

By the Committee on Judiciary; and Senator Posey

590-06966A-08

20082438c1

1 A bill to be entitled  
2 An act relating to informed consent for spaceflight;  
3 creating part III of ch. 331, F.S.; providing definitions;  
4 providing immunity from liability for injury to or death  
5 of certain participants in spaceflight activities if  
6 specified informed consent requirements are complied with;  
7 providing exceptions; requiring each participant to sign a  
8 warning statement; providing minimum requirements for a  
9 warning statement; providing for future expiration of the  
10 act; providing an effective date.

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

13  
14 Section 1. Part III of chapter 331, Florida Statutes,  
15 consisting of section 331.501, is created to read:

16 PART III

17 SPACEFLIGHT

18 331.501 Spaceflight; informed consent.--

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

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

22 (b) "Spaceflight activities" means launch services or  
23 reentry services as those terms are defined in 49 U.S.C. s.  
24 70102.

25 (c) "Spaceflight entity" means any public or private entity  
26 holding a United States Federal Aviation Administration launch,  
27 reentry, operator, or launch site license for spaceflight  
28 activities.

29 (2) (a) Except as provided in paragraph (b), a spaceflight

590-06966A-08

20082438c1

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

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

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

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

50 3. Intentionally injures the participant.

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

54 (3) (a) Every spaceflight entity providing spaceflight  
55 activities to a participant, whether such activities occur on or  
56 off the site of a facility capable of launching a suborbital  
57 flight, shall have each participant sign the warning statement  
58 specified in paragraph (b).

590-06966A-08

20082438c1

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

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

72  
73       (c) Failure to comply with the warning statement  
74 requirements in this section shall prevent a spaceflight entity  
75 from invoking the privileges of immunity provided by this  
76 section.

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

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