Drone Certification

Number: INFORMAL

Date: May 23, 2017

Director James F. Clauson
Beach Mosquito Control District
1016 Cox Grade Road
Panama City Beach, Florida 32407

Dear Mr. Clauson:

As Director of the Beach Mosquito Control District in Bay County, 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."[1]

The Gulf Mosquito Control District was created in 1952. Section 390.02, Florida Statutes, at that time,[2] provided:

"Special taxing districts to be known as mosquito control districts may be created from all or any part of the territory of any county in this state in the manner provided by this chapter." (e.s.)

Following the procedure outlined in Chapter 390, the Bay County Board of County Commissioners adopted a resolution in August 1952 calling for a special election to seek voter approval for creating a mosquito control district in Bay County. The election was conducted two months later, wherein the voters authorized the creation of the Gulf Mosquito Control District. In 1997, the Board of County Commissioners changed the name of the District by Resolution 97-1 to Beach Mosquito Control District.

Section 189.012(6), Florida Statutes, defines a "special district" as follows:

"'Special district' means 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." (e.s.)

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." (e.s.)

In sum, the Beach Mosquito Control District, being a special taxing district created by Bay County pursuant to general law, 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….” (e.s.)

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 District is a political subdivision of the state and that a UAS 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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[1] See 49 U.S.C. §§ 40102(a)(41) and 40125(a)(1).

[2] Mosquito Control Districts are now the subject of Ch. 388, Fla. Stat.