

1                                   A bill to be entitled  
 2           An act relating to the liability of spaceflight entities;  
 3           amending s. 331.501, F.S.; revising the definition of the  
 4           term "spaceflight entity" to include certain manufacturers  
 5           and suppliers for purposes of specified provisions for  
 6           immunity from liability; saving a provision from future  
 7           repeal which provides spaceflight entities with immunity  
 8           from liability for the loss, damage, or death of a  
 9           participant resulting from the inherent risks of  
 10          spaceflight activities; providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

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 14           Section 1. Section 331.501, Florida Statutes, is amended  
 15 to read:

16           331.501 Spaceflight; informed consent.—

17           (1) For purposes of this section, the term:

18           (a) "Participant" means any spaceflight participant as  
 19 that term is defined in 49 U.S.C. s. 70102.

20           (b) "Spaceflight activities" means launch services or  
 21 reentry services as those terms are defined in 49 U.S.C. s.  
 22 70102.

23           (c) "Spaceflight entity" means any public or private  
 24 entity holding a United States Federal Aviation Administration  
 25 launch, reentry, operator, or launch site license for  
 26 spaceflight activities. The term also includes any manufacturer  
 27 or supplier of components, services, or vehicles that have been  
 28 reviewed by the United States Federal Aviation Administration as

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29 part of issuing such a license, permit, or authorization.

30 (2) (a) Except as provided in paragraph (b), a spaceflight  
31 entity is not liable for injury to or death of a participant  
32 resulting from the inherent risks of spaceflight activities so  
33 long as the warning contained in subsection (3) is distributed  
34 and signed as required. Except as provided in paragraph (b), a  
35 participant or participant's representative may not maintain an  
36 action against or recover from a spaceflight entity for the  
37 loss, damage, or death of the participant resulting exclusively  
38 from any of the inherent risks of spaceflight activities.

39 (b) Paragraph (a) does not prevent or limit the liability  
40 of a spaceflight entity if the spaceflight entity does any one  
41 or more of the following:

42 1. Commits an act or omission that constitutes gross  
43 negligence or willful or wanton disregard for the safety of the  
44 participant and that act or omission proximately causes injury,  
45 damage, or death to the participant;

46 2. Has actual knowledge or reasonably should have known of  
47 a dangerous condition on the land or in the facilities or  
48 equipment used in the spaceflight activities and the danger  
49 proximately causes injury, damage, or death to the participant;  
50 or

51 3. Intentionally injures the participant.

52 (c) Any limitation on legal liability afforded by this  
53 subsection to a spaceflight entity is in addition to any other  
54 limitation of legal liability otherwise provided by law.

55 (3) (a) Every spaceflight entity providing spaceflight  
56 activities to a participant, whether such activities occur on or

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57 off the site of a facility capable of launching a suborbital  
58 flight, shall have each participant sign the warning statement  
59 specified in paragraph (b).

60 (b) The warning statement described in paragraph (a) shall  
61 contain, at a minimum, the following statement:

62  
63 "WARNING: Under Florida law, there is no liability for  
64 an injury to or death of a participant in a  
65 spaceflight activity provided by a spaceflight entity  
66 if such injury or death results from the inherent  
67 risks of the spaceflight activity. Injuries caused by  
68 the inherent risks of spaceflight activities may  
69 include, among others, injury to land, equipment,  
70 persons, and animals, as well as the potential for you  
71 to act in a negligent manner that may contribute to  
72 your injury or death. You are assuming the risk of  
73 participating in this spaceflight activity."

74  
75 (c) Failure to comply with the warning statement  
76 requirements in this section shall prevent a spaceflight entity  
77 from invoking the privileges of immunity provided by this  
78 section.

79 ~~(4) This section expires October 2, 2018, unless reviewed~~  
80 ~~and saved from repeal through reenactment by the Legislature.~~

81 Section 2. This act shall take effect July 1, 2011.