

073-378—October 9, 1973

## ADULT RIGHTS LAW

## ABILITY TO CARRY FIREARMS

*To: Charles E. Rinehart, Chief of Police, Palmetto**Prepared by: George R. Georgieff, Assistant Attorney General*

## QUESTION:

May a person eighteen years of age or older obtain a permit from a board of county commissioners to carry a concealed weapon?

## SUMMARY:

Chapter 73-21, Laws of Florida, redefines adults to be persons eighteen years of age or older. This would permit them to apply for a license from the county commissioners to carry a concealed weapon even though it cannot, by its provisions, supersede the federal regulation with regard to the purchase of said firearms.

In essence, what Ch. 73-21, Laws of Florida [§743.07 (1), F. S.], does is redefine an adult as an individual eighteen years of age or older when theretofore he had to be twenty-one years of age or older. The net effect of this is to simply make possible for all those eighteen years of age and older most things which were formerly available only to those who had attained their twenty-first birthday.

It would be physically impossible to detail all conceivable circumstances in which this law could be said to apply. Since you specifically requested an opinion regarding the rights of eighteen-year-olds to carry firearms, I will limit my reply to that matter.

As you can tell from the enclosed, Ch. 73-21, Laws of Florida, also provides that such persons shall "enjoy and suffer the rights, privileges and obligations of all persons 21 years of age or older . . . ." I have already held that persons eighteen years old and older 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 years.

I therefore hold that it follows that any provisions extant in Florida law, most likely those found in Ch. 790, F. S., which may make reference to a linear age of twenty-one years or older are, by virtue of the operation of Ch. 73-21, Laws of Florida, rendered inapplicable.

The Federal Gun Control Act of 1968 (P.L. 90-618) prohibits the *sale* of firearms other than a shotgun or rifle to persons under the age of twenty-one. Thus, with regard to the sale of handguns, the federal statute prevails. The federal act does not apply to *possession* of firearms.

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## TAXATION

WHO MAY BACK ASSESS INTANGIBLE PROPERTY  
PREVIOUSLY UNDERVALUED*To: John W. Seay, Flagler County Tax Assessor, Bunnell**Prepared by: Harold F. X. Purnell, Assistant Attorney General*

## QUESTION:

Is a 1970 Florida intangible personal property tax return subject to