UNMANNED AIRCRAFT SYSTEMS (UAS)

A Brief Guide of Current Regulations and Guidelines

FDOT

www.fdot.gov/aviation/uas.shtm
For more information related to UAS in Florida, please contact
FDOT's Airport Planning Manager at (850) 414 4510

OVERVIEW

An unmanned aircraft system (UAS) is an unmanned aircraft* (UA), commonly referred to as a "drone," with the associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate it. Currently, the federal and the State of Florida governments have established regulations for UAS operations focusing on the following areas:

- Federal Guidance - Safety Regulations
- State Guidance - Appropriate Use Regulations

While both entities have major roles in providing guidance and regulation for UAS operations and management, other users, such as airports, law enforcement, and pilots are also important.

**A UA is considered an aircraft under both 49 U.S.C. § 40102 and 14 C.F.R. § 1.1.*

KNOW YOUR ROLE

- **Pilot's Responsibility**
  Pilots are in charge of operating aircraft – including UAS - in a safe manner and are ultimately responsible for the route and operation of aircraft in the sky and on the ground. Pilots should understand the rules and regulations of UAS and report any improper use or operation.

- **Community Responsibility**
  The community should understand the rules and regulations regarding airports and aircraft. Knowing the roles and responsibilities of those involved in aviation (the FAA, the airports, airlines, pilots, etc.) and how to contact the appropriate entity will help ensure the safe and effective operations of UAS. Community members should know the locations of airports in their area and report any suspicious activity to the appropriate agencies.

- **Local Law Enforcement's Responsibility**
  Local law enforcement is responsible for enforcing the laws and regulations as they relate to UAS operations to maintain a safe environment for the general public.

- **Airport's Responsibility**
  An airport is responsible for ensuring the safety of airport facilities and for managing airport lands, buildings, and infrastructure. Airports should understand the rules and regulations related to UAS operations at and in the vicinity of their airport and coordinate with the FAA and FDOT to ensure the safety of airport operations. Airports should notify local law enforcement and the FAA in the event that an unauthorized UAS is used in close proximity to the airport.

Want to fly a UAS?

WHAT TYPE OF USER ARE YOU?

Whether you're a new drone pilot or have years of experience, rules and safety tips exist to help you fly safely in the national airspace. To get started, be sure to select which type of drone user you are and find out what rules and regulations apply to your specific situation. You can then begin researching where it is safe to fly and when you need approval to fly.

RECREATIONAL FLYERS & MODELER COMMUNITY-BASED ORGANIZATIONS

The rule for operating unmanned aircraft systems (UAS) under 55 pounds in the National Airspace System (NAS) is 14 CFR Part 107. This rule is referred to as the Small UAS Rule. However, if you want to fly a drone for purely recreational purposes, there is a limited statutory exception that provides a basic set of requirements. Many people assume that a recreational flight is one that is not operated for a business or any form of compensation. But, that's not always the case. Non-recreational purposes include things like taking photos to help sell a property or service, roof inspections, or taking pictures for a website. Recreational flight is simply flying for fun or personal enjoyment. The Exception for Limited Operation of Unmanned Aircraft (USC 44809) is the law that describes how, when, and where you can fly drones for recreational purposes. They are the following:

- ☑ Fly only for recreational purposes (enjoyment).
- ☑ Follow the safety guidelines of an FAA-recognized Community Based Organization (CBO).
- ☑ Keep your drone within the visual line of sight or use a visual observer who is co-located (physically next to) and in direct communication with you.
- ☑ Give way to and do not interfere with manned aircraft.
- ☑ Fly at or below 400' in controlled airspace (Class B, C, D, and E) only with prior authorization by using LAANC or DroneZone.
- ☑ Fly at or below 400 feet in Class G (uncontrolled) airspace.
- ☑ Take The Recreational UAS Safety Test (TRUST) and carry proof of test passage (coming soon).
- ☑ Have a current registration, mark your drones on the outside with the registration number, and carry proof of registration with you.
- ☑ Do not operate your drone in a dangerous manner. Ex:
  - Do not interfere with emergency response or law enforcement activities.
  - Do not fly under the influence of drugs or alcohol.

CERTIFIED REMOTE PILOTS INCLUDING COMMERCIAL OPERATORS

If you have a small drone that is less than 55 pounds, you can fly for work or business by following the Part 107 guidelines. To fly under Part 107 rules, there are 3 main steps:

01. LEARN THE RULES

A. Make sure you understand what is and is not allowed under Part 107 rules. Review a summary of the Part 107 rules at www.faa.gov/uas/commercial_operators.

B. Some operations are not covered by Part 107 and will require a waiver from the FAA. Applicants should submit their waiver requests to the FAA as early as possible. Processing time depends on the complexity of the request; however the agency strives to respond within 90 days. To learn more about obtaining a waiver, visit *www.faa.gov/uas/commercial_operators/part_107_waivers.*

C. Drone operators should avoid flying near airports because it's difficult for manned aircraft to see and avoid a drone while flying. Remember that drone operators must avoid manned aircraft and are responsible for any safety hazard their drone creates in airport environments.

02. BECOME AN FAA-CERTIFIED DRONE PILOT BY PASSING THE KNOWLEDGE TEST

A. To be eligible to get your Remote Pilot Certificate, you must be at least 16 years old, be able to read, write, speak, and understand English, and be in a physical and mental condition to safely fly a UAS.

B. Review the full process to get your Remote Pilot Certificate at *www.faa.gov/uas/commercial_operators/become_a_drone_pilot.*

C. Study for the Knowledge Test by reviewing the Test Prep materials provided by the FAA. *www.faa.gov/uas/resources/policy_library/#107*

D. Obtain an FAA Tracking Number (FTN) by creating an Integrated Airman Certification and Rating Application (IACRA) profile prior to registering for a knowledge test.

E. Take the Knowledge Test at an FAA-approved Knowledge Testing Center.

F. Once you've passed the test, complete FAA Form 8710-13 for a remote pilot certificate (FAA Airman Certificate and/or Rating Application) using the electronic FAA Integrated Airman Certificate and/or Rating Application system (IACRA).

03. REGISTER YOUR DRONE WITH THE FAA

- Registration costs $5 and is valid for 3 years. You'll need a credit or debit card and the make and model of your drone handy in order to register.
- Visit dronezone.faa.gov and select "Fly sUAS under Part 107" to create an account and register your drone.
- After registering, mark your drone with it's registration number in case it gets lost or stolen.

PUBLIC SAFTEY OR GOVERNMENT USERS

Government agencies (including Federal, State, and tribal), law enforcement, and public safety entities have two options for operating drones under 55 lbs.

1. Fly under 14 CFR part 107, the small UAS rule. Part 107 allows operations of drones or unmanned aircraft system (UAS) under 55 pounds at or below 400 feet above ground level (AGL) for visual line-of-sight operations only.

2. Fly under the statutory requirements for public aircraft (49 U.S.C. §40102(a) and § 40125). Operate with a Certificate of Waiver or Authorization (COA) to be able to self-certify UAS and operators for flights performing governmental functions.

EDUACATIONAL USERS

If you are a teacher or a student looking to bring drones into your curriculum, it's important that you know the rules for flying drones that apply to flying for educational purposes.

A. Limited Exception for Recreational Flyers and Community-Based Organizations

There is an exception (49 U.S.C. § 44809) that allows flying drones for recreational purposes (under certain conditions) without complying with Part 107. See "Recreational Flyers & Modeler Community-Based Organizations" on pg. 1 to see if this applies to you.

B. Part 107

Part 107 (14 CFR part 107) is the primary law for flying small drones (less than 55 pounds) in the United States. You can fly under part 107 rules for many reasons, including work or business, recreation, education, or for public safety missions. When in doubt, fly under Part 107.

C. Educational Institutions

There is a statutory provision (P.L. 115-254, Section 350, as amended by P.L. 116-283, Section 10002) that clarifies that education and research uses of drones for educational purposes can be operated under the rules for recreational flyers. This includes programs for institutes of higher education, programs run by JROTC, and educational programs chartered by a recognized Community Based Organization.

Small UAS Rule (Part 107)

USER GUIDELINES

To review the full list of Part 107 rules, visit *www.faa.gov/uas/commercial_operators*

- ☑ Line of Sight: Operate UAS within unaided visual sight at all times.
- ☑ Operate UAS no higher than 400 feet and no faster than 100 mph
- ☑ Must use Class G air space (Unclassified below 14,500 ft MSL)
- ☑ You cannot be a pilot or visual observer for more than one drone operation at a time.
- ☑ Do not operate your drone from a moving vehicle or aircraft unless you are flying your drone over a sparsely populated area and it does not involve the transportation of property for compensation or hire.
- ☑ Must remain clear of, and yield to all manned aircraft operations.
- ☑ Do no fly over any persons not directly participating in the operation.*

**The Operations Over People rule became effective on April 21, 2021. Drone pilots operating under Part 107 may fly at night, over people and moving vehicles without a waiver as long as they meet the requirements defined in the rule. Airspace authorizations are still required for night operations in controlled airspace under 400 feet.*

STATE & LOCAL REGULATIONS

In addition to the FAA's regulation, four chapters in Florida satutes cover unmanned aircraft systems within the state:

1. Chapter 330.41 - Unmanned Aircraft Systems Act
2. Chapter 330.411 - Prohibited possession or operation of unmanned aircraft
3. Chapter 860.13 - Operation of aircraft while intoxicated or in careless or reckless manner; penalty
4. Chapter 934.50 - Searches and seizure using a drone

General provisions of the law:

- Allows businesses to use UAS technology for only the specific purpose of which the business is licensed by the state.
- Allows for aerial mapping.
- Prohibits the capturing of images of privately owned property without written consent.
- Requires users follow FAA regulations.

NOTE: This list represents only a few of the many provisions outlined in State Law.

LOCAL CODES

A number of Florida communities have adopted, or are in the process of adopting, codes regulating UAS activity within their jurisdictions.

If unfamiliar with local UAS codes and regulations, always check with your local City Hall to ask about local ordinances that may apply to you as a drone pilot.

POINTS OF CONSIDERATION

- The commercial use of UAS technology is governed by federal, state and local rules and regulations.
- There are no specific rules at FDOT regarding UASs, other than language normally found in contracts where consultants must abide by the appropriate federal, state and local rules and regulations.
- State law allows for the use of UAS technology by certain businesses, so long as the activity in which the UAS is used is specific to the purpose in which the business is licensed by the state.
- Contractors that want to provide the FDOTwith UAS services must possess a Remote Pilot in Command certification.

KNOW BEFORE YOU FLY

If you are a recreational drone pilot, download the **B4UFLY** mobile app to review all the information you need to fly safely and legally in your area.

Features Include:

- A clear "status" indicator that informs the operator whether it is safe to fly or not. (For example, it shows flying in the Special Flight Rules Area around Washington, D.C. is prohibited.)
- Informative, interactive maps with filtering options.
- Information about controlled airspace, special use airspace, critical infrastructure, airports, national parks, military training routes and temporary flight restrictions.
- The ability to check whether it is safe to fly in different locations by searching for a location or moving the location pin.
- Links to other FAA drone resources and regulatory information.

Download Now

Available to download for free at the App Store for iOS and Google Play store for Android. For preflight planning and research, **B4UFLY** is also available as a desktop version.

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