

**District Board of Trustees Policy
(BOT)**



Policy Title: Unmanned Aircraft System (Drone) Operations
Policy Number: 6Hx6: 2.16

Specific Authority:
Florida Statute
Florida Administrative Code

Policy Approved: 2/2/22

Policy:

I. PURPOSE & INTENT:

Florida SouthWestern State College ("FSW") seeks to create effective administrative, technical, and physical safeguards for the safe and lawful operation of unmanned aircraft systems ("UAS") in connection with FSW Business and/or on FSW Property (as defined herein).

II. STATEMENT OF POLICY:

This Policy establishes the administrative and operational requirements necessary to ensure that all unmanned aircraft systems owned/registered to FSW and/or operated on FSW Property or used in connection with FSW Business are conducted in accordance with applicable federal (including rules & regulations issued by the National Parks Service or U.S. Forest Service), state, and local laws (including the respective laws of foreign nation), and Federal Aviation Administration ("FAA") rules and regulations. Any use of an unmanned aircraft system in connection with FSW Business or on FSW Property is strictly prohibited unless authorized in accordance with this Policy.

III. DEFINITIONS OF TERMS:

1. **Approving Responsible Office:** The respective office with authority to approve operations pursuant to Section 7 and 8 of this Policy.
2. **Certificate of Authorization.** ("COA"): Authorization issued by the Air Traffic Organization to a public operator for a specific UAS activity. After a complete application is submitted, FAA conducts a comprehensive operational and technical review. If necessary, provisions or limitations may be imposed as part of the approval to ensure the UAS can operate safely with other airspace users. In most cases, FAA will provide a formal response within 60 days from the time a completed application is submitted. An abbreviated COA is issued with a Section 333 exemption. The full COA is issued for public UAS operation in accordance with Section 334 and is reserved for governmental functions, as defined in 49 U.S.C. § 40125(a)(2), performed through the use of public aircraft, as defined in 49 U.S.C. § 40102(a)(41).
3. **Day:** Defined as official sunrise until official sunset.

4. **Model Aircraft:** A UAS used for hobby or FSW recreational use, and not used for business purposes. Use of UAS related to FSW Business or curriculum does not qualify as model aircraft regulations. Model aircraft must be kept within visual sightline of operator, and should weigh under 55 pounds. Model aircraft must be flown a sufficient distance from populated areas.
5. **Part 107:** refers to Part 107 of the Federal Aviation Regulations (see 14 C.F.R. part 107 (2016))
6. **Section 333:** refers to Section 333 of The Modernization and Reform Act of 2012 titled *Special Rules for Certain Unmanned Aircraft Systems* (see FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, § 333, 126 Stat. 11, 75-76 (2012).)
7. **Section 334:** refers to Section 334 of The Modernization and Reform Act of 2012 titled *Public Unmanned Aircraft Systems* (see FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, § 334, 126 Stat. 11, 76-77-78 (2012))
8. **Section 336:** refers to Section 336 of The Modernization and Reform Act of 2012 titled *Special Rules for Model Aircraft* (see FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, § 336, 126 Stat. 11, 77-78 (2012))
9. **Statute Mile:** refers to a unit of measurements equivalent to 5,280 feet.
10. **UAS:** An unmanned aircraft system including all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. A UAS may have a variety of names including quadcopter, quadrotor, fixed-wing unmanned aircraft, rotary-wing unmanned aircraft, drone, etc.
11. **FSW Business:** Any official or unofficial business, without regard to who is tasked with completing the business, done in furtherance of any project, research, task, goal, event, or endeavor undertaken by FSW. FSW Business also includes any teaching, testing, project, assignment, demonstration, research, or otherwise done in connection with any class or course offered by the FSW curriculum as well as any extracurricular or co-curricular offerings by FSW.
12. **FSW Property:** Buildings, grounds, and land that are owned or controlled by FSW, or any of its direct-support organizations, via leases or other formal contractual arrangements, to house FSW operations. Further, FSW Property shall mean the airspace above any buildings, grounds, or land up to and including 400 feet above ground level.

IV. **Process Steps:**

1. All members of the FSW community, including faculty, staff, employees, students, visitors, and contractors, are personally responsible for complying with all applicable FAA regulations (including any temporary flight restrictions), federal, state, and local laws (including the respective of a foreign nation), and College policies related to the operation of UAS on FSW Property or in connection with FSW Business.

2. UAS operation other than as specifically authorized by this Policy is strictly prohibited.
3. All UAS operators must obtain permission from Risk Management in accordance with applicable procedure prior to using a UAS on FSW Property or on other property when used for official college business or instruction.
4. UAS operators of UAS owned by and/or registered to FSW must obtain permission, in accordance with the applicable procedure, prior to any operations of the UAS regardless of whether the operation is conducted on FSW Property or elsewhere.
5. All operators of non-FSW UAS with permission to operate on FSW Property must carry comprehensive general liability insurance, that includes coverage for UAS operation, with minimum limits per occurrence of \$500,000 and \$2,000,000 in aggregate and must name the District Board of Trustees Florida SouthWestern State College, Florida, its trustees, employees, officers, and volunteers, as a certificate holder and additional insured. The operator must provide FSW with the properly endorsed insurance certificate to Risk Management prior to operating a UAS on FSW Property.
6. All approved UAS operation in accordance with Section 7 or 8 of this Policy must comply with the following in addition to all other operational restrictions established by FSW and the FAA (unless operating pursuant to an applicable waiver from the FAA and express written permission of FSW Risk Management where noted below):
 - a. Each UAS must be registered with the FAA and the registration number must be affixed to the UAS in accordance with FAA requirements;
 - b. Each UAS must have an identification plate with the name, addresses, and phone number of the UAS's owners or a point of contact if the UAS is owned or registered to FSW;
 - c. The operator must have acceptable proof of UAS registration in their physical possession while operating the UAS (i.e. the registration card);
 - d. Where applicable, the operator must have acceptable proof of their remote pilot certification in their physical possession while operating the UAS (i.e. pilot license);
 - e. Prior to operating a UAS on FSW Property the UAS operator must notify FSW Police as to the time and place where the UAS will be operated by calling (239) 489-9203;
 - f. UAS may not operate in poor visibility (i.e. when visibility is less than 3 miles) and must remain clear of clouds, except when operating pursuant to an FAA waiver and the express written permission of the Director, Risk Management.
 - g. UAS may not be operated inside any occupied or covered facility unless such facility is designated either full-time or part-time, for the specific purpose of operating or testing UAS.

- h. UAS may not be operated within 75 feet of a residence hall, paved roadway, or parking structure and cannot otherwise interfere with the designated use of FSW Property or facilities without the express written permission of FSW Risk Management;
- i. UAS shall not be operated within 300 feet of any concert, festival, or other outdoor event or at any athletic facility that is part of FSW Property, without express written permission of FSW Risk Management;
- j. UAS must not be used to take photos or videos of persons without express written permission the persons involved, or when applicable FSW. Except when given express written permission by the facility owner or manager and the person to be monitored (with the exception of official law enforcement operations), UAS shall not be used to monitor or record in or near sensitive areas or areas where there is a reasonable expectation of privacy. These areas can include, but are not limited to, restrooms, locker or changing rooms, dormitory rooms or apartments, child care centers, and medical treatment facilities.
- k. UAS may not be used to take photos or videos of any workout, practice, or competition of any FSW intercollegiate sports team without the express written permission of the Director, Risk Management. Any such approved use must be in compliance with all other provisions of this Policy;
- l. No operation from a moving aircraft except when operating pursuant to an FAA waiver.
- m. No operation from a moving vehicle except when operating over a sparsely populated area or pursuant to an FAA waiver.
- n. No operation over any person who is not directly participating in the operation of the UAS except when operating pursuant to an FAA waiver.
- o. Yield right of way to manned aircraft;
- p. No careless or reckless operations;
- q. No carriage of hazardous materials;
- r. No carriage of any nonhazardous materials or payload.
- s. Use cannot violate state, federal, or local law (including the respective laws of a foreign nation), FSW regulations and policies, and cannot unlawfully interfere with or violate an individual's constitutional rights (including, but not limited to, those protected by the First and Fourth Amendment);
- t. No one may operate a UAS under the influence of alcohol or drugs pursuant to 14 C.F.R. § 91.17;
- u. The UAS operator has the sole obligation to determine if the UAS operations will be conducted within five (5) Statute Miles of any airport,

and if so, to notify the airport operator and air traffic control tower of the UAS operation. When operating with approval in accordance with the Policy on FSW Property located at or near the FSW campuses the UAS operator is required to provide prior notice to Lee County Port Authority Page Field <https://www.flylcpa.com/fmy/>, Charlotte County Airport Authority <https://www.flypgd.com/>, Naples Airport Authority <https://www.flynaples.com/>, and LaBelle Municipal Airport <http://www.airnav.com> air traffic control.

- v. No UAS may be operated on FSW Property or in connection with FSW Business unless it is equipped to return to a pre-defined point (i.e. launch point) in the event of a signal loss or control failure. In the event of such failure, the UAS operator is responsible for immediately notifying the nearest air traffic control authority and the law enforcement agency having jurisdiction over the area of the UAS's last known location.
7. Upon receiving prior approval in accordance with procedures established by the Provost, UAS that meets the definition of a Model Aircraft may be operated by students and employees of FSW in the course of academic study or instruction under the following conditions if such use meets the requirements of Section 6 above and Section 336. In summary;
 - a. Total weight of UAS, including payload, does not exceed 55 pounds
 - b. Operation must be during the Day;
 - c. Operator does not receive any form of direct or incidental compensation (e.g. salary, honorarium, research grants etc.);
 - d. Faculty use is limited only to operation that is secondary to the student's primary purpose for taking the course taught by the faculty member (e.g. faculty member can fly UAS to test a UAS created by a student as part of a course with a primary purpose of designing & constructing a UAS);
 - e. UAS is not indirectly operated for a business or other commercial purposes; and
 - f. Students operating UAS, regardless of whether the UAS is owned by FSW, on FSW Property in connection with FSW Business must operate with the approval of an authorized employee of FSW and Risk Management.
 8. FSW employees performing FSW Business, contracted vendors who are providing commercial services on FSW Property, and any other person or entity whose operation, as determined by Director, Risk Management in its sole discretion, provides a substantial benefit to FSW that outweighs the potential risk associated with such operation, may operate a UAS upon receiving prior approval in accordance with procedures established by FSW Director, Risk Management and, in the case of a contracted vendor, in accordance with the terms of the vendor's contract with FSW so long as they meet one of the following in addition to the requirements of Section 8 above:

- a. The use of the UAS meets the requirements of Part 107 (absent an applicable waiver from FAA and FSW). In summary the UAS may only operate:
 - i. in Class G airspace;
 - ii. in sight (visual line-of-sight);
 - iii. under 400 feet;
 - iv. during the Day; and
 - v. at or below 100 mph (86.9 kt).
- b. The use is pursuant to a COA issued by the FAA under Section 333 or Section 334 (including operation of a UAS that exceeds 55 pounds).

9. Any third party or hobbyist wishing to use a UAS over College Property or on behalf of the College must first receive approval through the Office of Risk Management. Operators must provide proof of insurance and evidence of compliance with FAA certifications.

V. EXEMPTION:

Official law enforcement operations conducted by a state or federal law enforcement agency with proper jurisdiction are exempt from the requirements of this policy.

VI. ENFORCEMENT (If Applicable)

The use of UAS raises significant safety and privacy concerns. Violations of federal and state laws regulating their use can result in substantial legal penalties for the College and the operator.

Any violations of college policies and procedures by an individual will be dealt with in accordance with applicable college regulations, policies and procedures, which may include disciplinary action up to and including termination and/or referral to the Student Conduct Board for further disciplinary action. Legal prohibitions regarding physical presence on campus/trespassing and other legal action may also be pursued against third parties that operate UAS in violation of these procedures.

The College will reserve the right to review and confiscate any photographs or video captured by a UAS over College property, and/or in violation of this policy.

Fines or damages incurred by individuals that do not comply with this policy will not be paid from FSW and will be the responsibility of those persons involved.

For Third Parties and Contract Operators, the College will bear no responsibility for violation of FAA regulations or state law by the authorized operator and the operator will be required to sign an agreement promising to indemnify, defend, and hold the College harmless.

