

By Senator Simmons

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1 A bill to be entitled
2 An act relating to the liability of spaceflight
3 entities; amending s. 331.501, F.S.; saving a
4 provision from future repeal which provides
5 spaceflight entities with immunity from liability for
6 the loss, damage, or death of a participant resulting
7 from the inherent risks of spaceflight activities;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 331.501, Florida Statutes, is amended to
13 read:

14 331.501 Spaceflight; informed consent.—

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

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

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

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

25 (2) (a) Except as provided in paragraph (b), a spaceflight
26 entity is not liable for injury to or death of a participant
27 resulting from the inherent risks of spaceflight activities so
28 long as the warning contained in subsection (3) is distributed
29 and signed as required. Except as provided in paragraph (b), a

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30 participant or participant's representative may not maintain an
31 action against or recover from a spaceflight entity for the
32 loss, damage, or death of the participant resulting exclusively
33 from any of the inherent risks of spaceflight activities.

34 (b) Paragraph (a) does not prevent or limit the liability
35 of a spaceflight entity if the spaceflight entity does any one
36 or more of the following:

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

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

46 3. Intentionally injures the participant.

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

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

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

57
58 "WARNING: Under Florida law, there is no liability for

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59 an injury to or death of a participant in a
60 spaceflight activity provided by a spaceflight entity
61 if such injury or death results from the inherent
62 risks of the spaceflight activity. Injuries caused by
63 the inherent risks of spaceflight activities may
64 include, among others, injury to land, equipment,
65 persons, and animals, as well as the potential for you
66 to act in a negligent manner that may contribute to
67 your injury or death. You are assuming the risk of
68 participating in this spaceflight activity.”

69
70 (c) Failure to comply with the warning statement
71 requirements in this section shall prevent a spaceflight entity
72 from invoking the privileges of immunity provided by this
73 section.

74 ~~(4) This section expires October 2, 2018, unless reviewed~~
75 ~~and saved from repeal through reenactment by the Legislature.~~
76 Section 2. This act shall take effect July 1, 2011.