

4-OP-E-7 Unmanned Aircraft Systems Operation Policy

Responsible Executive: Finance and Administration; Office of Research
Approving Officials: Kyle Clark, Vice President for Finance & Administration and Mark Riley, Interim Vice President for Research
Effective Date: TBD
Revision History: New, January 1, 2016, Amended August 7, 2017, _____

I. INTRODUCTION

OBJECTIVE

To provide an official University policy pertaining to use of unmanned aircraft systems on property owned and managed by Florida State University.

OVERVIEW

The Federal Aviation Administration and relevant state and federal laws regulate the operation of unmanned aircraft systems, including drones and model aircraft. Additionally, both the Department of State (under International Traffic in Arms Regulations or ITAR) and the Department of Commerce (under Export Administration Regulations or EAR) regulate export control over various forms of unmanned aircraft system (UAS) technology. Florida State University establishes this policy to ensure compliance with those legal obligations for the safety and welfare of its students, employees, and visitors.

DEFINITIONS

1. Aeronautical Research: The term "aeronautical research" would have at its core the development of aircraft and systems. For UAS, the FAA interprets the term as research and testing of the aircraft themselves, the control systems, equipment that is part of the aircraft (such as sensors), flight profiles, or development of specific functions and capabilities for them.
- ~~2. Certificate of Authorization (COA): According to the FAA, the COA is an authorization issued by the Air Traffic Organization to a public operator for a specific UA activity. FSU's COA Coordinator is the Director of Research Compliance Programs.~~

~~3-2.~~ Commercial or Business User: 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, or using UAS to provide professional services, such as security or telecommunications. Examples of commercial users are: professional real estate or wedding photography, professional cinema photography for a film or television production or providing contract services for mapping or land surveys. Research other than aeronautical research also falls under this category.

~~4-3.~~ Hobbyist User: Recreational or hobby use is typically understood as the UAS is being flown for personal interest and enjoyment and not for business purposes or compensation or hire. Student use of drones at accredited educational institutions as a component of their science, technology, and aviation-related educational curricula, or other coursework such as television and film production or the arts, is “hobby or recreational use” and can therefore be operated as model aircraft. Note that student operation of UASs will not qualify as hobby or recreational use if the UAS is used in support of a faculty member’s research or other sponsored activities, or the student receives any form of compensation directly or incidentally related to the student’s operation of the UAS. Additionally, faculty participation in the student’s operation of the UAS will qualify as hobby or recreational only where the faculty member provides limited assistance to students operating the UAS.

~~5-4.~~ “Model aircraft” is defined by the FAA as an “unmanned aircraft that is (1) capable of sustained flight in the atmosphere; (2) flown within the visual line of sight of the person operating the aircraft; and (3) flown for hobby or recreational purposes”, pursuant to Section 336(c) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

~~6-5.~~ Part 107: Title 14, Part 107 of the Code of Federal Regulations (**14 CFR Part 107**) contains rules for non-hobbyist small unmanned aircraft (UAS) operations and covers a broad spectrum of commercial uses for drones weighing less than 55 pounds including operating requirements, pilot certifications, airframe (UAS) certifications, privacy considerations and other relevant requirements.

~~7-6.~~ Public/Governmental User: Public entities, which include publicly-funded universities, law enforcement, fire departments, and other government agencies which conduct flight operations for a governmental function, are considered public/governmental users. The term “government function” means any activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management. Research that uses a UAS and does not fall under “aeronautical research” is not a governmental function and does not fall under this category. Similarly, education (teaching

how to fly UASs) is not a governmental function and does not fall under this category.

~~8-7.~~ Reasonable Expectation of Privacy: Locations where there is an objective expectation of privacy. Examples include but are not limited to restrooms, locker rooms, residence halls, and health treatment and medical facilities.

~~9-8.~~ Responsible Person: The Responsible Person identified on the Flight Request:

- a. Must ensure the operation is conducted safely and with strict observance of the rules and regulations governing UAS flights.
- b. Should be a person that has ongoing knowledge of the operations of the UAS.
- c. Is not required to hold a remote pilot certification.
- d. May be the representative of an organization.
- e. Is responsible for maintaining records or other information related to the UAS and flight operations in accordance with this Policy.

~~10-9.~~ Section 333 Exemption: FAA exemption based on Section 333 of the FAA Modernization and Reform Act of 2012 (FMRA) which grants the Secretary of Transportation the authority to determine whether an airworthiness certificate is required for a UAS to operate safely in the National Airspace System.

~~11-10.~~ "Small Unmanned Aircraft" (sUAS) is defined by the FAA as "an unmanned aircraft weighing less than 55 lbs." pursuant to Section 331(6) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

~~12-11.~~ "Unmanned Aircraft" (UA) is defined by the FAA as "an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft," pursuant to Section 331(8) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

~~13-12.~~ "Unmanned Aircraft System" (UAS), commonly referred to as drones, is defined by the Federal Aviation Administration (FAA) as "the 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. The UA is the flying portion of the system, flown by a pilot via a ground control system or autonomously through the use of an on-board computer, communications links, and any additional equipment that is necessary for the UA to operate safely" pursuant to Section 331(9) of the FAA Modernization and Reform Act of 2012 (Pub. L. 112-95).

II. POLICY

1. This policy applies to:
 - a. Florida State University employees, students, and departments/units operating UAS on FSU property or in any location as part of their University employment or as part of University activities;
 - b. The purchase of UAS with University funds or funds being disbursed through a University account, grant, or FSU Research Foundation account; and/or
 - c. The operation by any person of UAS on FSU property.
2. All operations of UAS on University owned or managed property must comply with all local, state, and federal laws, including FAA regulations regarding the use of UAS. The operator of the UAS is responsible to ensure compliance with all relevant laws and regulations in the operation of the UAS.
3. Small Unmanned Aircraft System Registration:
 - a. Effective February 19, 2016, Federal law requires aircraft registration, prior to the first flight, to help ensure operational safety—for the operator, others on the ground, and manned aircraft. UAS pose new security and privacy challenges and must be traceable in the event of an incident. It will also help enable the return of a UAS should it be lost. Therefore, all small UAS weighing more than 250 grams (0.55 lbs.) and less than 55 pounds (on takeoff, including everything that is on board or otherwise attached to the aircraft) must be registered with the FAA.
 - b. All employees, students, or units who use University, grant, or FSU Research Foundation funds to purchase or develop a UAS after the effective date of this policy, shall register that UAS with the FAA, in accordance with **14 CFR Part 48**. Any UAS purchased or developed prior to the effective date of this policy shall likewise be registered if it has not already been registered. The FAA charges a minimal registration fee. Registration Applications are submitted to the FAA through their registration portal at **<https://registermyuas.faa.gov/>**. **All UASs purchased with University funds or funds being disbursed through a University account, grant, or FSU Research Foundation account must be registered to:**

Registrant: Florida State University
Address: Westcott North Annex, Tallahassee, FL 32306-1330
Email: research-compliance@fsu.edu
 - c. After the registration application is submitted, a copy must be emailed to ORCP at **research-compliance@fsu.edu** by the person submitting the Application. After ORCP receives the Certificate of Aircraft Registration from the FAA, ORCP will send a copy the submitter for their records.

- d. The registration number must be marked on the UAS by some means that is legible and allows the number to be readily seen. During UAS operation, the operator must be able to present the certificate in either print or electronic format if asked for proof of registration. This registration must be renewed every three (3) years.
4. Specific authorization to operate a UAS, including small unmanned aircraft and model aircraft, must be granted by Florida State University's Assistant Vice President for Public Safety before any of the following operations are permitted.
- a. Flight operations that are launched from any University owned or managed property, regardless of UAS ownership.
 - b. Flight operations that are launched from or fly over any property other than University-owned or managed, if the UAS is owned by FSU.

Procedures for requesting approval for flight operations are located at drones.fsu.edu. Proposed changes or deviations from approved flights must be approved by FSU's Assistant Vice President for Public Safety. The Assistant Vice President for Public Safety's approval may be rescinded if he or she determines that the information provided is incorrect, incomplete; or if circumstances have changed, and he or she determines that the planned operation is not in the best interest of the University.

5. Any University employee or student wishing to operate a UAS as part of their University employment or as part of any University program must:
- c. Commercial: Meet all applicable requirements of Part 107 of the Federal Aviation Regulation for commercial, non-governmental flights.
 - ~~d. Public/Governmental: Provide evidence from FSU's COA Coordinator that the proposed flight or program has been approved and is operating under the FSU's Public COA. This shall be in addition to receiving permission from the Assistant Vice President for Public Safety.~~
 - e.d. Hobbyist: Students who fly for fun or use drones at accredited educational institutions as a component of their science, technology and aviation-related educational curricula, or other coursework such as television and film production or the arts, are engaging in "hobby or recreational use" and can therefore operate as model aircraft (e.g., as a hobbyist).
6. FAA regulations require that operators operating a UAS within a 5-mile radius of Tallahassee International Airport must give specific notice prior the use of UAS to the airport operator or controller. The University's Main Campus and Southwest Campus are within a 5-mile radius of the airport.

7. Any model aircraft operated on University property:
 - ~~f.e.~~ May not exceed an altitude of 400 feet;
 - ~~g.f.~~ May not be flown outside of the visual observation of the pilot;
 - ~~h.~~ ~~May not fly near people;~~
 - ~~i.g.~~ May not fly in a careless or reckless manner;
 - ~~j.h.~~ May not interfere with manned aircraft operations; and
 - ~~k.i.~~ May not be used to take a photograph or video for compensation or sale to another individual, pursuant to FAA guidelines.
8. No UAS, including small unmanned aircraft and model aircrafts, shall be used to monitor, photograph, or record areas where there is a reasonable expectation of privacy in accordance with accepted social norms. These areas include, but are not limited to restrooms, locker rooms, individual residential rooms, changing or dressing rooms and health treatment rooms. Further, UAS shall not be used to monitor, photograph or record residential hallways, residential lounges or the insides of campus daycare facilities. The UAS may not be used to monitor, photograph, or record sensitive institutional or personal private information. Recommended guidelines are **NTIA's Privacy Best Practices for UAS Privacy, Transparency, and Accountability**.
9. The FAA forbids all aircraft operations, including UAS operations within a three (3) nautical mile radius (NMR) up to and including 3,000 feet above ground level (AGL) of Doak Campbell Stadium beginning one hour before the scheduled start of a NCAA football game until one hour after the game ends. However, aircraft operations for broadcast coverage or for operational purposes of the event are authorized with an approved airspace waiver from the FAA. These restrictions do not apply to aircraft authorized by and in contact with Air Traffic Control (ATC) for Department of Defense, law enforcement, or air ambulance flight operations.
10. Any violations of this policy by employees and students will be dealt with in accordance with applicable University policies and procedures. Any third parties that operate UAS in violation of this policy will be treated as trespassers and may be removed from campus. Violators of local, state, and federal laws may be handled by appropriate law enforcement.
11. Additional Liability Insurance*:
 - ~~h.j.~~ Hobbyist: Operator shall have general liability insurance - \$100,000 per occurrence / \$200,000 aggregate

¶-k. Public/Governmental: FSU's General Liability insurance covers FSU employees when operating UAS during the course and scope of their job duties. Student operations should have general liability insurance of \$1 Million per occurrence / \$2 Million aggregate.

¶-l. Commercial/Business: Operator shall have general liability insurance of \$100,000 per occurrence / \$200,000 aggregate * Florida State University Board of Trustees shall be named as Additional Insured on the Insurance Certificate and a copy shall be provided to FSU as part of the flight operations approval process.

12. Export Controls:

- a. In keeping within our mission to ensure compliance throughout the university, drone owners and operators are advised to be aware of and comply with all federal, state and local laws when handling drones. These laws include U.S. Export Control regulations and laws. Restrictions on the export and international sale of unmanned vehicle systems (UASs) are strict and can be complex. UAS's include the unmanned aerial vehicle, components, parts, software, and technical data/technology. While using, developing, or working with any UAS, the owner/operator needs to be aware of existing rules and export control laws. Additional details about these regulations may be found at <https://www.research.fsu.edu/research-compliance/export-controls/>.
- b. The regulations define an export to include the transfer of controlled information or services to foreign nationals even when the transfer takes place within the territory of the United States. Therefore, a transfer of controlled technology, source code, technical data, or defense services to a foreign national is deemed to be an export to the national's country even if the transfer takes place in the United States. Depending on the drone type and/or its use, it could be restricted by the International Traffic in Arms Regulations (ITAR). The items on the ITAR munitions list are specifically designed, modified, or prepared for military end use. A license is required before exporting ITAR items (including defense services, software, and technology) to almost any country. A "defense service" is equivalent to a "deemed export" under the EAR. If an ITAR-controlled item (component, payload, etc.) is incorporated into a new uncontrolled item (drone), that entire new item is subject to the ITAR. Nearly everything else (items not controlled under the ITAR) is considered "dual use" and controlled under the Export Administration Regulations (EAR). Licenses are required before exporting (including deemed exporting) certain dual use items listed on the Commerce Control List (CCL) to specified destinations. These items may include technology, technical data, and technical assistance, which are designed for commercial purpose, but may be used for military applications.

- c. The export regulations would apply whether the item was purchased from a third party or developed by FSU researchers/faculty/staff/students. The owner/operator must know the proper classification of the drone so as to prevent any export control violations. If the UAS or any payload is purchased from a supplier, the supplier should be able to provide applicable export control information. Additional information on export controls is available from Diana Key, Director, Office of Research Compliance Programs, at dkey@fsu.edu or (850) 644-8648.

13. Procurement of UAS and Third-Party Drone Services:

- a. All procurement transactions related to UAS and third-party drone services must abide by FSU Procurement's policies and procedures. Newly purchased UAS must be registered immediately in accordance with B.3. of this policy.
- b. In accordance with section 934.50, Florida Statutes, as of January 1, 2022, a governmental agency (as defined in section 934.50, Florida Statutes) may only purchase or otherwise acquire a drone from a manufacturer on the approved list. Governmental agencies may continue to utilize drones not on the department's approved list until January 1, 2023. Pursuant to section 934.50(7)(b), Florida Statutes, the department hereby provides the following list of approved manufacturers whose drones may be purchased or otherwise acquired and used by a governmental agency under section 934.50, Florida Statutes:
 - 1. Skydio
 - 2. Parrot
 - 3. Altavian
 - 4. Teal Drones
 - 5. Vantage Robotics
- c. This list provides approved manufacturers but does not guarantee that all models produced by these manufacturers meet an individual governmental agency's specific needs or security requirements. Beginning July 1, 2022, all governmental agencies using drones not on the department's approved list must submit a comprehensive plan for discontinuing their use to the department.
- a-d. Please monitor [this website](#) for updates related to the department's obligations under section 934.50(7), Florida Statutes

14. Recordkeeping:

- a. Operators shall maintain records of flight activity (including a copy of the approved FSU Flight Approval Request form), incidents/accidents, lost-link events, drone maintenance and inspection, drone flight crew training/qualifications, and participant/property owner consent. The UAS operator shall make these records available for inspection by University and FAA representatives—before, during, and after flight operations.

15. Accident/Incident Reporting:

- b. For flights approved under this Policy, UAS operators are required to report to FSU's Environmental Health and Safety at (850) 644-6895 or ehs@admin.fsu.edu within 72 hours of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500. A "serious injury" for the purposes of this policy is any injury which: (a) requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (b) results in a fracture of any bone except simple fractures of fingers, toes, or nose; (c) causes severe hemorrhages or nerve, muscle, or tendon damage; (d) involves any internal organ; or (e) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.
- c. In addition, certain UAS accidents must also be reported to the FAA and/or the National Transportation Safety Board, in accordance with the criteria established by those agencies.

16. Activity Reporting:

~~FSU's COA Coordinator is responsible for submitting reports to the FAA related to flights operating under FSU's Public COA, in accordance the requirements of the COA. To facilitate this reporting, the Responsible Person is required to submit details of all flight activities conducted during the month to the COA Coordinator no later than the 5th of the following month (e.g., May flight activities report is due June 5), using the report template available at drones.fsu.edu. Negative (zero flights) reports are required.~~

Questions about this policy may be addressed to Edwin "Hank" Jacob, Lieutenant, FSU Department of Public Safety; (850) 644-2391.

III. LEGAL SUPPORT, JUSTIFICATION, AND REVIEW OF THIS POLICY

1. Code of Federal Regulations Title 14, Chapter 1

1-2. [FAA UAS Website](#)

2-3. [FAA Modernization and Reform Act 2012](#)

~~3.4.~~ **Florida Statute 934.50**

~~4.5.~~ BOG 1.001 (3)(k), (l), (m), (7)(g)