

CHAPTER 2023-139

Committee Substitute for Senate Bill No. 1318

An act relating to spaceflight entity liability; amending s. 331.501, F.S.; defining the term “crew”; revising definitions; exempting a spaceflight entity from liability for injury to or death of a crew resulting from spaceflight activities under certain circumstances; revising exceptions; requiring a spaceflight entity to have a crew sign a specified warning statement; revising the contents of the warning statement; providing an effective date.

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

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” has the same meaning as defined in 51 U.S.C. s. 50902.

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

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

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

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

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

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

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

3. Intentionally injures the participant or crew.

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

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

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

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

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

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

Approved by the Governor May 25, 2023.

Filed in Office Secretary of State May 25, 2023.