FAA -- Unmanned Aircraft Systems -- Municipalities

Number: INFORMAL

Date: May 14, 2015

Ms. Jacqueline Jackson
Manager, UAS Tactical
Operations (AFS-85/AJV-115)
FAA Headquarters
490 L'Enfant Plaza, SW, Suite 3200
Washington, DC 20024

Subject: Public Entity Validation

Reference: FAA Unmanned Aircraft Systems Test Site Selection - Screening Information Request (SIR) DTFACT-13-R-00002, dated February 14, 2013

Dear Ms. Jackson:

The Village of Royal Palm Beach, Florida has advised this office that the Federal Aviation Administration requires the Village to obtain a letter from the Florida Attorney General certifying that the Village is "an entity of the state." This letter serves as the official confirmation by Florida's Attorney General that the Village of Royal Palm Beach, Florida, qualifies as a public entity of the State.

Section 1.01(8), Florida Statutes, provides that, for purposes of Florida law:

"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."

The Village of Royal Palm Beach is a municipality.[1] As provided in Article VIII, section 2(b), Florida Constitution:

"Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective."

This grant of constitutional home rule powers is legislatively implemented in Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act."[2]

Thus, a village or a municipality, such as the Village of Royal Palm Beach would appear to fall within the scope of the definition contained in paragraph 9.2.2.2 of the above referenced FAA SIR[3] and would appear to have the ability to qualify for a certificate of authorization as provided

therein.

In sum, under Florida law, the Village of Royal Palm Beach, Florida, is considered to be a political subdivision and a public entity of this state. This letter constitutes the Florida Attorney General's assurance that the Village is a political subdivision of the state and may not be understood to constitute comment on any other issue or matter.

Sincerely,

Pam Bondi
Attorney General

PB/tgh

---

[1] *See* Charter of the Village of Royal Palm Beach, Florida, available at: https://www.municode.com/library/fl/royal_palm_beach/codes/code_of_ordinances?nodeId=PTICH .

[2] *And see* s. 166.021(1), Fla. Stat., which provides:

"As provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law."

[3] Paragraph 9.2.2.2 states in part that "[a] public entity is defined as follows: . . . (B) any department, agency, special purpose district, or other instrumentality of a State or States or local government[.]"