

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

**QUESTIONS:**

1. Does Chapter 73-21, Laws of Florida, the Adult Rights Law, affect the definition of the word "minor" as used in §925.07, F. S.?

2. Is notice to the parent, friend, or relative required under §925.07 when a minor has been previously married but at the time charges are placed against the said minor his marriage has been judicially dissolved?

**SUMMARY:**

Under the provisions of Ch. 73-21, Laws of Florida, notice to parents or guardians of persons between the ages of eighteen and twenty-one is not required under §925.07, F. S., nor is notice required for a minor (under eighteen) who has been previously married.

As to question one, §925.07, F. S., provides in part that:

**925.07 Parent or guardian to be notified before trial of minor; service of notice.—**

(1) When an unmarried minor is charged with an offense before any court in this state, including municipal courts, notice of the charge shall be given before trial to the parent or guardian of the minor if the name and address is known.

Section 2 of Ch. 73-21, Laws of Florida [§743.07(1), F. S.], provides that:

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.

Further, §4 of Ch. 73-21 states that "[A]ny law inconsistent herewith is hereby repealed to the extent of such inconsistency."

Thus, inasmuch as the Adult Rights Law changes the definition of minor from a person under twenty-one years of age to a person under eighteen years of age, it must be concluded that notice to a parent, friend, or relative of a person eighteen or older is not required under §925.07, F. S.

As to question 2, the Florida Supreme Court stated in *Harris v. Cochran*, 122 So.2d 465 (Fla. 1960):

Section 932.38, F.S.A. [now numbered §925.07] requires notification of the parents, or guardian, of criminal charges against a minor only when the minor is not married.

[2] Even if the petitioner was not now married, he would not be entitled to the benefits of the cited statute, since dissolution of the marriage, by divorce or annulment, would not reestablish the rights conferred thereby to minors "not married." *Milligan v. State*, 1933, 109 Fla. 219, 147 So. 260.

Accordingly, notice under §925.07, F. S., is not required.

You may also wish to note the following Attorney General Opinions which relate to the Adult Rights Law: Attorney General Opinion 073-204 (financial responsibility of parents); AGO 073-205 (child support payments); AGO 073-206 (jury venire); AGO 073-207 (drivers of common-carrier motor vehicles); AGO 073-208 (county licenses for day-care homes); AGO 073-240 (beverages); AGO 073-270 (restricted drivers' licenses); AGO 073-290 (service of process); and AGO 073-298 (executors and administrators).