

1 A bill to be entitled
 2 An act relating to informed consent for spaceflight;
 3 creating pt. 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 an effective date.

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

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

15 PART III

16 SPACEFLIGHT

17 331.501 Spaceflight; informed consent.--

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

19 (a) "Participant" means any person, passenger, or crew
 20 member participating in spaceflight activities.

21 (b) "Spaceflight activities" means any activities
 22 necessary to preparing, launching, carrying, or landing a
 23 vehicle and any payload, crew, or participant from Earth:

- 24 1. In a suborbital trajectory;
 25 2. In Earth orbit in outer space; or
 26 3. Otherwise in outer space.

27 (c) "Spaceflight entity" means any public or private
 28 entity holding a United States Federal Aviation Administration

29 launch, reentry, operator, or launch site license for
30 spaceflight activities.

31 (2) (a) Except as provided in paragraph (b), a spaceflight
32 entity is not liable for injury to or death of a participant
33 resulting from the inherent risks of spaceflight activities, so
34 long as the warning contained in subsection (3) is distributed
35 and signed as required. Except as provided in paragraph (b), no
36 participant or participant's representative may maintain an
37 action against or recover from a spaceflight entity for the
38 loss, damage, or death of the participant resulting exclusively
39 from any of the inherent risks of spaceflight activities.

40 (b) Nothing in paragraph (a) shall prevent or limit the
41 liability of a spaceflight entity if the spaceflight entity does
42 any one or more of the following:

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

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

52 3. Intentionally injures the participant.

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

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

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

63
64 "WARNING: Under Florida law, there is no liability for an
65 injury to or death of a participant in a spaceflight
66 activity provided by a spaceflight entity if such injury or
67 death results from the inherent risks of the spaceflight
68 activity. Injuries caused by the inherent risks of
69 spaceflight activities may include, among others, injury to
70 land, equipment, persons, and animals, as well as the
71 potential for you to act in a negligent manner that may
72 contribute to your injury or death. You are assuming the
73 risk of 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 Section 2. This act shall take effect October 1, 2008.