

authority in the department, with the declared intent to make the department the "custodian of the state highway and transportation systems" and to provide it with "sufficiently broad authority to enable the department to function adequately and efficiently in all areas of appropriate jurisdiction, subject to the limitations of the constitution and the legislative mandate hereinafter imposed," §334.02(5), *id.*, including, among others, "taking all necessary steps to ensure safe and convenient transportation" on the public roads and streets of this state. Section 334.02(8), *id.* And in light of this broad authority, I am inclined to the view that the department's authority to fix the speed limits on roads in the state highway system at whatever is safe and advisable in a particular situation may be exercised in the circumstances here present.

Legislative clarification of the department's authority in this respect is, of course, advisable; however, pending legislative or judicial clarification, your question is answered accordingly.

073-452—December 5, 1973

ADULT RIGHTS LAW

PERSONS EIGHTEEN YEARS OF AGE AND OLDER WORKING AS FIREMEN

To: Board of Supervisors, Old Dixie Fire Control Tax District No. 2, Lake Park

Prepared by: Joseph C. Mellichamp III, Assistant Attorney General

QUESTION:

What effect does Ch. 73-21, Laws of Florida, the Adult Rights Law, have on a fire district's requirement that a person applying for employment as a fireman be twenty-one years of age or older?

SUMMARY:

Under the provisions of Ch. 73-21, Laws of Florida, a person eighteen, nineteen, or twenty years of age, if otherwise qualified, can apply for employment and serve as a district fireman.

Section 2 of Ch. 73-21, Laws of Florida [§743.07, 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Further, §4 of Ch. 73-21, *supra*, states that "[a]ny law inconsistent herewith is hereby repealed to the extent of such inconsistency."

Thus, inasmuch as the Adult Rights Law (effective July 1, 1973) removes the disability of nonage for all persons in this state who are eighteen years of age or older and provides that they shall enjoy and suffer the rights, privileges, and obligations of all persons twenty-one years of age or older, it must be concluded that a person eighteen, nineteen, or twenty years of age, if otherwise qualified, can apply for employment and serve as a district fireman.