

the act being amended must be republished to make the meaning of the provision published intelligible from its language and to insure that no unexpected meaning results from the combination of that language and other language in the Act. [Jackson v. Consolidated City of Jackson, *supra*, at 508.]

Therefore, under the authority of the above-cited cases, what must be set out in an ordinance is the *revised* or *amended* section, in full, which includes all the language of the former section not being deleted or amended and the amendatory language. If a subsection or paragraph of a subsection is being amended and the language of the section, such as an unnumbered preliminary paragraph of the subsection, is necessary in order to determine and understand the effect of the amendment, then such language is required to be republished along with the amendment so that the amendment becomes an integral part of the whole. Generally, then, the amendatory enactment must be a "complete, coherent and intelligible act" in itself which does not necessitate separate research and analysis of the ordinance being amended in order to ascertain the meaning of the amendment. Auto Owners Insurance Co., *supra*, at 725.

073-450—November 29, 1973

ADULT RIGHTS LAW

PERSONS AGE SEVENTEEN CHARGED WITH CRIME NOT SUBJECT TO TREATMENT AS JUVENILE; NOT AFFECTED BY ADULT RIGHTS LAW

To: Robert W. Rawlins, Jr., Circuit Judge, Tampa

Prepared by: Reeves Bowen, Assistant Attorney General

QUESTION:

Is a seventeen-year-old person charged with a crime committed after he or she reached the age of seventeen entitled to be dealt with as a delinquent child under the provisions of Ch. 39, F. S., rather than as an adult charged with a crime, in the light of the provisions of Ch. 73-21, Laws of Florida, the Adult Rights Law?

SUMMARY:

A seventeen-year-old person charged with a crime committed after he or she reached the age of seventeen is not entitled to be dealt with as a delinquent child under the provisions of Ch. 39, F. S. The Adult Rights Law has no bearing on this question; it applies only to persons eighteen years of age or older.

Your question must be answered in the negative.

A seventeen-year-old person who commits a crime after reaching the age of seventeen is not a delinquent child within the contemplation of Ch. 39, F. S., which makes provision for dealing with juvenile offenders.

The current definition of "child", as used in Ch. 39, F. S., is contained in §39.01(4), F. S. (1972 Supp.), which reads as follows:

(4) "Child" means any married or unmarried person under the age of seventeen years, or any person who is charged with a violation of law occurring prior to the time that person reached the age of seventeen years.

The current definition of "adult," as used in Ch. 39, F. S., is found in §39.01(7) as amended by §2 of Ch. 73-231, Laws of Florida, which reads as follows:

(7) "Adult" means a person other than a child.

The current definition of "delinquent child," as used in Ch. 39, F. S., is found in §39.01(12) as amended by §2 of Ch. 73-231, which reads as follows:

(12) "Delinquent child" means a child who commits a violation of law, regardless of where the violation occurred, except a child who commits a juvenile traffic offense and whose case has not been transferred to the circuit court by the court having jurisdiction.

Incidentally, §39.10(4), F. S., as amended by §16 of Ch. 73-231, provides that an adjudication by a court that a child is a delinquent child shall not be deemed a conviction of crime, and §39.11(3), F. S., as amended by §17 of Ch. 73-231, prescribes the various ways in which a court may deal with a child adjudged by it to be a delinquent child.

It is apparent from the above-quoted definitions that a seventeen-year-old person charged with committing a crime after becoming seventeen is an adult not subject to being dealt with as a delinquent child. It necessarily follows that such a person is subject to prosecution as an adult unless the Adult Rights Law requires a different result.

The Adult Rights Law, Ch. 73-21, *supra* [§743.07, F. S.], provides in pertinent part that:

Section 2.

The disability of nonage is hereby removed for all persons in this state who are 18 years of age or older and they shall enjoy and suffer the rights, privileges and obligations of all persons 21 years of age or older except as otherwise excluded by the Constitution of the State of Florida immediately preceding the effective date of this act. Provided, however, this act shall not prohibit any court of competent jurisdiction from requiring support for a dependent person beyond the age of 18 years; and provided further that any crippled child as defined in chapter 391, Florida Statutes, shall receive benefits under the provisions of said chapter until age 21, the provisions of this act to the contrary notwithstanding.

The said Adult Rights Law has nothing to do with the question at hand. On its face, it applies only to persons eighteen years of age or older.

It is true that §2 of Ch. 73-231, *supra*, amends §39.01, *supra*, so as to cause subsection (6) thereof to read as follows:

(6) "Child" means any married or unmarried person under the age of eighteen years, or any person who is charged with a violation of law occurring prior to the time that person reached the age of eighteen years.

but that statutory provision will not go into effect until July 1, 1974, because §23 of said Ch. 73-231 provides:

Section 23. This act shall take effect July 1, 1973, except that the definition of "child" in Section 39.01(6) shall not take effect until July 1, 1974.

073-451—November 30, 1973

DEPARTMENT OF TRANSPORTATION

AUTHORITY TO SET SPEED LIMITS

To: Walter Revell, Secretary, Department of Transportation, Tallahassee

Prepared by: Staff