Nondiscrimination Program Coordinator by either telephone, e-mail, or regular mail to submit a reasonable accommodations request.

In most cases, the Division will also post the Federal Emergency Management Agency’s (FEMA) Civil Rights Notice on premises at sites of its programs, activities, and services.

Reasonable Accommodation Request Process

Individuals should follow guidance for submitting requests for reasonable accommodations with the Nondiscrimination Program Coordinator, whose contact information must be contained within any notice of the Division's official reasonable accommodations request process..

Once a reasonable accommodation request is received by the Nondiscrimination Program Coordinator, the Nondiscrimination Program Coordinator shall provide written acknowledgment of the request to the requestor within 2 business days. Specifically, the Nondiscrimination Program Coordinator will be the responsible party for responding to and handling all requests. Acknowledgement shall include instructions for any communications with the Nondiscrimination Program Coordinator during the Division's review of the reasonable accommodation request. The Nondiscrimination Program Coordinator shall then endeavor to process the request and provide the requestor a reasonable accommodation or a denial determination within 7 business days.

Examples of reasonable accommodations the Division may provide, either itself or with the assistance of outside vendors and partners, include but are not limited to:

- Information available in Braille, large print, or audio;
- Information available in accessible electronic formats on the Division's website;
- Information written in other languages;
- Qualified sign language interpreters;
- Qualified multilingual interpreters; and
- Furnishing temporary ramps to access areas with one or more stairs, in order to ensure accessibility for individuals who have physical disabilities and may be using a wheelchair or walker.

All reasonable accommodation requests shall be reviewed on a case-by-case basis, to determine whether the requested accommodation will be effective in allowing the requestor to participate in the desired Division program, activity, or service; whether the requested accommodation is reasonable, or an equally effective alternative to the requested accommodation is available; and whether providing the requestor with the requested accommodation would fundamentally alter the nature of the desired Division program, activity, or service, or impose undue financial or administrative burdens on the Division.

If the Nondiscrimination Program Coordinator determines that the requested accommodation is unreasonable, it will be denied. In some cases, it may be necessary for the Division to identify and consider alternative or interim accommodations depending on the urgency of a request, such as on-the-spot access to language interpreters.

MONITORING REQUESTS AND DETERMINATIONS

The Nondiscrimination Program Coordinator shall utilize and maintain a secure recordkeeping system, such as a password-protected spreadsheet or database, in order

to ensure the confidentiality of sensitive medical or personal information of requestors; to document and monitor the number and types of reasonable accommodations requests received annually; to document the number and types of reasonable accommodations requests that were denied and reasons for those denials (including descriptions of denials based upon a determination of fundamental alteration or undue burden); to document the number and types of reasonable accommodations provided, if any; and to assist with providing efficient future reasonable accommodations to particular requestors.

SUBRECIPIENT COMPLIANCE

The Division requires that subrecipients have procedures in place for responding to discrimination complaints lodged by clients, customers, program participants, or consumers of a subrecipient directly.

At minimum, these procedures must include forwarding the discrimination complaint to the Division or directly to another appropriate external agency; notifying the Division of any discrimination complaints received that the subrecipient has not referred to the Division; and notifying the complainant that she/he/they may file a complaint of discrimination directly with the Division.

As a pass-through entity that distributes federal funds to subrecipients, the Division enters into subgrant agreements with subrecipients where federal funds are being distributed. The subgrant agreements outline the terms and conditions that subrecipients agree to as a condition precedent of receiving the federal funds.

The Division requires all subrecipients to comply with all federal and state civil rights laws. As a recipient of federal funds, the U.S. Department of Homeland Security (“DHS”) requires all recipients and subrecipients to comply with laws prohibiting discrimination, including but not limited to the following:

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination based on race, color, national origin (including limited English proficiency);
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination based on disability;
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities;
- Age Discrimination Act of 1975, which prohibits discrimination based on age; and
- U.S. Department of Homeland Security regulation 6 CFR Part 19, which prohibits discrimination based on religion in social service programs.

Pursuant to federal requirements, the Division must ensure that all subrecipients are compliant with the laws specified above. The Division implemented a process to periodically collect civil rights related data and information from sub-recipients and

periodically review select sub-recipients to evaluate their implementation of civil rights policies and procedures. The Division requires subrecipients to submit in addition to the existing quarterly programmatic and financial monitoring requirements, the total number of complaints or lawsuits against the recipient during the past two (2) year alleging discrimination on the basis of race, color or national origin (including limited English proficiency), sex, age, disability, religion, or alleging retaliation. For each complaint or lawsuit, the subrecipient must also state the following:

- a. Employment or non-employment related;
- b. Basis (race; color; national origin, including limited English proficiency; sex; age; disability; religion); or alleging retaliation; and
- c. Status (pending, closed with findings, closed with no findings).

If the subrecipient has more than four (4) complaint per year or if the status of the complaint is closed with findings the Division will select the subrecipient for a desk audit or onsite compliance review depending on the number of complaints and/or their findings.

During the compliance review the Division will include but will not be limited to a review of the subrecipient's nondiscrimination policy, discrimination complaints process, policy and procedures used to ensure nondiscrimination and equal opportunity for persons with disabilities, policy and procedures regarding the requirement to provide meaningful access to programs and services to individuals with limited English proficiency (LEP).

DIVISION WEBSITE

The Division's main webpage (floridadisaster.org) must include a section featuring the Nondiscrimination Program, describing its purpose and the responsibilities of the Nondiscrimination Program Coordinator, and provide contact information thereto. The webpage will include the Division's civil rights policies, as well as a prominent notice directing individuals to contact the Nondiscrimination Program Coordinator with discrimination complaints against the Division or subrecipients.