

Airport Law of 1945, county constitutes municipality

Number: INFORMAL

Date: January 20, 1999

Mr. Jeffrey Poppel
Assistant County Attorney
Metropolitan Dade County
Post Office Box 592075 AMF
Miami, Florida 33159-2075

Dear Mr. Poppel:

You state that the Miami-Dade County Aviation Department (MDAD) is applying to the Federal Government for a surplus military combat aircraft to be displayed at an airport operated by MDAD. In order to receive the display from the United States Air Force, the county must obtain a letter from the Florida Attorney General indicating that it is a municipal corporation.[1]

Chapter 332, the "Airport Law of 1945" expressly grants municipalities substantial extraterritorial powers to establish and operate airports. Counties are expressly included in the definition of a "municipality" for purposes of Chapter 332.[2] In light of this definition, this office has recognized that the provisions of Chapter 332 generally applies to Metropolitan Dade County.[3]

Accordingly, I am of the opinion that Miami-Dade County constitutes a municipality for purposes of Chapter 332, Florida Statutes, the state's "Airport Law of 1945."

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tzg

[1] See 10 U.S.C. s. 2572(a) stating that "the Secretary concerned may lend or give items described in subsection (c) that are not needed by the military department concerned (or by the Coast Guard, in the case of the Secretary of Transportation), to," among others, a municipal corporation.

[2] See s. 332.01(1), Fla. Stat., stating that "municipality" means "any county, city, village, or town of this state."

[3] Attorney General Opinion 94-96 (1994). *Cf. State ex rel. Dade County v. Nuzum*, 372 So. 2d 441, 444 (Fla. 1979) ("with regard to the so called unincorporated areas of Dade County, the metropolitan government is an "incorporated municipality" for the purposes of section 561.342").