

By Senator Wright

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1 A bill to be entitled
 2 An act relating to spaceflight entity liability;
 3 amending s. 331.501, F.S.; defining the term "crew";
 4 exempting a spaceflight entity from liability for
 5 injury to or death of a crew resulting from the
 6 inherent risks of spaceflight activities under certain
 7 circumstances; providing exceptions; providing
 8 construction; requiring a spaceflight entity to have a
 9 crew sign a specified warning statement; revoking
 10 immunity privileges for a noncompliant spaceflight
 11 entity; providing an effective date.

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

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 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) "Crew" means a crew as defined in 51 U.S.C. s. 50902.

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

22 (c)~~(b)~~ "Spaceflight activities" means launch services or
 23 reentry services as ~~those terms are~~ defined in 51 U.S.C. s.
 24 50902.

25 (d)~~(c)~~ "Spaceflight entity" means a ~~any~~ public or private
 26 entity holding a United States Federal Aviation Administration
 27 launch, reentry, operator, or launch site license for
 28 spaceflight activities. The term also includes a ~~any~~
 29 manufacturer or supplier of components, services, or vehicles

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30 that have been reviewed by the United States Federal Aviation
31 Administration as part of issuing such a license, permit, or
32 authorization.

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

44 (b) Paragraph (a) does not prevent or limit the liability
45 of a spaceflight entity if the spaceflight entity does any ~~one~~
46 ~~or more~~ of the following:

47 1. Commits an act or omission that constitutes gross
48 negligence or willful or wanton disregard for the safety of the
49 participant or crew, which ~~and that~~ act or omission proximately
50 causes injury, damage, or death to the participant or crew;

51 2. Has actual knowledge or reasonably should have known of
52 a dangerous condition on the land or in the facilities or
53 equipment used in the spaceflight activities, which ~~and the~~
54 danger proximately causes injury, damage, or death to the
55 participant or crew; or

56 3. Intentionally injures the participant or crew.

57 (c) Any limitation on legal liability afforded by this
58 subsection to a spaceflight entity is in addition to any other

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59 limitation of legal liability otherwise provided by law.

60 (3) (a) Every spaceflight entity providing spaceflight
61 activities to a participant or crew, whether such activities
62 occur on or off the site of a facility capable of launching a
63 suborbital flight, shall have each participant or crew sign the
64 warning statement specified in paragraph (b).

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

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

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

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