

HB 703

2011

1                   A bill to be entitled  
2           An act relating to the liability of spaceflight entities;  
3           amending s. 331.501, F.S.; saving a provision from future  
4           repeal which provides spaceflight entities with immunity  
5           from liability for the loss, damage, or death of a  
6           participant resulting from the inherent risks of  
7           spaceflight activities; providing an effective date.  
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9   Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Section 331.501, Florida Statutes, is amended  
12   to read:

13           331.501 Spaceflight; informed consent.—

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

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

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

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

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

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

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

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

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

45 3. Intentionally injures the participant.

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

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

54 (b) The warning statement described in paragraph (a) shall  
55 contain, at a minimum, the following statement:  
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57 | "WARNING: Under Florida law, there is no liability for  
58 | an injury to or death of a participant in a  
59 | spaceflight activity provided by a spaceflight entity  
60 | if such injury or death results from the inherent  
61 | risks of the spaceflight activity. Injuries caused by  
62 | the inherent risks of spaceflight activities may  
63 | include, among others, injury to land, equipment,  
64 | persons, and animals, as well as the potential for you  
65 | to act in a negligent manner that may contribute to  
66 | your injury or death. You are assuming the risk of  
67 | participating in this spaceflight activity."  
68 |

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

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

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