

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

17 331.501 Spaceflight; informed consent.—

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

19 (a) "Crew" means a crew or government astronauts as those
 20 terms are defined in 51 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 that holds ~~holding~~ a United States Federal Aviation
 28 Administration launch, reentry, operator, or launch site license
 29 for spaceflight activities or that is otherwise authorized by
 30 the United States Government to conduct spaceflight activities.
 31 The term also includes a ~~any~~ manufacturer or supplier of
 32 spaceflight components, services, or vehicles ~~that have been~~
 33 ~~reviewed by the United States Federal Aviation Administration as~~
 34 ~~part of issuing 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 ~~a~~ dangerous condition that is not inherent ~~on~~
 55 ~~the land or in the facilities or equipment used in the~~
 56 spaceflight activities, which ~~and the~~ danger proximately causes
 57 injury, damage, or death to the participant or crew; or

58 3. Intentionally injures the participant or crew.

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 or crew, whether such activities
 64 occur on or off 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 an injury
 71 to or death of a participant or crew in a spaceflight activity
 72 provided by a spaceflight entity if such injury or death results
 73 from the inherent risks of the spaceflight activity. Injuries
 74 caused by the inherent risks of spaceflight activities may
 75 include, among others, injury to land, equipment, persons, and

76 | animals, as well as the potential for you to act in a negligent
77 | manner that may contribute to your injury or death. You are
78 | assuming the risk of participating in this spaceflight
79 | activity."

80 |

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

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