THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION

REGULATION NUMBER AND TITLE: FPU-1.0033 Unmanned Aircraft Systems (UAS)/Model Aircraft

SUMMARY OF THE REGULATION:

This regulation applies to all members of the University Community including but not limited to University employees and students operating Unmanned Aerial Systems (UAS), commonly known as drones, in any location as part of their employment or as part of any University research, program or activity; the operation by any private individual or entity of UAS or Model Aircraft on or above University Property; the operation of a UAS in connection with a University sponsored event; the operation by UAS by commercial entities, and; the purchase of UAS with funding through the University, including University grants or accounts.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at https://floridapoly.edu/about/board-of-trustees/university-policies-regulations-rules/ . If you would like a copy of the Proposed Regulation, please contact David J. Brunell, Assistant General Counsel at (863) 874-8414.

AUTHORITY: Board of Governors Regulation 1.001(7)(g); §§ 330.41, 934.50, 1013.50, Fla. Stat.

NAME OF PERSON INITIATING PROPOSED REGULATION: Mark Mroczkowski, VP and CFO.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: David J. Brunell, Assistant General Counsel at 4700 Research Way, Lakeland, Florida 33805, Email: dbrunell@floridapoly.edu, Phone: (863) 874-8414, Fax: (863) 874-8716.

DATE OF PUBLICATION: Friday, November 8, 2019

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES

FPU-1.0033 Unmanned Aircraft Systems (UAS)/Model Aircraft

A. APPLICABILITY/ACCOUNTABILITY:
This regulation applies to all members of the University Community including but not limited to University employees and students operating Unmanned Aerial Systems (UAS), commonly known as drones, in any location as part of their employment or as part of any University research, program or activity; the operation by any private individual or entity of UAS or Model Aircraft on or above University Property; the operation of a UAS in connection with a University sponsored event; the operation by UAS by commercial entities, and; the purchase of UAS with funding through the University, including University grants or accounts.

B. OVERVIEW:
Florida Polytechnic University is committed to providing an academically vigorous, safe, and secure environment for all individuals and organizations. The University seeks to permit UAS/Model Aircraft to be utilized in a manner that fully meets institutional, legal, public safety and ethical responsibilities. The purpose of this document is to identify and specify minimum requirements for the safe operation of UAS/Model Aircraft.

All UAS/Model Aircraft operations taking place on University Property, or at any University- sponsored event shall be in full compliance with FAA regulations and relevant federal, state, and local laws, regardless of whether the UAS is owned by the University or a third-party individual or organization. **Individual operators of UAS/Model Aircraft are personally responsible for complying with FAA regulations and all applicable laws.**

C. DEFINITIONS:

Commercial Use
Any commercial use in connection with a business, including selling photos or videos taken from a UAS, using UAS to provide contract services (such as industrial equipment or factory inspection, mapping or surveys), or using UAS to provide professional services (such as security or telecommunications). University use that would otherwise be included is excluded.

Mission-Related Activities
Activities directly related to a faculty or staff member's teaching, research, or outreach work, or directly related to a staff member's responsibilities. For students, these are activities directly related to coursework in an enrolled class or research conducted for credit.

Model Aircraft
An unmanned aircraft (1) capable of sustained flight in the atmosphere; (2) flown within visual line of sight of the person operating the aircraft; and (3) flown only for hobby or recreational purposes.

Program Plan
Document submitted for review that specifies when, where, and for what purpose a UAS will be flown on University property or in University airspace.

Teaching, Research, or Outreach Activities
The work of University students, faculty, or staff which directly delivers the institution's academic mission, as defined by the Provost, or designee.

UAS Operator
Person(s) in direct control and command of a UAS.

Unmanned Aircraft (UA)
The flying portion of an Unmanned Aircraft System (UAS), flown by a pilot via a ground control system, or autonomously through use of an on-board computer, communication links and any additional equipment that is necessary for the UA to operate safely. (The University recognizes that the term "unmanned" is not gender-inclusive, but has adopted the term for clarity and in alignment with federal regulations. As this terminology evolves in statute, this policy will be revised.)

Unmanned Aircraft System (UAS)
An unmanned aircraft (UA) and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft.

UAS Safety Board (UASSB)
The body charged with reviewing program plans for safety and/or awareness considerations. The UASSB is a subcommittee of the University Safety committee and is chaired by a representative of Facilities and Safety Services. The chair is a voting member; a representative from the Office of General Counsel also serves as a non-voting member. The UASSB must include both a student representative who may vote and a representative from student affairs who may vote or not at the discretion of the University Safety Committee.

D. General Scope

1. Use for Mission-Related Activities and Operations

a. UAS used for mission-related activities (teaching, research, or outreach) is permitted, provided it does not interfere with or interrupt the operations of the University and complies with federal and state law. In addition, indoor use of UAS in public spaces must be limited to locations and times where the use will not interfere with student, faculty, and staff use of facilities. UAS operators planning to launch, land, or fly a UAS on University property or in airspace over University property must submit a program plan to the UASSB. The plan will be reviewed, and additional provisions may be required to ensure safety of people and property.
b. Student activities that includes use of a UAS on University property or in University airspace must be submitted to Student Affairs; if Student Affairs approves, it will request UASSB approval for the activity.
c. UAS are also permitted for uses related to facility maintenance and construction or university marketing with approval from the UASSB.

2. Use for Public Relations, Communications, or Commercial Purposes

UAS operators requesting use of UAS on University property or in airspace over University property for public relations, communications, or commercial reasons on behalf of the University must submit a request to the UASSB in accordance with UASSB procedures. The request will be reviewed and approved or denied by University Relations and Facilities and Safety Services, which may consult with University Police as needed. Commercial operators must have completed all required federal, state, and local registration and/or licensure requirements. Commercial operators must also submit proper proof of insurance to be approved and filed with the UASSB, which must provide general liability coverage with a $2,000,000 per occurrence limit and name the "Florida Polytechnic University Board of Trustees, its officers, employees, and agents" as additional insured.

3. Use for Public Safety

Nothing in this policy prohibits use for public safety purposes that are in alignment with federal or state law and approved by the Chief of University Police or designee.

4. Restrictions on Use

In compliance with FAA regulations, there are restrictions on UAS use in relation to airports and helipads. The University is within three miles of an airport: all operators are required to file required notices with all required airports and towers. No UAS may be operated inside any occupied or covered facility unless such facility is designated, for the specific purpose of operating a UAS or the operator has express written permission of the UASSB and the Assistant Vice President for Facilities and Safety Services or designee."

5. Accidents and Injuries

UAA Operators are responsible for the immediate reporting of accident or injuries incurred during usage. All incidents must be reported to the UASSB within 24 hours after an incident has occurred that is likely to result in injury or property damage and to the FAA within 10 days, if required by FAA regulation.

6. Use of Drones Off University Property

University students, faculty, or staff who use UAS off university property for teaching, research, or outreach activities do not need UASSB approval, but must comply with all applicable laws in force where the UAS is operated.

7. Compliance with Laws, Regulations, and University Policy

Students, faculty, staff, volunteers, and visitors must comply with all laws, licensing, certification, and regulations governing UAS, including but not restricted to those issued by the Federal Aviation Administration (FAA), the Florida Department of Transportation, and other government agencies. All UAS, regardless of ownership, must be registered with the FAA and any relevant state offices and display the registration number as required by law. Certain operations may require a *Public Certificate of Waiver or Authorization (COA)* from the FAA.

8. Authority to Terminate UAS Use

The University may, at its discretion, suspend any UAS activity deemed as dangerous, interfering with, or interrupting the operations of the University. Should a discrepancy between University regulation and FAA regulations exist, the more restrictive will govern.

E. MODEL AIRCRAFT OPERATION REQUIREMENTS

Conditioned on approval by the UASSB, Model Aircraft may be operated on University property or in connection with a University sponsored event subject to the following time, place, and manner restrictions.

Model Aircraft:

1. May not be used for any commercial or research applications,
2. Must not exceed a weight of 55 pounds,
3. Must only be operated in a manner which does not interfere with the flight path or operation of other manned aircraft,
4. Must not be flown within 5 nautical miles of an airport unless the airport is first notified of the activity,

5. Must be flown under 400 feet above ground level, and remain well clear of all surrounding obstacles such as utility lines, buildings, and other structures,
6. Must be flown in line of sight of the UAS Operator,
7. Must not be flown over or above groups of people,
8. UAS Operators may not recklessly attempt to perform maneuvers that could result in injury or damage,
9. May not be operated during low-light or nighttime conditions,
10. Must be operated in accordance with any applicable community-based safety guidelines,
11. Must not be used for the unapproved recording of individuals, performances, or campus events, or for any unlawful purpose, and
12. May not be used to take a photograph or video for compensation of any kind.

F. PROCEDURE:

The UASSB will create procedures further governing the permission and use of UAS and will make them available upon request and on the University's website. The procedures developed under this authority are incorporated into this regulation to the maximum extent possible and violations of those procedures constitute a violation of this regulation.

G. VIOLATIONS

Any individual or organization in violation of their FAA-approved status, any federal, state and local laws or regulations, or any applicable University regulation or policy, may be directed by an authorized University representative to cease operations immediately and unless or until approval is obtained. Violations of this policy by an individual will be dealt with in accordance with applicable University policies and regulations, which may include disciplinary actions up to and including termination; students may be held in violation of the student code of conduct. Legal prohibitions regarding physical presence on campus/trespassing and other legal action may also be pursued against third parties who operate UAS in violation of this regulation.

Fines or damages incurred by individuals or entities who do not comply with this regulation will not be paid by Florida Polytechnic University and will be the sole responsibility of those persons involved.

H. ADDITIONAL RESOURCES

1. B4UFly is the official FAA mobile app for UAS operation.
2. The FAA maintains a website for a certificate of waiver or authorization (COA).

3. Airmap is a free app that includes a module to notify local airports of a UAS Operator's flight.

The University does not endorse the app or the company that created it and provides this reference simply for convenience given the proximity of the University to an airport.

Authority: BOG regulation 1.001(7)(g); §§ 330.41, 934.50, 1013.10, Fla. Stat.

History: New: 5.15.18.