

1 A bill to be entitled
 2 An act relating to the liability of spaceflight entities;
 3 amending s. 331.501, F.S.; revising the definition of the
 4 term "spaceflight entity" to include certain manufacturers
 5 and suppliers for purposes of specified provisions for
 6 immunity from liability; saving a provision from future
 7 repeal which provides spaceflight entities with immunity
 8 from liability for the loss, damage, or death of a
 9 participant resulting from the inherent risks of
 10 spaceflight activities; 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. Section 331.501, Florida Statutes, is amended
 15 to read:

16 331.501 Spaceflight; informed consent.—

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

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

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

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

29 part of issuing such a license, permit, or authorization.

30 (2) (a) Except as provided in paragraph (b), a spaceflight
31 entity is not liable for injury to or death of a participant
32 resulting from the inherent risks of spaceflight activities so
33 long as the warning contained in subsection (3) is distributed
34 and signed as required. Except as provided in paragraph (b), a
35 participant or participant's representative may not maintain an
36 action against or recover from a spaceflight entity for the
37 loss, damage, or death of the participant resulting exclusively
38 from any of the inherent risks of spaceflight activities.

39 (b) Paragraph (a) does not prevent or limit the liability
40 of a spaceflight entity if the spaceflight entity does any one
41 or more of the following:

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

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

51 3. Intentionally injures the participant.

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

55 (3) (a) Every spaceflight entity providing spaceflight
56 activities to a participant, whether such activities occur on or

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57 off the site of a facility capable of launching a suborbital
58 flight, shall have each participant sign the warning statement
59 specified in paragraph (b).

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

62
63 "WARNING: Under Florida law, there is no liability for
64 an injury to or death of a participant in a
65 spaceflight activity provided by a spaceflight entity
66 if such injury or death results from the inherent
67 risks of the spaceflight activity. Injuries caused by
68 the inherent risks of spaceflight activities may
69 include, among others, injury to land, equipment,
70 persons, and animals, as well as the potential for you
71 to act in a negligent manner that may contribute to
72 your injury or death. You are assuming the risk of
73 participating in this spaceflight activity."

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

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