

ENROLLED
 CS/HB 169, Engrossed 2

2009 Legislature

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.

14
 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.

ENROLLED

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2009 Legislature

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, riding to or from, or competing or
 55 performing in shows or events, including, but not limited to,
 56 rodeos and parades, where helmets are not historically a part of

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57 | the show or event;

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

61 | (c) Engaged in an agricultural practice or pursuit.

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