

By Senator Aronberg

27-00591-08

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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 criminal
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 sustained by minors during equestrian
24 activities and recreation.

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

27 773.11 Helmet requirements; penalties.--

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

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

36 (a) A public roadway, right-of-way, or an area immediately
37 adjacent to a public roadway or right-of-way;

38 (b) A public equestrian trail, public recreational trail,
39 public park and 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 violate
50 this section.

51 (5) Any person violating any provision of this section
52 commits a misdemeanor of the third degree, punishable as provided
53 in s. 775.082 or s. 775.083.

54 (6) This section does not apply to a minor riding an equine
55 when the minor is:

56 (a) Competing or performing during a show or event in which
57 he or she is registered as a competitor or participant;

58 (b) Riding on privately owned land; or

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(c) Engaged in an agricultural practice or pursuit.

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