

1 A bill to be entitled
 2 An act relating to equine activities; providing a short
 3 title; providing legislative intent; creating s. 773.11,
 4 F.S.; defining the term "equine"; requiring certain minors
 5 to wear helmets when riding equines in certain locations;
 6 providing requirements for helmets; requiring persons
 7 renting or leasing equines for riding by a minor under a
 8 specified age to provide a helmet if the minor does not
 9 have a helmet; prohibiting a parent or guardian of a minor
 10 under a specified age from authorizing or permitting a
 11 minor to engage in certain conduct; providing noncriminal
 12 penalties; providing exceptions; providing an effective
 13 date.

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

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

19 Section 2. It is the intent of the Legislature to further
 20 promote the safety, health, and welfare of minors engaged in
 21 equestrian activities and recreation throughout the state by
 22 enacting safety standards to minimize the number of serious or
 23 fatal head injuries caused each year.

24 Section 3. Section 773.11, Florida Statutes, is created to
 25 read:

26 773.11 Helmet requirements; penalties.--

27 (1) As used in this section, the term "equine" has the
 28 same meaning as provided in s. 773.01.

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

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

36 (b) A public equestrian trail, public recreational trail,
 37 public park or preserve, or public school site; or

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

39 (3) No trainer, instructor, supervisor, or other person
 40 may knowingly rent or lease an equine to be ridden by a person
 41 under 16 years of age unless the prospective minor rider
 42 possesses a helmet meeting the requirements of this section or
 43 the trainer, instructor, supervisor, or other person renting or
 44 leasing the equine supplies the child a helmet meeting the
 45 standards of this section.

46 (4) No parent or guardian of any child under 16 years of
 47 age may authorize or knowingly permit any such child to violate
 48 this section.

49 (5) Any person who violates any provision of this section
 50 commits a noncriminal violation, punishable as provided in s.
 51 775.083.

52 (6) This section does not apply to a minor riding an
 53 equine when such rider is:

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

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

60 (c) Engaged in any agricultural practice or pursuit.

61 Section 4. This act shall take effect October 1, 2008.