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1 A bill to be entitled
2 An act relating to equine activities; providing a
3 short title; providing legislative intent; creating s.
4 773.06, F.S.; defining the term "equine"; requiring a
5 child younger than a specified age to wear a helmet
6 when riding an equine in certain locations; providing
7 requirements for helmets; requiring a person renting
8 or leasing an equine for riding by a child younger
9 than a specified age to provide a helmet if the child
10 does not have a helmet; prohibiting a parent or
11 guardian of a child younger than a specified age from
12 authorizing or permitting the child to engage in
13 certain conduct; providing a penalty; providing
14 exceptions; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. This act may be cited as the "Nicole Hornstein
19 Act."

20 Section 2. It is the intent of the Legislature to further
21 promote the safety, health, and welfare of children younger than
22 16 years of age who engage in equestrian activities and
23 recreation in this state by enacting safety standards to
24 minimize the number of serious or fatal head injuries sustained
25 by children during equestrian activities and recreation.

26 Section 3. Section 773.06, Florida Statutes, is created to
27 read:

28 773.06 Helmet requirements; penalties.-

29 (1) As used in this section, the term "equine" has the same

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30 meaning as provided in s. 773.01, Florida Statutes.

31 (2) A child who is younger than 16 years of age must wear a
32 helmet that meets the current applicable standards of the
33 American Society of Testing and Materials for protective
34 headgear used in horseback riding and that is properly fitted
35 and fastened securely upon the child's head by a strap when the
36 child is riding an equine upon:

37 (a) A public roadway or right-of-way;

38 (b) A public equestrian trail, public recreational trail,
39 public park or preserve, or public school site; or

40 (c) Any other publicly owned or controlled property.

41 (3) A trainer, instructor, supervisor, or other person may
42 not knowingly rent or lease an equine to be ridden by a child
43 younger than 16 years of age unless the child possesses a helmet
44 meeting the requirements of this section or the trainer,
45 instructor, supervisor, or other person renting or leasing the
46 equine supplies the child with a helmet meeting the standards of
47 this section.

48 (4) A parent or guardian of a child younger than 16 years
49 of age may not authorize or knowingly permit the child to
50 violate this section.

51 (5) A person who violates subsection (3) or subsection (4)
52 commits a noncriminal violation, punishable as provided in s.
53 775.083, Florida Statutes.

54 (6) This section does not apply to a child younger than 16
55 years of age who is riding an equine when the child is:

56 (a) Practicing for or competing or performing in shows or
57 events, including, but not limited to, rodeos and parades, where
58 helmets are not historically a part of the show or event;

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59 (b) Riding on privately owned land even if the land is
60 occasionally separated by a public road or right-of-way that
61 must be crossed; or

62 (c) Engaged in an agricultural practice or pursuit.

63 Section 4. This act shall take effect October 1, 2009.