



532346

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Wright) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

331.501 Spaceflight; informed consent.—

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

(a) “Crew” means a crew or government astronauts as those

terms are defined in 51 U.S.C. s. 50902.



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11            (b)~~(a)~~ "Participant" means a ~~any~~ spaceflight participant as  
12 ~~that term is~~ defined in 51 U.S.C. s. 50902.

13            (c)~~(b)~~ "Spaceflight activities" means launch services or  
14 reentry services as those terms are defined in 51 U.S.C. s.  
15 50902 as well as activities occurring between launch and  
16 landing.

17            (d)~~(e)~~ "Spaceflight entity" means a ~~any~~ public or private  
18 entity holding a United States Federal Aviation Administration  
19 launch, reentry, operator, or launch site license for  
20 spaceflight activities or which is otherwise authorized by the  
21 United States Government to conduct spaceflight activities. The  
22 term also includes a ~~any~~ manufacturer or supplier of spaceflight  
23 components, services, or vehicles ~~that have been reviewed by the~~  
24 ~~United States Federal Aviation Administration as part of issuing~~  
25 ~~such a license, permit, or authorization.~~

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

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



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

44 2. Has actual knowledge ~~or reasonably should have known~~ of  
45 an extraordinarily & dangerous condition that is not inherent in  
46 ~~on the land or in the facilities or equipment used in the~~  
47 spaceflight activities and the danger proximately causes injury,  
48 damage, or death to the participant or crew; or

49 3. Intentionally injures the participant or crew.

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

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

58 (b) The warning statement described in paragraph (a) must  
59 ~~shall~~ contain, at a minimum, the following statement:

60  
61 ~~WARNING:~~ Under Florida law, there is no liability for  
62 an injury to or death of a participant or crew in a  
63 spaceflight activity provided by a spaceflight entity  
64 if such injury or death results from ~~the inherent~~  
65 ~~risks of~~ the spaceflight activity. Injuries caused by  
66 ~~the inherent risks of~~ spaceflight activities may  
67 include, among others, injury to land, equipment,  
68 persons, and animals, as well as the potential for you



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69 to act in a negligent manner that may contribute to  
70 your injury or death. You are assuming the risk of  
71 participating in this spaceflight activity.”

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

77 Section 2. This act shall take effect July 1, 2023.

78  
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete everything before the enacting clause  
82 and insert:

83 A bill to be entitled  
84 An act relating to spaceflight entity liability;  
85 amending s. 331.501, F.S.; defining the term “crew”;  
86 revising definitions; exempting a spaceflight entity  
87 from liability for injury to or death of a crew  
88 resulting from spaceflight activities under certain  
89 circumstances; revising exceptions; requiring a  
90 spaceflight entity to have a crew sign a specified  
91 warning statement; revising the contents of the  
92 warning statement; providing an effective date.