



145004

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/8/2008	.	
	.	
	.	

1 The Committee on Judiciary (Gaetz) recommended the following
 2 **amendment:**

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. Part III of chapter 331, Florida Statutes,
8 consisting of section 331.501, is created to read:

9 PART III

10 SPACEFLIGHT

11 331.501 Spaceflight; informed consent.--

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

13 (a) "Participant" means any space flight participant as
14 that term is defined in 49 U.S.C. s. 70102.

15 (b) "Spaceflight activities" means launch services or
16 reentry services as those terms are defined in 49 U.S.C. s.
17 70102.



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18 (c) "Spaceflight entity" means any public or private entity
19 holding a United States Federal Aviation Administration launch,
20 reentry, operator, or launch site license for spaceflight
21 activities.

22 (2)(a) Except as provided in paragraph (b), a spaceflight
23 entity is not liable for injury to or death of a participant
24 resulting from the inherent risks of spaceflight activities so
25 long as the warning contained in subsection (3) is distributed
26 and signed as required. Except as provided in paragraph (b), a
27 participant or participant's representative may not maintain an
28 action against or recover from a spaceflight entity for the loss,
29 damage, or death of the participant resulting exclusively from
30 any of the inherent risks of spaceflight activities.

31 (b) Paragraph (a) does not prevent or limit the liability
32 of a spaceflight entity if the spaceflight entity does any one or
33 more of the following:

34 1. Commits an act or omission that constitutes gross
35 negligence or willful or wanton disregard for the safety of the
36 participant and that act or omission proximately causes injury,
37 damage, or death to the participant;

38 2. Has actual knowledge or reasonably should have known of
39 a dangerous condition on the land or in the facilities or
40 equipment used in the spaceflight activities and the danger
41 proximately causes injury, damage, or death to the participant;
42 or

43 3. Intentionally injures the participant.

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



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47 (3) (a) Every spaceflight entity providing spaceflight
48 activities to a participant, whether such activities occur on or
49 off the site of a facility capable of launching a suborbital
50 flight, shall have each participant sign the warning statement
51 specified in paragraph (b).

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

54
55 "WARNING: Under Florida law, there is no liability for an
56 injury to or death of a participant in a spaceflight
57 activity provided by a spaceflight entity if such injury or
58 death results from the inherent risks of the spaceflight
59 activity. Injuries caused by the inherent risks of
60 spaceflight activities may include, among others, injury to
61 land, equipment, persons, and animals, as well as the
62 potential for you to act in a negligent manner that may
63 contribute to your injury or death. You are assuming the
64 risk of participating in this spaceflight activity."

65
66 (c) Failure to comply with the warning statement
67 requirements in this section shall prevent a spaceflight entity
68 from invoking the privileges of immunity provided by this
69 section.

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

72 Section 2. This act shall take effect October 1, 2008.

73
74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

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77 | Delete everything before the enacting clause

78 | and insert:

79 | A bill to be entitled

80 | An act relating to informed consent for spaceflight;
81 | creating part III of ch. 331, F.S.; providing definitions;
82 | providing immunity from liability for injury to or death
83 | of certain participants in spaceflight activities if
84 | specified informed consent requirements are complied with;
85 | providing exceptions; requiring each participant to sign a
86 | warning statement; providing minimum requirements for a
87 | warning statement; providing for future expiration of the
88 | act; providing an effective date.