

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 305 Equine Activities

SPONSOR(S): Safety & Security Council; Vana and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Homeland Security & Public Safety</u>	<u>11 Y, 0 N</u>	<u>Padgett</u>	<u>Kramer</u>
2) <u>Safety & Security Council</u>	<u>16 Y, 0 N, As CS</u>	<u>Padgett/Davis</u>	<u>Havlicak</u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

CS/HB 305 creates s. 773.11, F.S., which provides that a person under the age of 16 must wear a helmet if the person is riding a horse on public lands. The requirement does not apply if the person is involved in an activity, such as a parade or rodeo, where helmets are not historically part of the event; if the person is involved in an agricultural pursuit; or if the person is riding a horse on private property.

The bill also prohibits parents from allowing children under 16 to ride horses without a helmet if it would violate this section. In addition the bill requires anyone renting a horse to be ridden by a person under 16 verify the person has a helmet or provide the person with a helmet.

CS/HB 305 provides that any person who violates this section commits a noncriminal violation.

This bill takes effect October 1, 2008 and does not appear to have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility: This bill provides noncriminal penalties for failure to take safety precautions for an activity which potentially could cause serious injury.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently there is not a Florida statute that requires a person to wear a helmet while riding a horse. The Florida cities of Davie, Parkland, and Plantation currently have municipal laws which require minors to wear approved helmets when riding on public lands. There is a statute that requires bicycle riders under the age of 16 to wear helmets¹. In addition, there is a statute which prohibits renting a bicycle to a person under 16 unless the renter provides a helmet or verifies that the person has a helmet². A violation of this section is a noncriminal traffic infraction³. Similarly, a person under the age of 21 must wear a helmet when riding a motorcycle⁴. A violation of that section is also a noncriminal traffic infraction.

New York has a statute that requires minors who are under 14 years old to wear helmets while riding horses. The New York statute provides that the child's parent must pay up to a maximum \$50 civil fine for a violation if the parent is present when the violation occurs. The child under 14 may not be issued a citation under the statute. Additionally, the statute allows a waiver of the fine if a parent purchases a helmet, or if the purchase of a helmet would cause an undue hardship on the parent.

Proposed Changes

In 2006, Nicole Hornstein was thrown off a horse she was riding and hit her head on a paved area of ground. Hornstein was not wearing a helmet at the time. As a result of the fall, Hornstein fell into a coma for 20 days before passing away at age 12.

CS/HB 305 creates s. 773.11, F.S., which requires all equine riders under 16 years of age to wear helmets if they are riding a horse on:

- A public roadway or right-of-way
- A public equestrian trail, public recreational trail, public park or preserve, or public school site
- Any other publicly controlled property

The bill requires that the helmet meet the American Society of Testing and Materials standards for helmets used in horseback riding.

¹ Section 316.2065(3)(d), F.S.

² Section 316.2065(16), F.S.

³ Section 316.2065(20), F.S.

⁴ Section 316.211, F.S.

The bill provides exceptions to the helmet requirement. A person under 16 years of age is not required to wear a helmet while riding a horse if the person is:

- Practicing for or competing or performing in shows or events, including, but not limited to, rodeos and parades, where helmets are not historically a part of the show or event;
- On private property, even if the property is separated by a public right of way; or
- Engaged in agricultural pursuits.

Additionally, the bill requires that parents may not authorize a child under 16 years of age to ride a horse without a helmet if it would violate this section. Also, the bill prohibits any person from renting a horse to be ridden by a person under 16 years of age without verifying the person has a helmet or providing the person with a helmet.

CS/HB 305 provides that any person who violates this section commits a noncriminal violation.

The bill has an effective date of October 1, 2008.

C. SECTION DIRECTORY:

Section 1. Cites the bill as the "Nicole Hornstein Act."

Section 2. States the intent of the Legislature to protect minors engaged in equestrian activities.

Section 3. Creates s. 773.11, F.S., relating to helmet requirements; penalties.

Section 4. Provides effective date of October 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 19, 2008, the Committee on Homeland Security & Public Safety adopted one amendment to the bill. The amendment provides that any violation of this section is a noncriminal penalty.

On March 26, 2008, the Safety & Security Council made the bill a council substitute.