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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.; revising the  
4           definition of the term "spaceflight entity" to include  
5           certain manufacturers and suppliers for purposes of  
6           specified provisions for immunity from liability;  
7           saving a provision from future repeal which provides  
8           spaceflight entities with immunity from liability for  
9           the loss, damage, or death of a participant resulting  
10          from the inherent risks of spaceflight activities;  
11          providing an effective date.

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

14  
15           Section 1. Section 331.501, Florida Statutes, is amended to  
16           read:

17           331.501 Spaceflight; informed consent.—

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

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

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

24           (c) "Spaceflight entity" means any public or private entity  
25           holding a United States Federal Aviation Administration launch,  
26           reentry, operator, or launch site license for spaceflight  
27           activities. The term also includes any manufacturer or supplier  
28           of components, services, or vehicles that have been reviewed by  
29           the United States Federal Aviation Administration as part of

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30 issuing such a license, permit, or authorization.

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), a  
36 participant or participant's representative may not 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) Paragraph (a) does not prevent or limit the liability  
41 of a spaceflight entity if the spaceflight entity does any one  
42 or more of the following:

43 1. Commits an act or omission that constitutes gross  
44 negligence or willful or wanton disregard for the safety of the  
45 participant and that act or omission proximately causes injury,  
46 damage, or 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 the site of a facility capable of launching a suborbital

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59 flight, shall have each participant sign the warning statement  
60 specified in 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  
65 an injury to or death of a participant in a  
66 spaceflight activity provided by a spaceflight entity  
67 if such injury or death results from the inherent  
68 risks of the spaceflight activity. Injuries caused by  
69 the inherent risks of spaceflight activities may  
70 include, among others, injury to land, equipment,  
71 persons, and animals, as well as the potential for you  
72 to act in a negligent manner that may contribute to  
73 your injury or death. You are assuming the risk of  
74 participating in this spaceflight activity."

75

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

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

82 Section 2. This act shall take effect July 1, 2011.