

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

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

24           Section 3. Section 773.06, Florida Statutes, is created to  
 25 read:

26           773.06 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) A child who is younger than 16 years of age must wear  
30 a helmet that meets the current applicable standards of the  
31 American Society of Testing and Materials for protective  
32 headgear used in horseback riding and that is properly fitted  
33 and fastened securely upon the child's head by a strap when the  
34 child is riding an equine upon:

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

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

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

52        (6) This section does not apply to a child younger than 16  
53 years of age who is riding an equine when the child 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 an agricultural practice or pursuit.

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