

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2008-016**

**A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA EXPRESSING ITS SUPPORT FOR LEGISLATION TO BE FILED WITH THE STATE OF FLORIDA LEGISLATURE FOR THE 2009 LEGISLATIVE SESSION IN A FORM SUBSTANTIALLY SIMILAR TO THE NICOLE HORNSTEIN ACT AS PROPOSED DURING THE 2008 LEGISLATIVE SESSION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Loxahatchee Groves has a substantial equestrian community and supports safe riding of horses on public rights-of-way within the Town; and

**WHEREAS**, during the 2008 legislative session, a bill was considered by the State Legislature entitled the "Nicole Hornstein Act"; and

**WHEREAS**, the bill was not adopted by the State of Florida Legislature during the 2008 legislative session; and

**WHEREAS**, the Town Council finds that the intent of the bill to protect minors engaged in equestrian activities and recreation by requiring individuals under the age of 16 to wear a helmet while riding an equine upon any public road right-of-way, a public equestrian trail, or other publicly owned or controlled property serves a valid public purpose; and

**WHEREAS**, the Town Council finds that the adoption of such legislation is in the best interest of all individuals who ride horses, as well as their families, the citizens, and residents of the Town of Loxahatchee Groves; and

**WHEREAS**, the Town Council supports the future action to file similar legislation during the next legislative session, and authorizes Town staff to take actions consistent with the intent of this Resolution.

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**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby incorporated herein.

**Section 2.** The Town Council of the Town of Loxahatchee Groves, Florida hereby expresses its support for the Nicole Hornstein Act and/or legislation which may be submitted in the future that would require individuals under the age of 16 to wear a proper helmet while riding a horse on any publicly owned property, trail, or public right-of-way, and respectfully requests that the Florida Legislature consider the adoption of such legislation during the 2009 legislative session.

**Section 3.** The Town Clerk is directed to forward a copy of this Resolution to Governor Charlie Crist, the Speaker of the House of the Florida State of Representatives, the President of the State of Florida Senate, the Chair and Members of the Palm Beach County Legislative Delegation, the Executive Director of the Palm Beach County Legislative Delegation, the Chair of the Palm Beach County Board of County Commissioners, each County Commissioner, the County Administrator, the Mayor for the Village of Wellington, and the Mayor for the Village of Royal Palm Beach.

**Section 4.** All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, or other part of this Resolution shall be held by any

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court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and will in no way affect the validity of the remaining portions or applications remaining in full force and effect.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 17<sup>th</sup> day of June, 2008.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Matthew Lyman  
TOWN CLERK

David Browning  
Mayor David Browning

Marge Herzog  
Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

DNT  
Office of the Town Attorney

[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

DNT:js  
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STATE OF FLORIDA  
COUNTY OF Palm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
Resolution 2008-016  
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 17<sup>th</sup> day of June A.D. 20 08.

TOWN OF Loxahatchee Groves  
BY: [Signature]

