FAA - Drone Aircraft - Mosquito Control District

Number: INFORMAL

Date: September 15, 2017

September 14, 2017

Mr. Rick O'Neal
Aviation Manager
Lee County Mosquito Control District
15191 Homestead Road
Lehigh Acres, Florida 33971

Dear Mr. O'Neal:

As Aviation Manager of the Lee County Mosquito Control District, you have advised this office that the District is in the process of applying to the Federal Aviation Administration (FAA) for a Certificate of Authorization to permit use of an Unmanned Aircraft System (UAS) for various aerial operations to assist in the control of diseases spread by mosquitos. The FAA permits such use if, among other things, the UAS in question is a "public aircraft." To assist in determining whether the District has satisfied this requirement, the FAA requires the Attorney General to affirm that the District is a "political subdivision" of the state and that the aircraft will not be used for a "commercial purpose." See 49 U.S.C. §§ 40102(a)(41)(C) and 40125(b).

Under section 388.021(1), Florida Statutes, "any city, town, or county, or any portion or portions thereof…may be created into a special taxing district for the control of arthropods under" Chapter 388, Florida Statutes.

The Lee County Mosquito Control District was originally authorized in 1957 by Chapters 57-1520 and 57-2059, Laws of Florida. These and various additional acts pertaining to the District were repealed and replaced in 1998 pursuant to Chapter 98-461, Laws of Florida, a special act that continued the Lee County Mosquito Control District and, in section 1, designated it an independent special district.

Section 189.012(6), Florida Statutes, defines a "special district" as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet."

Section 1.01(8), Florida Statutes, provides: "The words 'public body,' 'body politic,' or 'political subdivision' include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state."

Under these provisions, the Lee County Mosquito Control District, being a special district created by special act, is a unit of local government and a political subdivision of the State of Florida.

In addition, section 388.231(1), Florida Statutes, states: "Equipment purchased for use in control

of mosquitoes and other arthropods and paid for with funds budgeted for arthropod control shall not be used for any private purpose."

Accordingly, Florida law expressly prohibits an aircraft owned by the District for mosquito control to be used for a commercial purpose.

This letter constitutes the Florida Attorney General's assurance that the Lee County Mosquito Control District is a political subdivision of the state and that an Unmanned Aircraft System owned by the District cannot be used for commercial purposes under Florida law. This letter may not be understood to constitute comment on any other issue or matter. This declaration does not extend to the use of the equipment by any other agency.

Sincerely,

Pam Bondi
Attorney General

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