

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Wright

583-03303-23

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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 revising definitions; exempting a spaceflight entity
5 from liability for injury to or death of a crew
6 resulting from spaceflight activities under certain
7 circumstances; revising exceptions; requiring a
8 spaceflight entity to have a crew sign a specified
9 warning statement; revising the contents of the
10 warning statement; providing an effective date.

11
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 to
15 read:

16 331.501 Spaceflight; informed consent.—

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

18 (a) "Crew" means a crew or government astronauts as those
19 terms are 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 as well as activities occurring between launch and
25 landing.

26 (d)~~(c)~~ "Spaceflight entity" means a ~~any~~ public or private
27 entity holding a United States Federal Aviation Administration
28 launch, reentry, operator, or launch site license for
29 spaceflight activities or which is otherwise authorized by the

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30 United States Government to conduct spaceflight activities. The
31 term also includes a ~~any~~ manufacturer or supplier of spaceflight
32 components, services, or vehicles ~~that have been reviewed by the~~
33 ~~United States Federal Aviation Administration as part of issuing~~
34 ~~such a license, permit, or authorization.~~

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

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

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

53 2. Has actual knowledge ~~or reasonably should have known~~ of
54 an extraordinarily dangerous condition that is not inherent in
55 ~~on the land or in the facilities or equipment used in the~~
56 spaceflight activities and the danger proximately causes injury,
57 damage, or death to the participant or crew; or

58 3. Intentionally injures the participant or crew.

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

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

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

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

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

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