

FAA - Unmanned Aircraft Systems - College District

Number: INFORMAL

Date: August 06, 2015

Mr. Mark Jordan
FAA Headquarters
490 L'Enfant Plaza SW, Suite 3200
Washington, D.C. 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 Mr. Jordan:

The District Board of Trustees for Indian River State College has advised this office that the Federal Aviation Administration requires the District to obtain a letter from the Florida Attorney General certifying that the District is "an entity of the state." This letter serves as the official confirmation by Florida's Attorney General that the District 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.*(e.s.)

Indian River State College is a "Florida College System institution." [1] Pursuant to section 1004.65, Florida Statutes, each Florida College System institution is governed by a district board of trustees operating under the State Board of Education. The Indian River State College District serves Indian River, Martin, Okeechobee, and St. Lucie Counties. [2] Each institution district shall "[b]e an independent, separate, legal entity created for the operation of a Florida College System institution." [3] Thus, the Indian River State College District is a district within the definition set forth above and would fall within the scope of the definition contained in paragraph 9.2.2.2 of the above referenced FAA SIR. [4]

In sum, under Florida law, the Indian River State College District is considered to be a political subdivision and a public entity of this state. [5] This letter constitutes the Florida Attorney General's assurance that the District is a political subdivision of the state and may not be understood to constitute comment on any other issue or matter.

Sincerely,

[1] See section 1000.21(3)(k), Fla. Stat.

[2] Sections 1000.21(3)(k) and 1004.65(2)(a), Fla. Stat.

[3] Section 1004.65(2)(b), Fla. Stat.

[4] 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[.]"

[5] *And* see s. 1004.67, Fla. Stat., providing:

"Florida College System institutions; legislative intent.—It is the legislative intent that Florida College System institutions, constituted as political subdivisions of the state, continue to be operated by Florida College System institution boards of trustees as provided in s. 1001.63 and that no department, bureau, division, agency, or subdivision of the state exercise any responsibility and authority to operate any Florida College System institution of the state except as specifically provided by law or rules of the State Board of Education."