

# Southwest Florida International Airport (RSW)

## TITLE VI POLICY AND PLAN

Including: Environmental Justice (EJ) &  
Limited English Proficiency (LEP) Data



Submitted to:  
Federal Aviation Administration  
Office of Civil Rights  
July 19, 2024 Rev. 4

**SOUTHWEST FLORIDA INTERNATIONAL AIRPORT  
RSW**

**1. Title VI Policy Statement<sup>1</sup>**

**The Lee County Port Authority / Southwest Florida International Airport (RSW)** assures that no person shall on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex (including sexual orientation and gender identity), creed, or age, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), Section 520 of the Airport and Airway Improvement Act of 1982, and related authorities (hereafter, “Title VI and related requirements”), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives U.S. Department of Transportation (DOT) funding. Title VI also prohibits retaliation for asserting or otherwise participating in claims of discrimination.

RSW further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. The Airport Sponsor agrees, among other things, to understand the communities surrounding or in the flight path, as well as customers that use the airport. Anytime communities may be impacted by programs or activities the LCPA will take action to involve them and the general public in the decision making process.

RSW requires nondiscrimination assurances, as prescribed by FAA, from each tenant, contractor, and concessionaire providing an activity, service, or facility at the airport. Assurances must be included in any related lease, contract, or franchise agreement between LCPA and each tenant, contractor, and concessionaire, as well as in any similar agreements with their own sub-tenants and sub-contractors.

Julio A. Rodriguez, available at 239-590-4625 and jarodriguez@flylcpa.com, is responsible for overseeing the Airport Sponsor’s compliance with Title VI and the point of contact for all airport Title VI matters and related responsibilities, including those required by 49 CFR Part 21.

  
*Signature*

**Steven C. Hennigan, C.M., A.C.E.**  
**Executive Director**

7/19/2024  
**Effective Date**

7/19/2027  
**3-Year Expiration Date**

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<sup>1</sup> This policy statement will be translated into languages other than English, upon request and based on patron and local language demographics.

## 2. Administration

Lee County Board of Port Commissioners has reviewed and adopted this Title VI Plan for RSW. This plan will be updated no less than once every 3 years. The plan will not be re-adopted following minor changes, such as updating the Executive Director's, or Coordinator's name. Significant revisions to our policies or federal guidelines may warrant re-adoption by the Lee County Board of Port Commissioners and resubmittal to FAA.

In addition to the Coordinator and airport sponsor's leadership, the following people also assist with our Title VI program requirements:

<b>Staff Supporting Title VI Program</b>	<b>Airport Sponsor Program / Office</b>
<i>Human Resources Department</i>	<i>Southwest Florida International Airport - RSW</i>
<i>Airport Operations Department</i>	<i>Southwest Florida International Airport - RSW</i>
<i>Airport Police Department</i>	<i>Southwest Florida International Airport - RSW</i>
<i>Airport Planning &amp; Environmental Department</i>	<i>Southwest Florida International Airport - RSW</i>
<i>Marketing &amp; Communications Department</i>	<i>Southwest Florida International Airport - RSW</i>
<i>Airport Development Division</i>	<i>Southwest Florida International Airport - RSW</i>

RSW has the following airport program sub-recipients:

<b>Sub-Recipients</b>
<i>None</i>

As of the date of this plan, RSW has the following pending applications for Federal financial assistance:

<b>Federal Source</b>	<b>Grant Number</b>	<b>Amount</b>
<i>FAA AIP</i>	<i>3-12-0027-025-2023</i>	<i>\$4,210,642</i>

[Add or delete lines, as needed]

In addition, LCPA's sub-recipients have the following pending applications for Federal financial assistance (either directly from the FAA, or passed through the State DOT):

<b>Federal Source</b>	<b>Grant Number</b>	<b>Amount</b>
<i>None</i>		


[Add or delete lines, as needed]

Updated information for pending and awarded grant applications will be available through the following methods:

Federal Source	Grant Award Information Available at:
FAA AIP	<a href="https://www.faa.gov/airports/aip/">https://www.faa.gov/airports/aip/</a>

[Add or delete lines, as needed]

### **3. Grant and Procurement Assurances**

49 CFR § 21.7 (a)(1); 49 CFR Part 21 Appendix C (b)

LCPA will complete standard grant assurances for Title VI and related requirements, in the form prescribed by FAA. See [https://www.faa.gov/airports/aip/grant\\_assurances/#current-assurances](https://www.faa.gov/airports/aip/grant_assurances/#current-assurances).

#### Clauses/Covenants

- a. All contracts, leases, deeds, licenses, permits, and other similar instruments, must contain the contractual requirements and clauses, in the form prescribed by FAA. See [https://www.faa.gov/airports/aip/procurement/federal\\_contract\\_provisions/](https://www.faa.gov/airports/aip/procurement/federal_contract_provisions/). Note that unlike many other clauses, Civil Rights clauses are required in all contracts. Note also special clauses that are required for certain types of contracts, such as land acquisition.
- b. RSW requires, Civil Rights clauses to be included in solicitations and contracts for all subcontractors, subleases, and any other agreements.
  - Construction/Professional Services/Equipment Purchases:  
In accordance with FAA Order 5100.38C (Airport Program Improvement Handbook), the Authority will include the provisions set forth in Attachment 2 Appendix A in every contract subject to the requirements of the Regulations.
  - Real Property Interests  
When real property is acquired or improved with federal funds, the Authority acknowledges that it is required to include certain Title VI covenants in any subsequent deed, license, lease, permit or other agreement granting an interest in or to the property. The Authority will include the clauses set forth in Attachment 2 Appendices B, C, and D as appropriate, in accordance with Federal Aviation FAA Order 5100.38 C (Airport Improvement Program Handbook) and as may otherwise be required to satisfy its obligations under the Regulations.

## **Description of Oversight Methods for Subcontracts**

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*Subcontract template must be used in all subcontracts related to the airport program. Subcontracts are audited by the Government Affairs Department to verify they include the template language. This is conducted almost on a weekly basis. Every public solicitation type (RFP, LOQ, RFB) issued by the Procurement Department is reviewed for Title VI language compliance.*

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### **4. Title VI Coordinator Responsibilities**

The Coordinator is responsible for ensuring that they and other staff supporting the Title VI are trained in Title VI requirements. Essential training topics include:

- Basic Title VI requirements
- Airport language assistance resources and practices
- Collecting and assessing demographic data
- Reporting Title VI complaints and other required FAA notifications.

See Training Section for more information for expected training for all staff.

Among other responsibilities, the Coordinator:

- Proactively ensures that the Airport Sponsor is in compliance with nondiscrimination requirements of Title VI and reports to the LCPA leadership on the status of Title VI compliances.
- Responds promptly to requests by FAA for data and records and for the scheduling of compliance reviews and other FAA meetings to determine compliance with Title VI and related requirements.
- Receives discrimination complaints covered by Title VI and related requirements, and forwards them to the FAA, within 15 days of receipt, together with any actions taken to resolve the matter.
- Provides the FAA with updates regarding its response and status of early resolution efforts to complaints concerning Title VI and related requirements (49 CFR Part 21, Appendix C(b)(3)), including resolution efforts.
- Annually reviews the airport's Title VI plan and disseminates information throughout staff and the Airport Sponsor's leadership.
- Coordinates data collection to evaluate whether racial or ethnic groups are unequally benefited or impacted by airport programs. The data will be regularly assessed and readily available upon request (49 CFR § 21.9(b) & (c)). Data collection methods will include optional demographic questions in: airport customer satisfaction surveys, customer complaints, airport event sign-in sheets, and bids/proposals for airport contracts, and other methods described in the airport Community Participation Plan

(CPP).

- Maintains demographic data for members of appointed planning and advisory bodies for the airport. Identifies any disparities compared to the community. Provides information to the membership selecting official/committee, particularly when vacancies occur.
- Maintains a copy of 49 CFR Part 21 for inspection by any person asking for it during normal working hours (49 CFR 21, Appendix C (b)(2)(i)).

See Notice, Compliance reviews, Audits, Lawsuits, and Other Investigations, and Complaints Sections of this Plan.

The Coordinator has requested and received access to the Title VI portion of the FAA Civil Rights Connect System (<https://faa.civilrightsconnect.com/>).

## **5. Notice**

49 CFR Part 21 Appendix C(b)(2)(ii)

RSW will conspicuously display the FAA-provided Unlawful Discrimination Poster in all public areas on airport property, including those with pedestrian activity. The Coordinator ensures that these posters are visible, accessible,<sup>2</sup> and maintained. The poster template is available at [https://www.faa.gov/about/office\\_org/headquarters\\_offices/acr/com\\_civ\\_support/non\\_disc\\_pr/](https://www.faa.gov/about/office_org/headquarters_offices/acr/com_civ_support/non_disc_pr/) and a completed copy is attached. See Section 15 Appendix.

RSW has posted the above Title VI policy statement at its staff offices.

RSW will distribute this Title VI Plan among its employees and airport contractors, concessionaires, lessees, and tenants. This plan will be distributed via email and post it on our website within 90 days after receiving approval from the FAA Office of Civil Rights.

At the present time, RSW is undergoing a major terminal expansion project. Therefore, the notices will be displayed as soon as the construction project allows. Currently the Unlawful Discrimination Posters are displayed in the main terminal baggage makeup areas. Additional posters will be display in other areas such as: airline ticketing level, post security locations (departure gates), and the rental car facilities.

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<sup>2</sup> For more information about website accessibility, please visit ADA.gov.

Terminal/FBO/Concessions/ Other Locations	Quantity in Pre-Security Area	Quantity in Post-Security Area	Additional Quantities
<i>Main Airport Terminal</i>	2	3( <i>once terminal expansion is completed</i> )	
<i>FBOs</i>			1

[Add or delete lines, as needed]

### Outreach to Affected Communities

Even though RSW doesn't have any Affected Communities, the Marketing and Communications Department will ensure that notices for public meetings reach all segments of the impacted community. The Title VI coordinator will identify the effective media platforms to share announcement and notices. Announcements are made in social media, general circulation newspapers, community newspapers, email broadcast, and RSW website. The Marketing and Communications Department will contact leaders and representatives in Affected Communities directly to confirm effective media platforms to reach all Affected Communities<sup>3</sup> and provide important feedback on translated materials. The office maintains records of all such notices and the efforts made to reach each of the Affected Communities.

If applicable: RSW will create a detailed CPP by July 1, 2024. A copy of the plan will be available at: [www.flylcpa.com/titleVI.com](http://www.flylcpa.com/titleVI.com) .

To ensure that the community is effectively informed of and able to participate in public hearings, The Marketing and Communications Department includes public notices translated into appropriate languages, including for any language spoken by a significant number or proportion of the Affected Community population that has limited English proficiency (LEP). Such social media postings and notices will include direction for obtaining an interpreter, free of charge, for public hearings. 28 CFR § 42.405(d). See Limited English Proficiency (LEP) Section.

## **6. Community Statistics**

Title VI regulations require Federal grant recipients to know their community demographics.

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<sup>3</sup> We will not subject any persons to discrimination based on race, color, national origin, age, sex, or creed. The term "protected communities" is used within this Title VI Plan to highlight the requirements of Title VI, 49 U.S.C. § 47123, the Age Discrimination Act of 1975, and in some instances, includes low-income populations under Executive Order 12898.

See 49 CFR § 21.9(b). By knowing this information, the RSW will be able to identify, understand, and engage with communities. In doing so, the RSW needs to know about communities eligible to be served, actually or potentially affected, benefited or burdened by RSW’s Airport Sponsor’s airport program.

Affected Communities <sup>4</sup>	Population
<i>None</i>	

(Hereafter, the above communities will be referred to collectively as “the Affected Communities”).

RSW sits on 13,555 acres (5,486 ha, 21.2 sq.mi.) of land just southeast of Fort Myers, making it the third-largest airport in the United States in terms of land size (after Denver and Dallas/Fort Worth. 6,000 acres of the land has been conserved as swamp lands and set aside for environmental mitigation.

Based on several studies, reports, consultations, including RSW’s Master Plan, RSW has not identify any Affected Communities. In addition, based on the most recent Environmental Assessment Studies available for RSW, there has been no adverse impact caused to any communities as a result of any development projects. The Authority will continue to follow all applicable federal requirements to ensure compliance with Title VI regulations and all associated executive orders.

We have identified the following facts about the Affected Communities: None

Low Income Communities<sup>5</sup>

A low-income area is an identifiable group of persons living in geographic proximity, whose median household income is at or below the Department of Health and Human Services poverty guidelines. Pursuant to Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” RSW is collecting information about affected and potentially affected low-income communities. The overall poverty level for the Lee County is approximately 12%. *Source: U.S. Census Report, S1701: Poverty Status in the Past 12 Months*. The poverty rate remains similar when compared with the rest of the state of Florida. Since RSW does not have an Affected Community, there is no poverty data to present regarding the comparison of poverty rates in the Affected Communities.

<sup>4</sup> “Affected communities” means any readily identifiable group potentially impacted by an airport project or operation, such as the community immediately surrounding a project or a community in the flight path.

<sup>5</sup> Low-income data must be collected to assist in our compliance with Environmental Justice requirements (not Title VI requirements). For example, this data will be utilized in our Community Participation Plan (CPP) to help ensure the meaningful involvement of low income communities in airport programs and activities.

<b>Affected Communities</b>	<b>Poverty Rate</b>
<i>No Affected Communities at RSW</i>	<i>0%</i>

Racial and Ethnic Communities.

Demographic data for race, color, and national origin was evaluated to identify racial and ethnic communities and populations in each Affected Community. The demographic composition by race, color, or national origin for the specific Affected Communities are as follows<sup>6</sup>:

**Affected Community: None**  
**Total Affected Community Population:**

<b>Demographic Group within Affected Community</b>	<b>Number of People in Minority Group</b>	<b>Percent of Total Affected Community Population</b>
<i>None</i>		

Limited English Proficiency (LEP).

The goal of all language access planning and implementation is to ensure that RSW communicates effectively with limited English proficient (LEP) individuals. Effective language access requires self-assessment and planning. The next table lists non-English languages<sup>7</sup> that are spoken in LEP households in the Affected Communities.

The threshold we have used for identifying the languages with significant LEP populations is the

<sup>6</sup> Recommend using demographic groups from the U.S. Census.

<sup>7</sup> Recommend using language groups from the U.S. Census, and using data for the “Speak English less than ‘very well’” category for each language over the threshold.

DOT LEP Policy Guidance safe harbor threshold, which is 5% or 1,000, whichever is less.<sup>8</sup> The safe harbor for our community is 0. Please refer to the end of this document to find data for all languages in our community.

<b>Languages Spoken by LEP Population that Meet the Safe Harbor Threshold</b>	<b>Number</b>	<b>Margin of Error</b>
<i>No Affected Communities identified</i>	0	0

Frequency of contact with LEP individuals at the airport and airport-related activities (all languages):

<b>Languages Spoken by LEP Persons</b>	<b>A few times a year (12 or less days a year)</b>	<b>Several times a month (13 to 51 days a year)</b>	<b>At least once a week (52 to 364 days a year)</b>	<b>Every day (365 days a year)</b>
<i>Spanish</i>			X	
<i>French</i>	X			
<i>German</i>	X			

Additional languages spoken by significant numbers of LEP persons in the Affected Communities, local schools, emergency service providers, and others, include: None

**Additional Languages Spoken**

<i>None</i>
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This information is updated annually<sup>9</sup> through checking the following resources:

<b>Data Sources for Languages Spoken in Affected Community</b>	<b>Website link to Data Source</b>
<i>U.S. Census Bureau</i>	<i><a href="https://data.census.gov/cedsci/table?q=B16001&amp;tid=ACSDT1Y2019.B16001">https://data.census.gov/cedsci/table?q=B16001&amp;tid=ACSDT1Y2019.B16001</a></i>
<i>Lee County Visitor &amp; Convention Bureau</i>	<i>RSW visitors survey – quarterly reports</i>

<sup>8</sup> See the DOT LEP Policy Guidance at <https://www.federalregister.gov/d/05-23972/p-133>. The safe harbor provisions apply to the translation of written documents only; however, it provides a consistent starting point for identifying significant LEP populations.

<sup>9</sup> Data should be kept up-to-date, but this plan does not need to be updated for incremental data changes during the Plan’s 3-year period.

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Beneficiary Diversity.

Demographic information is collected from airport customers, attendees at community meetings, and businesses seeking opportunities at the airport, through voluntary disclosures.

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**Description of Beneficiary Demographic Information Collection Methods**

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- *The Lee County Visitor & Convention Bureau survey RSW's customers on a quarterly basis through a third party marketing firm. The survey includes a voluntary request for demographic information.*
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Staff and Advisory Board Diversity.

Demographic information is collected from airport program employees and members of planning and advisory boards, through voluntary disclosures.

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**Description of Employee and Advisory Board Demographic Information Collection Methods**

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- *At RSW all employees are asked to submit voluntary confidential demographic information at time of hiring. New job applicants are asked to submit the same information when submitting their job application through the job application website.*
  - *At the present time RSW doesn't have a way to collect this information from their governing/advisory boards. Currently, staff is exploring different methods of when and to collect this type of information. RSW will update this section by the next three year update or as soon as a decision is made.*
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**7. Potential or Known Community Impacts**

Projects or services receiving federal financial assistance have the potential to touch so many aspects of American life. Thus, in general, no RSW activity must have a discriminatory disparate impact on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age. This means that policies or procedures that have a disparate impact would require a well-documented substantial legitimate nondiscriminatory justification, summarized below. Impacts to protected communities must be avoided or minimized to the extent possible. No project with a discriminatory impact on protected communities will be undertaken.<sup>10</sup>

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<sup>10</sup> In order to carry out an alternative with a discriminatory impact, the airport sponsor must demonstrate that there was a substantial legitimate justification for the decision. The sponsor must also show that alternatives with less discriminatory impacts were meaningfully considered and rejected for legitimate reasons.

The following airport facilities are already in use or under construction and expected to be in use within the next 3 years.

Existing Airport Facilities	Affected Community Impacted by Operation of the Facility
<i>Main Terminal Expansion Project</i>	<i>None</i>

The following airport facility projects (including all alternatives) are in construction or expected to be in construction within the next 3 years:

Airport Facility Construction Projects	Affected Community Impacted by Construction of the Facility
<i>None</i>	<i>None</i>

We have analyzed the above existing facilities and facility construction projects for disparate impacts on the basis of race, color, or national origin (including LEP) in Affected Communities. The following have disparate impacts:

Facilities or Construction Projects with Disparate Impacts	Affected Community Impacted	Impact Can Be Eliminated?
<i>None</i>	<i>None</i>	<i>N/A</i>

**Justifications:** N/A

Facilities or Construction Projects	Justification
<i>None</i>	<i>N/A</i>

**8. Limited English Proficiency (LEP)**  
Executive Order 13166

In creating a Language Assistance Plan, RSW will consider the volume, proportion, or frequency of contact with LEP persons in determining the appropriate language assistance to provide.

In Community Statistics section, we identified the following languages spoken by LEP persons

in Affected Communities:

**Language**

<i>No Affected Communities</i>

RSW also collects data for languages spoken by airport guests.<sup>11</sup> Data sources include:

<b>Data Sources for Languages Spoken by Airport Guests</b>	<b>Website link to Data Source</b>
<i>Airport Operations &amp; Communications data</i>	<i>Monthly Data Log</i>
<i>Assumption from flight origin / destination</i>	<i>N/A</i>
<i>Assistance requests to airport information desks</i>	<i>Lee County VCB</i>

Based on the above data, the following additional languages have been identified as likely to be spoken by LEP airport guests:

**Language**

<i>Spanish</i>

The Title VI Coordinator will also actively engage with community educators, community groups, places of work, business groups, social groups, and the like to confirm that translation and interpretation services are accurate and effective. Additionally, the Title VI Coordinator will inform leadership and staff of the RSW responsibility to provide language access. We have made the following plans to provide translation services free of charge to ensure that individuals with LEP have access to the benefits of the airport:

**Translation Services:**

- All written notices contain a statement in the identified languages, when appropriate, of how to receive translated written materials.
- The following vendors have been identified for written translations: None

<b>Translation Vendors</b>	<b>Languages</b>

<sup>11</sup> We aim to provide appropriate language assistance services to every LEP person encountered. This includes instances when LEP statistical data for a particular language was not available beforehand, or the safe harbor threshold for written translation was not met.

- Information regarding translation services can be obtained at: None

<b>Location for Translation Assistance</b>	<b>Languages</b>
<i>Airport Volunteer multi-lingual staff</i>	<i>All above languages</i>
<i>Airport multi-lingual staff pool</i>	<i>All above languages</i>

**Interpretation Services:**

- The following vendors have been identified for interpretation services: None

<b>Interpretation Vendors</b>	<b>Languages</b>

- Information regarding interpretation services can be obtained at:

<b>Location for Interpretation Assistance</b>	<b>Languages</b>
<i>Airport Information Desk</i>	<i>All above languages</i>
<i>Airport Communications Center</i>	<i>All above languages, using airport and volunteer staff on duty.</i>

**Description of Interpretation Assistance Processes**

- *RSW's Aviation Programs & Technology Department maintains a list of bilingual and multilingual Port Authority employees, the languages they speak, and their contact information. Generally, these employees are available to assist the public during airport operating hours. This list is then forwarded to the airport's Communications Center where all the language assistance requests are routed through.*
- *The Lee County Visitors and Convention Bureau (VCB) manages all the Information Centers at RSW. The VCB provide volunteer staffing to all the Information Centers during the airport operating hours. The VCB maintains a directory of their staff and the languages they speak. Bilingual and multilingual staff is normally scheduled during the days when the majority of the international flights operate at RSW.*
- *Google Translate has also been utilized by our staff and will continued to do so.*

**9. Transportation**

49 Part CFR 21 Appendix C (a)(1)(ix)

In the Community Statistics section of this plan, we identified Affected Communities and provided demographic and related data for the community populations. The minority and disadvantaged community areas located within the Affected Communities are identified below. Other minority and disadvantaged community areas that are near the airport but not within

Affected Communities are also identified below.

We have coordinated with the local transit authority to encourage them to provide transit service access between the airport and these areas.

The following chart identifies existing and planned transit services connecting the airport employment centers with the identified minority and disadvantaged community areas.

<b>Minority and/or Disadvantaged Community Areas</b>	<b>Transit Service</b>	<b>Planned or Existing</b>
City of Fort Myers – Downtown	Fixed-route buses	Existing
Scattered blocks of eastern Lee County	Fixed-route buses	Existing

### **10. Minority Businesses**

49 CFR 21 Appendix C (a)(1)(x)

Bids for airport concessions and other business opportunities are solicited from area minority and woman-owned businesses through the following methods:

<b>Airport Business Opportunity</b>	<b>Minority Business Outreach Methods</b>
<i>Parking &amp; Shuttle Service Operations</i>	<i>Advertised through all local news media, airport website, other airport association websites, airport minority business associations, and minority and woman owned business outreach email list.</i>
<i>Airport Concessions</i>	<i>Advertised through all local news media, airport website, other airport association websites, airport minority business associations, and minority and woman owned business outreach email list.</i>
<i>Capital Improvement Projects</i>	<i>Advertised through all local news media, airport website, other airport association websites, airport minority business associations, and minority and woman owned business outreach email list.</i>

Selections are in compliance with Title VI, Part 21, and related requirements. Information on the award process and documentation for specific bid decisions is kept with the Procurement Department. Each solicitation will have a single point of contact within the procurement process for simplicity.

### **11. Training**

New employee orientation incorporates Title VI training. Topics include:

- Title VI and related laws prohibit discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age
- Title VI complaints must be forwarded to the Coordinator
- Protections against retaliation for filing civil rights complaints or related actions
- Title VI notices must be displayed throughout the airport public facilities
- All contracts must include Title VI clauses
- Language interpretation and translation services
- Cultural and community relations sensitivity training
- Anti-harassment training

The Title VI Training herein will be incorporated in RSW's new employee orientation training effective FAA's approval or acceptance of this Title VI Plan.

Refresher information will be provided semi-annually.

## **12. Compliance Reviews, Audits, Complaints, Lawsuits, and Other Investigations**

FAA Notification. The Coordinator will notify FAA of any pending investigations and reviews, including:

- Compliance reviews or audits concerning civil rights requirements<sup>12</sup>
- Complaints, lawsuits, or other investigations alleging noncompliance with civil rights requirements<sup>13</sup>

As discussed in the Title VI Complaints Section, Title VI complaints must be forwarded to FAA contacts within 15 days of receipt. For all other civil rights investigations, RSW must notify FAA contacts of any new investigations prior to grant execution.

At regular intervals, the Coordinator will provide FAA contacts with status updates for the investigations and reviews, until completed. For each existing investigation or review completed within 5 years of this plan, the Coordinator will also provide a statement about the outcome, unless previously provided.

## **13. Title VI Complaints**

49 CFR 21.11; 49 CFR 21 Appendix C (b)(3); 28 CFR 42.406(d)

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<sup>12</sup> Includes any Title VI, ADA, Sec. 504, Title VII/EEO, or other civil rights program compliance review or audit to be performed on the airport sponsor or any of its sub-recipients by any State, local or Federal agency.

<sup>13</sup> Includes allegations of discrimination based on race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age, whether because of actions of the airport sponsor itself, or its employees, contractors, or tenants. Includes noncompliance with related administrative requirements under civil rights laws.

Scope. These procedures are for complaints of discrimination under Title VI and related laws (hereafter “Title VI Complaints.” In order to be a Title VI Complaint, the complaint must:

1. Allege discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age or violations administrative requirements under Title VI or related laws.
2. Not only be for employment matters<sup>14</sup>
3. Allege misconduct by RSW, including airport employees, contractors, concessionaires, lessees, or tenants.
4. Concern an airport facility or actions by RSW including airport employees, contractors, concessionaires, lessees, or tenants.

Rights. Any person who believes that he or she has been subjected to discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), creed, or age has the right to file a complaint with RSW.<sup>15</sup> Alternatively, they can file a formal complaint with an outside agency, such as the U.S. Departments of Justice or Transportation, or the Federal Aviation Administration (FAA), or seek other legal remedies.

Receipt of Complaint. The Coordinator will log in the complaint and promptly send copies of the complaint to the Human Resources Department and the Executive Director’s office.

Complaints must be filed within 180 days of the discriminatory event, must be in writing, and must be delivered to:

Title VI Coordinator  
Julio A. Rodriguez / DBE Manager  
11000 Terminal Access Rd. Suite 8671  
Fort Myers, FL. 3972  
239-590-4625  
[jarodriguez@flynlcpa.com](mailto:jarodriguez@flynlcpa.com)

If a complaint is initially made by phone, it must be supplemented with a written complaint before 180 days after the discriminatory event has passed. If a verbal complaint is received, the complainant should be given a copy of the Airport Discrimination Complaint Procedures and instructed to submit a written complaint. Accommodation will be provided upon request to individuals unable to file a written complaint due to a disability.

Initial Procedure. The Coordinator may meet with the complainant to clarify the issues, obtain

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<sup>14</sup> Complaints of employment discrimination must be addressed as required by EEOC and other applicable authorities with jurisdiction over employment matters. If an Airport sponsor employment activity is supported by FAA-provided financial assistance or it is alleged that the employment discrimination affects the broader airport program, complaints about that activity must also be reported to FAA.

<sup>15</sup>

additional information, and determine if informal resolution might be possible in lieu of an investigation. If successfully resolved, the Coordinator will issue a closure letter to the complainant, record the disposition in the complaints log, and report the resolution to FAA.

### **Discrimination Complaint Referral Procedure**

Internal Complaint Referral. All Title VI complaints must be promptly forwarded to the Coordinator within 10 days.

Initial FAA Notification. A copy of each Title VI complaint will be forwarded to the FAA within 15 days of initial receipt (not the date that the Coordinator was notified). The Coordinator will forward a copy of the complaint and a statement describing all actions taken to resolve the matter, and the results thereof to the FAA Civil Rights staff. (Note: complaints based on disability do not have to be forwarded to FAA.) To transmit complaint information to the FAA, the Coordinator will upload the information to the FAA Civil Rights Connect System. The Coordinator will also seek technical assistance from FAA, as needed, throughout complaint intake, investigation and resolution process.

### **Investigation Procedure**

Assignment of Investigator. The Coordinator will immediately begin the investigation or designate an investigator.

Cooperation with FAA. The Coordinator will promptly investigate all Title VI complaints, including those referred by the FAA for investigation. If the FAA is investigating a complaint against RSW, the Coordinator will avoid interfering with the FAA investigation, cooperate with the FAA when needed, and share factual information with the FAA.

Prompt Investigation. The Coordinator will make every effort to complete discrimination complaint investigations within 60 calendar days after the complaint is received. Some investigations may take longer with a justification for the delay and assurance that the investigation is being completed as quickly as possible.

Contact with Complainant. The Coordinator will meet with the complainant to clarify the issues and obtain additional information, and also speak with community members and potential witnesses, as appropriate.

Investigation Report. After completing the investigation, the Coordinator will prepare a written report.

Consultation with Legal Counsel. In each case, the Coordinator will consult with Legal Counsel regarding the investigation and the report. Airport Legal Counsel will ensure that the report is consistent with the DOT and FAA Title VI nondiscrimination requirements.

Prompt Resolution of Disputes. The Coordinator will emphasize voluntary compliance and quickly and fairly resolve disputes with complainants, or with contractors, tenants, or other

persons, through the following methods:

The Title VI Coordinator will conduct a preliminary inquiry into the complaint to determine whether or not the complaint has sufficient merit to warrant an investigation. If the Title VI Coordinator determines that there is insufficient evidence to proceed, the complainant will be notified in writing of the decision within fifteen (15) business days. This notification shall state the reason(s) for the decision.

If the Title VI Coordinator determines that a full investigation is necessary, the complainant or his/her representative(s) will be notified that an investigation will take place and additional information will be requested, if necessary. The investigation should last no more than sixty (60) days from the date the written complaint was submitted.

The Title VI Coordinator may elect to meet with the complainant to clarify the issues, obtain additional information and determine if informal resolution might be possible.

At the completion of the investigation, the complainant will receive a written report, which will include a narrative description of the incident, summaries of the persons interviewed and recommendations for remedial steps as appropriate and necessary. The remedial steps, if any, will be implemented as soon as reasonably practicable.

Forwarding Report and Response to Complainant. At the completion of the investigation, the complainant and respondent will receive a letter of findings and determination of the investigation and any applicable resolution. The letter transmitting the findings and any applicable resolution will state RSW's conclusion regarding whether unlawful discrimination occurred, and will describe the complainant's appeal rights. A summary of the investigation report, any appeal, or follow-up actions will be sent to the FAA via the FAA Civil Rights Connect System.

Appeal Rights. The complainant must be notified of their right to appeal the findings or determinations, and of the procedures and requirements for an appeal:

- The complainant may appeal in writing to the Airport's Executive Director.
- The written appeal must be received within 10 business days after receipt of the written decision.
- The written appeal must contain all arguments, evidence, and documents supporting the basis for the appeal.
- The Executive Director will issue a final written decision in response to the appeal.

Avoiding Future Discrimination. In addition to taking action with respect to any specific instances of discrimination, RSW will identify and implement measures to reduce the chances of similar discrimination in the future.

Intimidation and Retaliation Prohibited. RSW employees, contractors, and tenants will not intimidate or retaliate against a person who has filed a complaint alleging discrimination.

For information on filing a complaint with DOT/FAA, please contact the Title VI Coordinator.

This complaint procedure is shared with the public through the following methods:

**Website, In-person, and Other Distribution Methods**

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1. RSW website *Title VI page at [www.flylcpa.com/title6.com](http://www.flylcpa.com/title6.com) Airport website, Title VI page at [www.localairport.gov/civilrights](http://www.localairport.gov/civilrights)*

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2. DBE Manager's Office at the Southwest Florida International Airport - RSW

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## **14. Population / Language Data**

Table: ACSST1Y2021.S1701

U.S. Census Data	Lee County, Florida					
Report S1701	Total		Below poverty level		Percent below poverty level	
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population for whom poverty status is determined	778,395	±3,343	96,159	±10,564	12.4%	±1.4
AGE						
Under 18 years	134,285	±967	24,070	±4,977	17.9%	±3.7
Under 5 years	34,601	±461	6,798	±2,086	19.6%	±6.0
5 to 17 years	99,684	±780	17,272	±3,743	17.3%	±3.8
Related children of householder under 18 years	133,389	±1,179	23,174	±4,912	17.4%	±3.7
18 to 64 years	416,924	±3,109	49,805	±6,376	11.9%	±1.5
18 to 34 years	133,464	±1,283	17,966	±3,101	13.5%	±2.3
35 to 64 years	283,460	±2,593	31,839	±4,469	11.2%	±1.6
60 years and over	288,686	±3,427	30,909	±3,758	10.7%	±1.3
65 years and over	227,186	±384	22,284	±3,349	9.8%	±1.5
SEX						
Male	382,961	±3,074	42,267	±6,002	11.0%	±1.6
Female	395,434	±1,052	53,892	±5,909	13.6%	±1.5
RACE AND HISPANIC OR LATINO ORIGIN						
White alone	531,410	±6,629	47,774	±6,673	9.0%	±1.2
Black or African American alone	58,073	±3,437	13,098	±3,357	22.6%	±6.0
American Indian and Alaska Native alone	N	N	N	N	N	N
Asian alone	13,690	±1,222	1,542	±771	11.3%	±5.7
Native Hawaiian and Other Pacific Islander alone	N	N	N	N	N	N
Some other race alone	34,141	±6,470	7,308	±2,947	21.4%	±7.7
Two or more races	139,602	±9,374	26,369	±5,668	18.9%	±4.1
Hispanic or Latino origin (of any race)	185,394	±1,022	37,110	±6,684	20.0%	±3.6
White alone, not Hispanic or Latino	495,667	±3,476	41,929	±5,450	8.5%	±1.1
EDUCATIONAL ATTAINMENT						
Population 25 years and over	593,949	±3,192	64,654	±6,503	10.9%	±1.1
Less than high school graduate	56,542	±5,195	15,633	±3,026	27.6%	±5.2
High school graduate (includes equivalency)	178,569	±8,786	24,235	±4,496	13.6%	±2.3
Some college, associate's degree	173,934	±7,054	12,996	±2,222	7.5%	±1.2
Bachelor's degree or higher	184,904	±7,392	11,790	±2,659	6.4%	±1.4
EMPLOYMENT STATUS						
Civilian labor force 16 years and over	354,886	±7,622	22,399	±4,300	6.3%	±1.2
Employed	336,326	±8,780	18,675	±3,723	5.6%	±1.1
Male	175,346	±5,832	7,158	±1,809	4.1%	±1.0
Female	160,980	±5,384	11,517	±2,737	7.2%	±1.7
Unemployed	18,560	±3,194	3,724	±1,265	20.1%	±6.0
Male	9,391	±2,160	1,897	±891	20.2%	±9.2
Female	9,169	±2,184	1,827	±852	19.9%	±8.4
WORK EXPERIENCE						
Population 16 years and over	660,370	±3,502	74,442	±7,185	11.3%	±1.1

Table: ACSST1Y2021.S1701

U.S. Census Data	Lee County, Florida					
Report S1701	Total		Below poverty level		Percent below poverty level	
Label	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Worked full-time, year-round in the past 12 months	233,960	±8,206	4,593	±1,988	2.0%	±0.9
Worked part-time or part-year in the past 12 months	132,018	±7,232	19,041	±3,580	14.4%	±2.5
Did not work	294,392	±7,956	50,808	±5,290	17.3%	±1.6
ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOWING POVERTY RATIOS						
50 percent of poverty level	49,546	±6,536	(X)	(X)	(X)	(X)
125 percent of poverty level	124,310	±11,892	(X)	(X)	(X)	(X)
150 percent of poverty level	159,180	±12,468	(X)	(X)	(X)	(X)
185 percent of poverty level	203,465	±14,377	(X)	(X)	(X)	(X)
200 percent of poverty level	228,655	±14,848	(X)	(X)	(X)	(X)
300 percent of poverty level	360,091	±14,141	(X)	(X)	(X)	(X)
400 percent of poverty level	479,322	±13,585	(X)	(X)	(X)	(X)
500 percent of poverty level	568,291	±12,398	(X)	(X)	(X)	(X)
UNRELATED INDIVIDUALS FOR WHOM POVERTY STATUS IS DETERMINED	159,885	±7,908	34,268	±4,673	21.4%	±2.4
Male	77,703	±5,560	13,535	±3,005	17.4%	±3.6
Female	82,182	±4,804	20,733	±3,011	25.2%	±3.1
15 years	113	±181	113	±181	100.0%	±76.2
16 to 17 years	783	±481	783	±481	100.0%	±26.1
18 to 24 years	7,914	±1,991	3,530	±1,278	44.6%	±11.0
25 to 34 years	25,158	±3,572	3,663	±1,151	14.6%	±4.4
35 to 44 years	16,672	±2,620	3,122	±1,315	18.7%	±7.0
45 to 54 years	18,131	±3,062	3,653	±1,367	20.1%	±6.4
55 to 64 years	28,884	±3,096	7,242	±1,763	25.1%	±4.7
65 to 74 years	30,984	±2,947	5,536	±1,550	17.9%	±4.4
75 years and over	31,246	±3,072	6,626	±1,889	21.2%	±5.0
Mean income deficit for unrelated individuals (dollars)	8,144	±519	(X)	(X)	(X)	(X)
Worked full-time, year-round in the past 12 months	56,976	±5,380	584	±387	1.0%	±0.7
Worked less than full-time, year-round in the past 12 months	32,054	±3,715	9,360	±2,697	29.2%	±6.9
Did not work	70,855	±5,024	24,324	±3,676	34.3%	±3.5
Population in housing units for whom poverty status is determined	776,547	±3,472	95,021	±10,550	12.2%	±1.4

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## Age by Language Spoken at Home for the Population 5 Years and Over

	United States		Florida		Lee County, FL	
	Value	Error	Value	Error	Value	Error
<b>Total:</b>	3.13E+08	17131	20689174	3377	752889	181
<b>5 to 17 years:</b>	54814032	28652	3195869	4131	101006	183
Speak only English	43122756	59583	2280802	18797	67643	3005
Speak Spanish	8118810	56894	682491	13454	27705	2740
Speak other Indo-European languages	1662388	27136	171882	12313	4773	1907
Speak Asian and Pacific Island languages	1243850	18976	37886	4631	353	437
Speak other languages	666229	26493	22808	3772	532	681
<b>18 to 64 years:</b>	2.03E+08	26237	12894309	5222	423082	161
Speak only English	1.55E+08	138741	8602823	31651	295086	5067
Speak Spanish	28891508	88866	3185714	19961	99460	3951
Speak other Indo-European languages	8060525	70869	747008	22824	21771	3730
Speak Asian and Pacific Island languages	7754578	51701	245890	9988	5665	1056
Speak other languages	2739141	46823	112874	10320	1100	654
<b>65 years and over:</b>	55892016	22817	4598996	4778	228801	161
Speak only English	47274608	42113	3606692	12956	202912	2643
Speak Spanish	4244623	20686	687888	7447	14857	1389
Speak other Indo-European languages	2079991	23569	215445	10291	8865	2219
Speak Asian and Pacific Island languages	1917146	17124	65116	3895	1425	435
Speak other languages	375647	11676	23855	2981	742	524

**15. Completed Unlawful Discrimination Poster**

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## Unlawful Discrimination

It is unlawful for airport operators and their lessees, tenants, concessionaires and contractors to discriminate against any person because of race, color, national origin, sex, creed, or disability in public services and employment opportunities. Allegations of discrimination should be promptly reported to the Airport Manager or:

Federal Aviation Administration  
Office of Civil Rights, ACR-1  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Federal regulations on unlawful discrimination are available for review in the Airport Manager's Office.

**Coordinator:** Julio A. Rodriguez  
**Phone:** 239-590-4625  
**Address:** 11000 Terminal Access Rd. Ste. 8671  
Fort Myers, FL 33972

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## Discriminacion Ilegal

Se prohíbe a los operadores de aeropuertos y a sus arrendatarios, inquilinos, concesionarios y contratistas discriminar contra cualquier persona por motivo de raza, color, nacionalidad de origen, sexo, creencias religiosas, impedimento físico o discapacidad en lo que respecta a servicios públicos y oportunidades de empleo. Las alegaciones de discriminación deberán ser dirigidas inmediatamente al Administrador del Aeropuerto o a:

Federal Aviation Administration  
Office of Civil Rights, ACR-1  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Los reglamentos sobre discriminación ilegal están a la disposición de los interesados para su examen en la oficina del Administrador del Aeropuerto.

**Coordinador:** Julio A. Rodriguez  
**Teléfono:** 239-590-4625  
**Dirección:** 11000 Terminal Access Rd. Ste. 8671  
Fort Myers, FL 33972



U.S. Department of Transportation  
Federal Aviation Administration