

University Policy Number: UP-05-01		Effective/Revision Date: October 19, 2023	
Subject	Unmanned Aircraft Systems (UAS)(Drones)		
Authority	<ul style="list-style-type: none"> • Board of Governors Regulations 1.001 • Sections 330.41; 934.50, 1013.10, Florida Statutes • Section 333 of the Modernization and Reform Act of 2012, 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)) • Section 334 of the Modernization and Reform Act of 2012, Public Unmanned Aircraft Systems (see FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, § 334, 126 Stat. 11, 76-77 (2012)) • Section 336 of the Modernization and Reform Act of 2012, Special Rule for Model Aircraft (see FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, § 336, 126 Stat. 11, 77-78 (2012)) (Repealed) 		
Applicability	This Policy applies to University students, employees, agents, volunteers, vendors, contractors and visitors of Florida A&M University, as well as members of the public.		
Related			

I. Purpose

To provide the Florida Agricultural and Mechanical University's ("FAMU" or "University") official Policy on the use and the technical and physical safeguards for the safe and lawful operation of unmanned aircraft systems ("UAS"), commonly known as drones, on property owned and/or managed by the University.

II. Policy

This Policy establishes the administrative and operational requirements necessary to ensure that all unmanned aircraft systems owned and/or registered to FAMU, operated on FAMU property, and/or purchased with University funding are operated in accordance with applicable federal, state, and local laws, and the Federal Aviation Administration's ("FAA") rules and regulations. **Any use of an unmanned aircraft system is strictly prohibited, whether the UAS is owned by the University or a third-party, unless authorized in accordance with this Policy. Operators are personally liable for complying with this Policy and all applicable laws.**

In addition, this Policy is to ensure compliance with the Department of State's International Traffic in Arms Regulations ("ITAR") and the Department of Commerce's Export Administration Regulations ("EAR"), which regulate export controls over various forms of UAS technology.

Any violations of this Policy by employees, students, agents, and/or volunteers will be addressed in accordance with applicable University disciplinary/corrective regulations, collective bargaining agreements, policies, and procedures, up to and including dismissal. Any third parties that operate UAS in violation of this Policy will be treated as trespassers and may be removed from Campus by University Police. Violators of local, state, and/or federal laws may be addressed by appropriate law enforcement.

III. Applicability

This Policy applies to the following:

- A. All faculty, staff, students, and any division/departments/unit operating a UAS on any University property, or in any location as part of their University employment, matriculation, or as part of University activities;
- B. Consultants, vendors, contractors, visitors, invitees, and other individuals using University resources or facilities or receiving funds administered by the University;
- C. Individuals who perform services for the University as volunteers and agents; and

D. Members of the public or organizations who are operating a UAS on University property.

Any reference to the University Community as provided in this Policy shall refer to all of the above individuals and/or entities.

IV. Definitions

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.

Approving Office: The respective office with authority to approve operations pursuant to Sections IX, X, or XI of this Policy.

Certificate of Authorization (“COA”): Authorization is issued by the Air Traffic Organization to a public operator for a specific UAS activity. Once a completed application is submitted, the 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). University research will rarely, if ever, meet the definition of a governmental function. Questions can be emailed to the FAA/UAS office at 9-AJR-36-UAS@faa.gov; or for more information regarding Certificates of Waiver or Authorization visit FAA.gov.

COA Coordinator: The University's Risk Manager is the Certificate of Authorization Coordinator.

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. This also includes flying your drone to promote your services as a professional drone operator and includes sharing promotional drone footage or photos via digital channels for free. See Special Rules. Research other than aeronautical research also falls under this category.

Day: Defined as official sunrise until official sunset.

Export: An export is defined to include the transfer of controlled information, technology, or services (source code, technical data, or defense services) to foreign nationals whether the transfer takes place within the territory of the United States or abroad. Regardless of the method used for the transfer, the transaction is considered an export. An item is also considered an export even if it is leaving the United States temporarily; if it is leaving the United States but is not for sale (e.g., a gift); or if it is going to a wholly-owned U.S. subsidiary in a foreign country. Even a foreign-origin item exported from the United States, transmitted or transshipped through the United States, or being returned from the United States to its foreign country of origin is considered an export. Release of technology or source code subject to the EAR to a foreign national in the United States is “deemed” to be an export to the home country of the foreign national under the EAR. For further information on exports, please refer to the EAR and ITAR.

Export Administration Regulations (EAR): These regulations are created by the United States Department of Commerce Bureau of Industry and Security. In general, most items not controlled under the ITAR are considered “dual use” and controlled under EAR. This may include items designed for commercial purpose

but may be used for military applications. Licenses are also required before exporting specific dual use items listed on the Commerce Control List (CCL) to certain destinations.

Export Controls: Export controls refer to the body of federal regulations, licensing procedures and penalties that restrict or prohibit access to certain technologies by foreign persons or entities. Three federal agencies have responsibility over various aspects of export controls most applicable to universities:

- Department of Commerce - Export Administration Regulations for civilian and “dual-use” technologies.
- Department of State - International Traffic in Arms Regulations for military technologies.
- Department of the Treasury’s Office of Foreign Assets Control - for restrictions based on economic and political sanctions.

FAMU Business: Any official 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 FAMU. This shall include any teaching, testing, project, assignment, demonstration, research, or other matter in connection with any class or course offered by FAMU curriculum as well as any extracurricular or co-curricular offerings by FAMU.

FAMU Property: Buildings, grounds, land, and the airspace above any buildings, grounds, or land up to and including 400 feet above ground level that are owned or controlled by FAMU, via leases or other formal contractual arrangements, to house FAMU operations.

Hobby or Recreational Use: Flying a drone for fun or amusement, not associated with any commercial use of the drone.

International Traffic in Arms Regulations (ITAR): ITAR is the set of export control regulations governed by the U.S. Department of State to restrict technology access based upon defense and national security implications. ITAR can restrict a drone, its components and utilization methods, depending on the type and its use. A license is required before exporting an ITAR item, such as, items on the munitions list that are specifically designed, modified, or prepared for military end use. A license is required before exporting ITAR items (including defense services, software, technology, circuit boards, automotive parts, blue prints, design plans, retail software packages and technical information) to almost any country.

Model Aircraft: is defined as “an unmanned aircraft” that is “(1) capable of sustained flight in the atmosphere; (2) flown within visual line of sight of the person operating the aircraft; and (3) flown for hobby or recreational purposes.” 14 C.F.R. § 101.1. Per the FAA, to fly under the Special Rule for Model Aircraft you must: fly for hobby or recreation ONLY; register your model aircraft; fly within visual line-of-sight; follow community-based safety guidelines and fly within the programming of a nationwide community-based organization; fly a drone under 55 pounds (lbs.) unless certified by a community-based organization; never fly near other aircraft; notify the airport and air traffic control tower prior to flying within 5 miles of an airport (the person flying the model aircraft is responsible for contacting the airport directly). Never fly near emergency response efforts.

Non-Hobbyist Small Unmanned Aircraft/Commercial Uses: Title 14, Part 107 refers to the Code of Federal Regulations (14 C.F.R. Part 107) and contains rules for non-hobbyist small unmanned aircraft (UAS) operations and covers a broad spectrum of commercial uses for drones weighing less than 55 lbs. including operating requirements, pilot certifications, airframe (UAS) certifications, privacy considerations and other relevant requirements.

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 UAS) is not a governmental function and does not fall under this category.

Responsible Party: 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.

Serious Physical Injury: as defined in this Policy: (a) requires hospitalization; (b) results in a fracture of any bone except simple fractures of fingers, toes, or nose; (c) causes severe hemorrhages; (d) causes nerve, muscle, or tendon damage; (e) involves any internal organ; and/or (f) involves second-degree or third-degree burns, or any burns affecting more than 5 percent of the body surface.

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).

Statute Mile: refers to a unit of measurement equivalent to 5,280 feet.

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).

Unmanned Aircraft System (UAS): is defined by the FAA as 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, sUAS, etc.

V. Mandatory Registration and Operation Requirements

A. Registration Requirements

1. University Community Requirements:

- a. **sUAS Registration:** Federal law requires small unmanned aircraft systems weighing more than 250 grams (0.55 lbs.) and less than 55 lbs. must be registered *prior* to the first flight with the FAA. Registration also facilitates identification of ownership in the event of an incident or loss.
- b. 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 or as required by law. Please refer to the

FAA's "Register Your Drone" site for further information found at https://www.faa.gov/uas/getting_started/register_drone/.

2. FAMU Employee and Student Additional Requirements: All employees, students, or units who use University, grant, or FAMU Research Foundation funds to purchase or develop a sUAS **shall register the sUAS with the FAA** in accordance with 14 C.F.R. Part 48. The FAA charges a minimal registration fee.

Registration: FAA Registration can be found at https://www.faa.gov/uas/getting_started/.

- a. All UASs purchased for research with University funds or funds being disbursed through a University account, grant, or the FAMU Research Foundation account must be registered to:

Registrant: Florida Agricultural and Mechanical University, Division of Research
Address: 1700 Lee Hall Avenue, Ste. 410 FHAC
Tallahassee, FL 32307
Email: sponsor@famuedu

- b. All other UAS purchased must be registered according to University Property Regulations, Policies and Internal Operating Procedures.
- c. After the registration application is submitted, a copy must be emailed to the FAMU Risk Manager at riskmgr@famuedu by the person submitting the registration application. After the Certificate of Aircraft Registration is received from the FAA, a copy must be submitted to the Risk Manager at riskmgr@famuedu.
- d. Procurement of UAS and Third-Party Drone Services: All procurement transactions related to UAS and third-party drone services must follow FAMU Procurement regulations, policies, and procedures and the Florida Department of Management Services requirements set forth in section X., paragraph I. below.

B. Operational Requirements

1. University Community Requirements: Specific authorization to operate a UAS, including small unmanned aircraft and model aircraft, must be granted by the University's Risk Manager before any of the following operations are permitted to include:

- Flight operations that are launched from any University-owned or managed property, regardless of UAS ownership; and/or
 - Flight operations that are launched from or fly over any property other than University-owned or managed, if the UAS is owned by FAMU.
- a. Procedures for requesting approval for flight operations can be found in FAMU's Unmanned Aircraft Systems Flight Approval Request Form. The proposed changes or deviations from approved flights must be approved by FAMU's Risk Manager. **The Risk Manager's approval may be rescinded if he/she determines that: the information provided is incorrect; incomplete; circumstances have changed; or the planned operation is not in the best interest of the University.**
- b. FAA approval is required when proposing to fly in controlled airspace. Drone operators should avoid flying near airports (including flight paths) because it is difficult for other air traffic to see and avoid a drone while flying. Please note that drone operators are responsible for any safety hazard their drone creates. If you have a Remote Pilot Certificate and are following Part

107 waiver rules, you must get permission from air traffic control to fly in controlled airspace. Also, refer to sections VI and XI.

2. FAMU Employee and Student Additional Requirements: Any University employee or student wishing to operate a UAS as part of their University employment or as part of any University program must:

- a. **Commercial:** Meet all applicable requirements of Part 107 of the Federal Aviation Regulation for commercial, non-governmental flights.
- b. **Public/Governmental:** Provide evidence from the University's Risk Manager that the proposed flight or program has been approved and is operating under the FAMU's Public COA.
- c. **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).

VI. Class C Controlled Airspace

FAMU's main campus is located less than 5 statute miles (air distance) of Tallahassee's International Airport ("TLH") and as a result, operators must obtain a Part 107 Waiver approved by the FAA or Low Altitude Authorization and Notification Capability (LAANC) authorization before FAMU will approve flight operations. For more information on applying for a Part 107 Waiver, please refer to the FAA. restricts

VII. Sporting Events

Aircraft operations for broadcast coverage of the event are authorized with an approved airspace waiver from the FAA, pre-approval of the University, and notice to Tallahassee International Airport (refer to section XI). 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.

VIII. Export Control

Export regulations may apply to equipment, technologies or processes involved in UAS activities, to include: the UAS and/or its components such as sensor devices, communication systems, software, and the processes used to integrate and operate the combined system. Export controls may apply whether the item was purchased from a third party or developed by FAMU researchers, faculty, staff, and/or students. The owner/operator is required to know the proper classification of the UAS (drone) to prevent any violations of federal law regarding export control through exposure of controlled technology to a foreign national. If the UAS, payload or components are purchased from a supplier, the supplier may be able to provide information on its export control status. There is also an exemption for fundamental (basic) research in which the results will be publicly disseminated. For additional information and support on export control compliance is available from FAMU's Division of Research, Office of Technology Transfer and Export Control.

IX. Privacy Issues

- A. Operators of UAS must adhere to all laws including Section 934.50(3)(b), Florida Statute, which provides: A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately-owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent.

For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a

place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

- B. The UAS may not be used to monitor, photograph, or record sensitive institutional locations (indoors and/or outdoors) or personal private information, to include, but not limited to: persons without their or University's (as applicable) express permission, police station, security operation rooms, and emergency command centers.
- C. UAS, including small unmanned aircraft and model aircrafts, shall **not** be used to monitor, photograph, or record sensitive areas or areas where there is an expectation of privacy, to include, without limitation: restrooms, locker rooms, residential hallways, residential lounges, individual residential rooms, changing or dressing rooms, interior of the Student Health Services Building, or the interior of the Educational Research Center for Child Development facility. Please contact the University's Risk Manager for further information.

X. Restrictions

- A. Any model aircraft operated on University property:
 - 1. May not exceed an altitude of 400 feet;
 - 2. May not be flown outside of the visual observation of the pilot;
 - 3. May not fly near people;
 - 4. May not fly in a careless or reckless manner or in a manner so as to endanger the life or property of another;
 - 5. May not interfere with manned aircraft operations; and
 - 6. May not be used to take a photograph or video for compensation or sale to another individual, pursuant to FAA guidelines.
- B. No person may operate a small unmanned aircraft system at night unless (1) The remote pilot in command of the small unmanned aircraft has completed an initial knowledge test or training, as applicable, under § 107.65 after April 6, 2021, and (2) the small unmanned aircraft has lighted anti-collision lighting visible for at least 3 statute miles that has a flash rate sufficient to avoid a collision. The remote pilot in command may reduce the intensity of, but may not extinguish, the anti-collision lighting if he or she determines that, because of operating conditions, it would be in the interest of safety to do so. 14 C.F.R. §107.29(a).
- C. UAS can only be flown under appropriate conditions for safe operation. 14 C.F.R. §107.15, provides:
 - 1. No person may operate a civil small unmanned aircraft system unless it is in a condition for safe operation. Prior to each flight, the remote pilot in command must check the small unmanned aircraft system to determine whether it is in a condition for safe operation.
 - 2. No person may continue flight of the small unmanned aircraft when he or she knows or has reason to know that the small unmanned aircraft system is no longer in a condition for safe operation.
- D. No person may allow an object to be dropped from a small unmanned aircraft in a manner that creates an undue hazard to persons or property. Refer to Hazardous Operation, 14 C.F.R. §107.23.
- E. Operation of multiple small unmanned aircraft is prohibited and unlawful. 14 C.F.R. §107.35, provides "a person may not operate or act as a remote pilot in command or visual observer in the operation of more than one unmanned aircraft at the same time."
- F. A small unmanned aircraft may not carry hazardous material. For purposes of this section, the term hazardous material is defined in 49 C.F.R. 171.8.

- G. No person may operate a small unmanned aircraft over a human being unless that human being is directly participating in the operation of the small unmanned aircraft; or located under a covered structure or inside a stationary vehicle that can provide reasonable protection from a falling small unmanned aircraft. 14 C.F.R. §107.39.
- H. Export Controls: Restrictions on the export and international sale of unmanned vehicle systems (UASs) are strict and can be complex. UASs include the unmanned aerial vehicle, components, parts, software, and technical data/technology. While using, developing, or working with any UAS, the owner/operator is responsible for existing rules and export control laws. Drone owners and operators are required to comply with all federal, state and local laws when handling drones to include U.S. Export Control regulations and laws. Also refer to section VIII.
- I. FAMU may only own or use a UAS for FAMU business purposes that is manufactured by an entity listed on the Florida Department of Management Services' list of approved drone manufacturers unless such ownership or use is otherwise in compliance with Section 943.50, Florida Statutes and FAR 60GG-2.0075.

XI. Notification to Tallahassee International Airport (TLH)

UAS operators must comply with all FAA regulations regarding contacting the Tallahassee International Airport. The University's Main Campus and the FAMU-FSU College of Engineering are within a 5-mile radius of the airport.

During normal business hours, notice should be given to the Air Traffic Tower at (850) 241-1603, for after hours or no answer at first number, call (850) 942-8311. The following information must be provided: time frame, location and altitude.

XII. Additional Liability Insurance*

Hobbyist: Operator shall have general liability insurance - \$1,000,000 per occurrence / \$2,000,000 aggregate

Public/Governmental: FAMU's General Liability insurance covers FAMU's employees when operating UAS during the course and scope of their job duties. Student operations should have general liability insurance of \$1,000,000 per occurrence / \$2,000,000 aggregate

Commercial/Business: Operator shall have general liability insurance of \$1,000,000 per occurrence / \$2,000,000 aggregate

*Florida A&M University Board of Trustees, the Florida Board of Governors, and the State of Florida must be named as Additional Insured on the Insurance Certificate. A copy must also be provided to the FAMU Risk Manager as part of the flight operations approval process.

XIII. Other Requirements

A. **Recordkeeping:** Operators shall maintain records of flight activity, incidents/accidents, lost-link events, drone maintenance and inspection, drone flight crew training/qualifications, participant/property owner consent, and copies of the approved FAMU Flight Approval Request form. The UAS operator shall make these records available before, during, and after flight operations for inspection by University and FAA representatives. Failure to report an accident/incident can result in disciplinary action being taken against the UAS operator.

B. Accident/Incident Reporting: For flights approved under this Policy, UAS operators are required to report the accident/incident to FAMU’s Risk Manager via email at riskmgr@famuedu or via telephone at (850) 599-3442 *within 72 hours* of any operation that results in serious physical injury, loss of consciousness, or property damage of at least \$500.

C. Mandatory FAA Reporting of Accidents/Incidents: Certain UAS accidents must also be reported to the FAA and/or the National Transportation Safety Board. Please refer to those agencies for further information and requirements. Also visit: <https://www.nts.gov/investigations/process/Documents/NTSB-Advisory-Drones.pdf>].

D. For Further Information or Questions: Contact

Florida A&M University Risk Manager
2400 Wahnish Way, Suite 120
Tallahassee, Florida 32307
Telephone (850) 599-3442
Facsimile (850) 599-8024
Email: riskmgr@famuedu

You can also contact the Office of the General Counsel at (850) 599-3591.

Larry Robinson

Larry Robinson, Ph.D.
President

10/19/2023
Date

W. Rebecca Brown

W. Rebecca Brown
Vice President for Finance and
Administration and CFO

10/19/2023
Date

Attachments:	UAS Flight Approval Request Form.pdf
Related Resources:	<ul style="list-style-type: none"> • Low Altitude Authorization And Notification Capability (LAANC) • B4UFLY App • Approved Drone Manufacturers / State Purchasing / Business Operations / Florida Department of Management Services - DMS (myflorida.com)