

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 169  
SPONSOR(S): Abruzzo

Equine Activities

TIED BILLS:

IDEN./SIM. BILLS: SB 68

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Agriculture & Natural Resources Policy Committee	16 Y, 2 N	Thompson	Reese
2)	Public Safety & Domestic Security Policy Committee	7 Y, 0 N	Padgett	Kramer
3)	General Government Policy Council		Thompson	Hamby
4)	Policy Council			
5)				

SUMMARY ANALYSIS

HB 169 provides that a person under the age of 16 must wear a helmet when riding a horse on public lands. The requirement does not apply if the person is registered to compete or perform during a show or event, if the person is riding a horse on private property, or if the person is engaged in an agricultural related activity.

The bill also prohibits parents from allowing children less than 16 years of age to ride horses on public property without a helmet. Similarly, the bill requires anyone renting a horse to be ridden by a person less than 16 years of age to verify the underage person has a helmet or provide the person with a helmet. A person violating this provision is guilty of a noncriminal violation, punishable by a \$500 fine plus applicable fees and court costs.

To the extent that parents of riders and persons who rent horses will be required to purchase safety helmets, there may be an indeterminate negative fiscal impact on the private sector (See Fiscal Comments section for additional details).

This bill's effective date is October 1, 2009.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Florida

Currently, Florida law does not require a person to wear a helmet while riding a horse. The cities of Davie, Parkland, and Plantation currently have municipal laws that require minors to wear approved helmets when riding on public lands.

Florida law does require bicycle riders under the age of 16 to wear helmets<sup>1</sup>. In addition, Florida Statutes prohibit renting a bicycle to a person less than 16 years of age unless the renter provides a helmet or verifies that the person has a helmet<sup>2</sup>. A violation of this section is a noncriminal traffic infraction<sup>3</sup>. Also, a person under the age of 21 must wear a helmet when riding a motorcycle<sup>4</sup>. Persons in violation commit a noncriminal traffic infraction.

##### Other States

The Illinois Horse Racing Act of 1975<sup>5</sup> regulates riders of breed specific horses who race at certain events in the state of Illinois. The law requires any person who jogs, trains, warms up or drives a Standardbred<sup>6</sup> horse at Standardbred race meetings in the state of Illinois and at all Standardbred race meetings held at state approved county fairs to wear a protective safety helmet, with the chin strap fastened and in place.

New York has a statute<sup>7</sup> that requires minors who are less than 14 years of age to wear helmets while riding horses. The statute provides that the child's parent must pay up to a \$50 civil fine for a violation if the parent is present when the violation occurs. A child less than 14 years of age 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 may cause an undue hardship on the parent.

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<sup>1</sup> Section 316.2065(3)(d), F.S.

<sup>2</sup> Section 316.2065(16), F.S.

<sup>3</sup> Section 316.2065(20), F.S.

<sup>4</sup> Section 316.211, F.S.

<sup>5</sup> IL ST CH 8 Section 31.

<sup>6</sup> <http://www.ustrotting.com/services/breed/harness.cfm#what>

<sup>7</sup> McKinney's Vehicle and Traffic Law Section 1265.

## Proposed Changes

HB 169 requires all equine riders less than 16 years of age to wear helmets when 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; or
- 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.

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

- Registered as a competitor or participant in a show or event,
- Riding on privately owned land, or
- Engaged in an agricultural practice or pursuit.

Additionally, the bill prohibits a parent from authorizing a child less than 16 years of age to ride a horse without a helmet if such action violates the provisions of this legislation. The bill prohibits any person from renting a horse to be ridden by a person less than 16 years of age without verifying the person has a helmet or providing the person with a helmet.

A violation of these provisions constitutes a noncriminal violation, punishable by up to a \$500 fine plus applicable fees and court costs assessed by the county.<sup>8</sup>

The bill takes effect October 1, 2009.

### B. SECTION DIRECTORY:

Section 1. Provides legislative intent to protect minors engaged in equestrian activities.

Section 2. Provides helmet requirements and penalties.

Section 3. Provides an effective date of October 1, 2009.

## 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.

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<sup>8</sup> s. 775.083, F.S.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

By October 1, 2009, all equestrian riders younger than 16 years of age are required to wear safety helmets while riding on public property, with certain exceptions. Additionally, the bill prohibits the parents of such underage riders and persons renting horses to underage riders from allowing said child to ride a horse without a helmet. To the extent that parents of underage riders and persons providing horse rentals would be required to purchase safety helmets, these provisions may create a negative fiscal impact for the private sector.

D. FISCAL COMMENTS:

Enforcement of safety helmet violations may result in the assessment of penalties and court costs. However, because it is impossible to forecast how many violations might occur, the fiscal impact on state and local government is unknown.

To the extent that the bill increases the use of safety helmets in Florida, head-related injuries and deaths for children under the age of 16 may be reduced thereby decreasing associated medical and insurance costs.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES