

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.

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 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
 16 to read:

17 331.501 Spaceflight; informed consent.—

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

19 (a) "Crew" means a crew as that term is defined in 51
 20 U.S.C. s. 50902.

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

23 (c) ~~(b)~~ "Spaceflight activities" means launch services or
 24 reentry services as those terms are defined in 51 U.S.C. s.
 25 50902.

26 ~~(d)(e)~~ "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. The term also includes a ~~any~~
 30 manufacturer or supplier of components, services, or vehicles
 31 that have been reviewed by the United States Federal Aviation
 32 Administration as part of issuing such a license, permit, or
 33 authorization.

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

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

- 48 1. Commits an act or omission that constitutes gross
 49 negligence or willful or wanton disregard for the safety of the
 50 participant or crew, which ~~and that~~ act or omission proximately

51 causes injury, damage, or death to the participant or crew;

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

57 3. Intentionally injures the participant or crew.

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

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

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

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

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76 | manner that may contribute to your injury or death. You are
77 | assuming the risk of participating in this spaceflight
78 | activity."

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

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