

health, accident, or hospitalization insurance could be appropriately included in, and paid from, the budgeted items of "salaries or other items of expense" within the annual budget of the hospital board of trustees. *See also* §112.12, F. S.

However, before any tax moneys or other county funds are received by such a county hospital the trustees must prepare, pursuant to §155.12, *supra*, a statement of its receipts and disbursements for the current or preceding fiscal year, file the same with the board of county commissioners, and certify to the county commission the amount necessary for the improvement and maintenance of the hospital facility during the ensuing year. The county commission thereupon levies a tax of not to exceed 10 mills to provide for the expenses and improvements of the hospital. In effect, the county commission completes the preparation of the hospital's budget by determining the amount of taxes which will meet the operational and capital outlay expenses of the hospital and balances out the other revenues of the hospital. *See* ACO 064-129. Therefore, the board of trustees would have to budget for such insurance expenses in its annual statement of receipts and expenditures and certification of the amount necessary for the operation, improvement, and maintenance of the hospital filed with the county commission.

Having found that the hospital is an agency of the county, that its employees are county employees, and that §155.11, *supra*, would authorize an expenditure of "hospital funds" for such hospitalization insurance benefits, the cost of providing such insurance for the hospital's employees, pursuant to §§112.08 and 112.12, F. S., may be paid out of any of its available and budgeted funds, assuming the expense thereof has been included in the annual report and certification submitted to the county commission.

073-364—October 1, 1973

ARMED FORCES

NATIONAL GUARD TRAINING FACILITY CONSTITUTES MILITARY INSTALLATION FOR PURPOSES OF RULES OF DIVISION OF BEVERAGE

To: Major General Henry W. McMillan, Department of Military Affairs, St. Augustine

Prepared by: Bjarne B. Andersen, Jr., Assistant Attorney General

QUESTION:

Is the Florida National Guard training facility at Camp Blanding a "military installation" within the scope of Rule 7A-4.14, Florida Administrative Code by the Department of Business Regulation, Division of Beverage?

SUMMARY:

The Florida National Guard training facility at Camp Blanding, for the purposes of Rule 7A-4.14, Florida Administrative Code, is an "armed services" or "military installation" within the State of Florida.

Florida Department of Business Regulation, Division of Beverage Rule 7A-4.14, F.A.C., relating to the sale of malt beverages to government installations, provides in part:

(1) Licensed manufacturers and distributors of malt beverages may sell malt beverages tax free to post exchanges, ship service stores and base exchanges located in Military, Navy or Air Force Installations within the State of Florida, if such beverages are thereafter sold by said

agencies to members of the armed services of the United States, and may also sell malt beverages tax free to officers' and noncommissioned officers' messes of the armed services only if said officers' and noncommissioned officers' messes are located within the territorial limits of an armed services installation in Florida. Such tax-free malt beverages may be sold, served or distributed by said post exchanges, . . . and by said officers' and noncommissioned officers' messes only to members of the armed services of the United States.

Administrative rules such as Rule 7A-4.14, *supra*, are considered prima facie reasonable and valid, and have the force and effect of statutes. Florida Livestock Board v. Gladden, 76 So.2d 291 (Fla. 1954); *see also*, 1 Fla. Jur. *Administrative Law* §91.

The Florida National Guard is organized, armed, and equipped, as well as federally recognized, in accordance with the laws of this state and laws and regulations of both the Departments of the Army and the Air Force. Section 250.07, F. S. The Governor of Florida may make and publish all such rules and regulations as he may deem necessary to effect the organization of the Florida National Guard in conformity to the terms of the National Defense Act and rules, regulations, and proclamations of the President or the Department of Defense. Section 250.08, F. S.

The facilities at Camp Blanding are not only utilized for the training of the National Guard of Florida, but units of other states and military personnel of the regular Army, Navy, Air Force, Marine Corps, Coast Guard, and their reserve components train there as well.

Various and sundry agreements between the State of Florida and the Secretary of the Army in behalf of the United States upon the authority of Congress recognize Camp Blanding as "military installation" utilized and occupied for the year-round training and support of the Army and Air National Guard.

The facilities at Camp Blanding include, among other thing, administration buildings, barracks, mess halls, a dispensary, chapel, post exchange, bachelor officers' quarters, classrooms, auditorium, cold storage and warehouse facilities, officers and enlisted messes, ammunition areas, road system—in other words the facilities and appurtenances which comprise the permanent training site at Camp Blanding constitute and comprise a military installation within the purview of Rule 7A-4.14, *supra*.

In implementation of the National Defense Act, *supra*, and various agreements between the Department of Defense, as well as its subordinate agencies representing the various branches of the armed services, and the Florida National Guard, personnel of the armed services of the United States are permanently assigned to duty at Camp Blanding to assist in various training missions which from time to time are conducted at this facility.

In view of the above, it is my opinion that the Florida National Guard Permanent Training Facility at Camp Blanding, Florida, for the purposes of Division of Beverage Rule 7A-4.14, F.A.C., is an "armed services" or "military installation" within the State of Florida.

073-365—October 1, 1973

ADULT RIGHTS LAW

NOTIFICATION OF PARENT OR GUARDIAN OF MINOR CHARGED WITH OFFENSE

To: Gordon G. Oldham, Jr., State Attorney, Leesburg

Prepared by: Richard W. Prospect, Assistant Attorney General