

073-270—August 13, 1973

ADULT RIGHTS LAW

**PERSONS EIGHTEEN YEARS OF AGE AND OLDER—ACCOMPANYING
DRIVER WITH RESTRICTED LICENSE**

To: Jerry G. Melvin, Representative, 5th District, Fort Walton Beach

Prepared by: Jan Dunn, Assistant Attorney General

QUESTION:

Is an eighteen- to twenty-year-old driver considered an adult for the purpose of accompanying a driver with a restricted license while that driver operates a motor vehicle?

SUMMARY:

Under §322.16(2) (a), F. S., a person eighteen to twenty years of age can accompany a restricted driver while that restricted driver operates a motor vehicle.

Chapter 73-21, Laws of Florida [§743.07, F.S.], the Adult Rights Law, removes the disability of nonage for all persons eighteen years of age or older. It also provides that such persons shall "enjoy and suffer the rights, privileges and obligations of all persons 21 years of age or older." The *only* exceptions are any right, privilege, or obligation excluded to eighteen- to twenty-year-olds by the Florida Constitution, and support for dependent or crippled children. I have already held that persons eighteen years old and over can now drink and be employed by places serving alcoholic beverages, obtain a license to operate a day-care center, drive a common-carrier motor vehicle, serve on juries and marry without parental consent—all of which formerly had an age requirement of twenty-one.

The statute now in question reads as follows:

In no instance shall a restricted license be issued to a minor under sixteen years of age, except on condition that such minor when operating a motor vehicle . . . shall be accompanied at all times by a licensed operator or chauffeur who is not less than twenty-one years of age . . . [Section 322.16(2)(a), F. S.]

Since the Adult Rights Law gives to persons eighteen years of age or older the same rights, privileges and obligations as possessed by twenty-one-year olds (the ability to accompany a restricted driver being one such privilege), I must hold that under §322.16(2)(a), F. S., a restricted driver, while operating a motor vehicle, must be accompanied by a licensed driver at least eighteen years of age.

Your question is, therefore, answered in the affirmative.

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EFFECT ON GIFTS TO MINORS ACT

To: Dan Scarborough, Senator, 7th District, Jacksonville

Prepared by: Jan Dunn, Assistant Attorney General

QUESTION:

What effect does Ch. 73-21, the Adult Rights Law, have on