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1
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.

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

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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

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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).

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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.