FAA - unmanned aircraft -- property appraiser

Number: INFORMAL

Date: August 16, 2018

Federal Aviation Administration
Scott J. Gardner
Acting Air Traffic Manager
Unmanned Aircraft Tactical Operations (AJV-115)
490 L'Enfant Plaza, SW, Suite 7105
Washington, DC 20024

Dear Mr. Gardner:

The Santa Rosa County Property Appraiser ("Property Appraiser") has advised this office that the Federal Aviation Administration (FAA) requires the Property Appraiser to obtain a letter from the Florida Attorney General confirming that the Property Appraiser, as a county officer of Santa Rosa County, is a "public entity." The Property Appraiser further advised us that this confirmation is required so that the Property Appraiser may meet the eligibility requirements for an Unmanned Aircraft Selection.

Pertinent to this question, the Santa Rosa County Property Appraiser has made the following representations:

1. The Santa Rosa County Property Appraiser's office owns an Unmanned Aircraft and intends to operate the Unmanned Aircraft as a public aircraft as defined in 14 CFR Part 1.1 and 49 U.S.C. § 40102(a)(41);

2. The Unmanned Aircraft will not be used for the transportation of persons or property for compensation or hire;

3. The Unmanned Aircraft will not be used to carry any persons, and therefore, will not be used to carry "individual[s] other than a crewmember or a qualified non-crewmember[;]" and

4. The Unmanned Aircraft will be used for geological resource management purposes under 49 U.S.C. § 40125(a)(2) to conduct aerial assessments of beach erosion in Santa Rosa County.

Pursuant to Article VIII, section 1 of the Florida Constitution, Santa Rosa County is a political subdivision of the State of Florida. The Property Appraiser is a county officer, whose office is authorized by Article VIII, section 1(d) of the Florida Constitution, and whose duties are prescribed by general law. In providing services in his official capacity, the Property Appraiser acts as a part of Santa Rosa County, and is therefore a "public entity."[1]

Further, the Property Appraiser's representations (described above) indicate that the Unmanned Aircraft will not be used for commercial purposes, within the meaning of 49 U.S.C. § 40102(a)(41)(C) and 49 U.S.C. § 40125(b). Based upon these representations, because a "public aircraft" is defined as an "aircraft owned and operated by…a political subdivision of one

of these governments, except as provided in section 40125(b)[,]" the aircraft to be operated by the Property Appraiser would satisfy the definition of a "public aircraft."

In sum, this letter constitutes the Florida Attorney General's assurance that the Santa Rosa Property Appraiser is a constitutionally recognized county officer of Santa Rosa County, which is a political subdivision of the State of Florida. This letter does not constitute comment on any other issue or matter.

Sincerely,

Pam Bondi
Attorney General

PB/ttlm

cc: Gregory S. Brown
Santa Rosa County Property Appraiser

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[1] *Cf. Beard v. Hambrick*, 396 So. 2d 708, 711 (Fla. 1981) ("In our opinion, there is no reasonable way to construe article VIII, section 1, other than to include sheriffs as well as other named county officers as part of a county and, as such, within the definition of a political subdivision…."); *Payne v. Washington Cty.,* 25 Fla. 798, 807, 6 So. 881 (1889) (reflecting that the county tax collector acts, in his official capacity, either for the county or for the state, depending on the nature of his tax collection activities); Op. Atty. Gen. Fla. 064-174 (Dec. 11, 1964) (reflecting that "each member of the board of commissioners of the east Duval county mosquito control district is a county officer, acting [as] an agency, instrumentality or adjunct of Duval county, which functions for and serves the county in its capacity as a subdivision of Florida").