

# ST. PETERSBURG BOATING ACCIDENT GUIDE

*What To Do If You're Seriously  
Injured In A Boating Accident*

SALTER, HEALY, BASSETT & RIVERA



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PERSONAL INJURY TRIAL ATTORNEYS



It's easy to forgive an accident when the consequences are insignificant. We don't cry over spilled milk and it's no big deal if we break a plate while washing the dishes. It's harder to look past mistakes that are careless and negligent. If you are reading this, you are probably paying for a mistake that someone else made. When some-

one acts reckless or thoughtlessly and it ends up getting somebody seriously hurt, you can pursue a personal injury claim.

At our office, we represent the victims for boating accidents. We understand that you are probably feeling terribly frustrated about the fact that your accident was completely avoidable. Our Florida boating accident lawyer is here to protect your rights against the insurance company of the person who created this mess. We will fight for your full and fair compensation and support you throughout the entire legal battle and into trial if necessary.

## TYPES OF INJURIES AND COMPENSATION

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Injuries from these accidents come in all varieties and severities. Some can be taken care at home with over-the-counter pain killers and some good, solid rest. Others require major surgery, countless doctor's visits, and after all that, you may never be the same again. Those are the hardest cases to see and we want to make absolute sure that those victims see justice.

The way compensation works is the worse you're hurt, the more your case is worth. It's a system that the insurance companies know about and will do everything they can to make your injuries seem less severe than they might actually be. They'll ask you to attend a medical exam with their own doctors to check your injuries out and see exactly what needs to be done to get you back to health. Their hopes are that you will have inconsequential injuries and they won't have to give you the compensation you deserve.

What we do is we have you go to doctors as well to get a thorough evaluation of you. We understand that the insurance company will try to undermine the pain and suffering you've had to endure and will most likely continue to endure because of their insured's negligence. As mentioned, the worst those injuries are for you, the more compensation we will pursue.

In Florida, we follow pure comparative negligence rules that have to do with how much you are allowed to collect in compensation if you are to be found at fault. Luckily, if you have shared fault, you can still collect an award. Some victims in other states aren't so fortunate. Florida allows for you to collect an award up until 99% of fault. That means if you are found to be 100% at fault for the accident, you are unfortunately barred from compensation. However, if you are less than 100% at fault, you can get an award. The only caveat is that with shared fault you will have your award reduced. If, for example, you are found to be 30% at fault and have been awarded \$100,000, that award will be reduced to \$70,000 to account for your fault.

## FREQUENTLY ASKED BOATING ACCIDENT QUESTIONS

### *How Do I Find the Right Attorney?*

In the Tampa Bay area, and St. Petersburg specifically, we have a lot of boating accidents because of everyone on the water in this beautiful area. I talked to somebody who was seriously injured in a boating accident and their question was, "How do I find the best attorney for my case in a boating accident?" I told them a number of things.

The first is to be sure that you are hiring an attorney who handles all personal injury cases and has experience with boating accident injuries, specifically. The second thing that I told them was to be sure that you are finding a board certified civil trial lawyer. What that means, in Florida, is that the attorney is in the



top 1% of attorneys in the state as certified by the Florida Bar. They would be someone who has the skill and the expertise, as commented on by judges and other attorneys that have cases against them, to get that certification.

You have to go to trial to be a board certified civil trial attorney. For your boating accident case, you need a trial lawyer because, if you hire an attorney who doesn't go to trial, that attorney is not going to be able to get the same settlements for you from the insurance company, because that they are going to know that your lawyer does not go to trial and they're going to treat that lawyer accordingly. Even if you've sustained a serious injury in a boating accident, they may try to lowball you on your case.

On the other hand, if you have a trial lawyer who all the lawyers and all the insurance companies know is ready to go to trial if they're not fair, you're likely to get a fair settlement short of trial, and if they force you to go to trial, you're going to have a lawyer who knows how to win.

## *What Mistakes Should I Avoid?*

In talking to a new client about their boating accident, one of the questions they had was, "What are some of the mistakes that I can avoid in trying to prove my injuries in this case?" I went through some of the common mistakes.

One common mistake that people make is they don't document what happened. It's important in a boating accident, like any other accident, to get law enforcement involved and have them take a report and document what happened on the water. The next thing that people do is, frequently, they try to avoid going to the doctor, hoping that things are going to get better in a period of days or weeks. The problem with that thinking is that the insurance company is going to use that against you to try to argue that you weren't seriously injured. It's very important that you immediately seek medical care, once you've dealt with law enforcement and made sure everybody's safe, and go to an emergency room, a walk-in clinic, or other appropriate medical professional, to treat and document the injuries that you sustained in your boating accident.

The next mistake that people commonly make is, once they've gotten that medical care, they call the insurance companies and give a recorded statement. It's a huge mistake to call an insurance company before you hire an attorney

because insurance professionals are highly trained to get information from you that will help minimize your claim, so that they pay less than what's fair for the injuries that you sustained. It's very important that you call an attorney first and let the attorney deal with those insurance professionals. Attorneys that handle personal injury cases in their practice know how to deal with these insurance professionals.

Don't hire the wrong attorney. That's a huge mistake. Make sure that the attorney you hire exclusively handles personal injury cases, has experience with boating accident cases, and is a board certified civil trial lawyer, according to the Florida Bar. If you find a board certified civil trial lawyer who handles personal injury cases, that person is among 1% of the attorneys in the state and is a specialist in civil trial law.



### *What Steps Should I Take?*

The other day, someone gave us a call after they were seriously injured in a boating accident. They wanted to know what the steps were in a boating accident case. First, we want to make sure that our client receives the medical treatment that they need. If they have not started treatment, we can assist with making sure that they find the appropriate doctor.

Second, we do our investigation. We look for witnesses that we need to speak to and take statements from, we take photographs, and gather information and evidence as soon as possible. Evidence can disappear, witnesses can leave town, and we want to make sure that that does not happen. Then we do our investigation regarding liability and insurance companies. We find out who ultimately is going to be responsible for our client's damages.

Third, once our client has recovered and has finished treatments, we then submit what's called a demand to the insurance company. That's when we gather all the medical records, and evidence. We submit that to the insurance company, and they have 30 days to evaluate our client's claim. After 30 days, an initial offer will be made to our office. We then determine, with our client, if the

initial offer is fair or if it's unreasonable. If the offer is fair, then we can start negotiations with the insurance company. If the offer is unreasonable, then the next step would be to file a lawsuit on behalf of our client.

## *What Do I Do After My Accident?*

Boating is a regular and popular activity here in Florida, and with that comes a number of injuries, unfortunately. If you've been injured in a boating accident, there are certain things that you need to do. First, contact law enforcement to make sure that the accident is appropriately documented. The next thing that you should do, if you've been injured in a boating accident, is to seek immediate medical care, because if there's any gaps in treatment between the time of your accident and the time that you ultimately seek that care, the insurance company will use that gap against you to claim your injury was not related to the accident. You should also document any visible injuries. Take photographs of any cuts, bruises or abrasions.

The next thing you should do, if you've been injured in a boating accident, is contact an attorney. Don't contact the insurance company first, because the insurance adjusters are trained to ask you questions and elicit responses to minimize any payment that they may have to make to you in the future. You should hire a board certified civil trial lawyer with experience in handling boating accidents.

## *Can I Avoid Going to Trial?*

I recently had a boating accident client ask me, "Are we going to have to go to trial in this case, or is there a way that I can avoid that?" Typically, the reason we try cases is because the insurance company is not being reasonable or not making a fair offer. When that happens, we will go to trial and we'll ask a jury to do the right thing in what's fair and just.

The way to avoid having to do that is to be thoroughly prepared for trial through depositions, discovery and, most importantly, having the client ready for any deposition that they're going to have to go through and any trial testimony they have to present for that boating accident. We'll have them thoroughly prepared not only for that, but also for any cross examination that may come from the defense. Medical providers and expert witnesses will also be thoroughly

prepared. That way, if we take that boating accident case to trial, the insurance company will see that we're ready to go, and if you're not going to do the right thing, then we're going to ask a jury to.

## *How Much is My Case Worth?*

A woman came in to talk with us about her jet ski and boating accident case. One of the questions she had was, "How do I determine the value of my boating accident case?" We have to get a lot of information. It's not an easy question to answer, but we're experienced in arriving at a reasonable value.

The first part of it is what medical care you have obtained so far as a result of your boating accident. Did you go to the hospital? Have you obtained therapy? Do you need invasive care?

A lot of people in jet ski or boating accidents are seriously injured and have fractures, require surgeries, or continued care for the rest of their lives. We have to look at what the medical bills are so far and what those injuries are, we have to make sure that an appropriate medical professional has documented them via x-ray or MRI, and we have to work with that medical professional to determine, in the future, what types of medical care will be required because of this boating accident injury. That may include simple things like therapy, or it may require multiple surgeries over a period of years. We'd ask the medical professional to document that as well and provide the cost of that care, so we can present that claim and make sure that that future care is taken care of for you.

The other factor that we look at is if you've missed work because of your boating accident. Oftentimes, the answer to that question is yes, and we have to figure out what the total amount of those lost wages is and present that information. We also have to determine if there's going to be a future loss of earning capacity. Is this accident going to keep you from working in the future like you had before this accident? It may be that you can't work at all, and we'll work with appropriate professionals and experts to document those claims.

The last part of evaluating the value of your boating accident case is how it has affected your life, and things that take pleasure in doing. Has this affected your

relationship with your family? Those are what we call pain and suffering damages or loss of enjoyment of life damages. Those are very important damages, even though they don't come with a medical bill or a specific dollar figure.

We go through all the information about that and make sure we understand the effects that this particular boating accident has on you and your family and tell you what we think is a reasonable value for your particular boating accident case.

## *Do I Need to Have a Lot of Medical Bills to File a Claim?*

Someone recently came into our office regarding a boating accident that they were involved in. They were concerned that it wasn't necessary to make a claim because they had minimal medical bills. They were under the impression that they had to have significant medical bills for an insurance company to take their injury into consideration, and that simply is just not true.



The first thing I wanted to know from this person is if they have fully recovered from their injuries. If not, we make sure that they get the additional medical treatment that they need. Regardless of the medical bills, you can present a claim.

## *Who Will Pay My Medical Bills?*

In Florida, everyone's on a boat as soon as the sun comes up. You may be wondering what to do when you're involved in a boating accident, and as a result you're injured and have medical bills. The person who caused the accident would be responsible and their insurance company would be responsible for your compensation. We also do investigations to see if there's any other types of insurance that would be able to assist with your medical bills.



## *Should I Talk to the Insurance Company?*

Just the other day, I met with an individual who had been in a boating accident. In the days leading up to speaking with me, the client had been getting repeated calls from the insurance company asking to give a recorded statement. He was unsure of his rights as to whether or not he had to give that statement and was concerned that giving that statement may negatively affect his case. If he had given that statement, it would have because the insurance adjusters are trained to ask questions and elicit responses designed to eliminate or minimize any payment that they may ultimately have to make for your injuries.

Before giving any type of statement, or considering any type of statement, first talk to a competent attorney, specifically a board certified civil trial lawyer, with a history and track record of successfully pursuing boating accident claims.

## *Should I Take a First Settlement Offer?*

I had a client who was in a very serious boating accident ask me, “Should we take an initial offer from the insurance company or shouldn’t we?” There are a lot of factors involved in answering that question but, typically, nine out of ten times, the answer is no, you should not. When that initial offer is made, we haven’t pushed the ball down the field very far, and usually that’s what you have to do. You have to litigate the case and have depositions and discovery if it’s necessary.

If a reasonable offer doesn’t come in at that point, then we’ll try the case, and we can do that for you. We’re board certified in civil trial, so if it’s a serious accident and we’re trying to get what’s reasonable and what’s fair out of the insurance company, we’re here to help you do that.

## *How Long Will This Case Take?*

You may be wondering, “How long is it going to take to handle a boating accident case?” There are different phases and it’s hard to know right away how long it will take. The first phase that we start out with is called pre-suit. During that pre-suit time period, before we file the lawsuit, any medical treatment that’s needed for the injuries from that boating accident would occur. At the end of

that time period, we would then submit a demand to an insurance carrier that's responsible for the injuries from that boating accident.

If the insurance company doesn't do the right thing and settle that boating accident case, we would then file suit. Suit can be extensive. I tell clients, as I told this potential client, to be patient. It could take a while. There are depositions that have to occur. There is paper discovery that has to be exchanged. There's a mediation that will occur in every case, this one included. At that time, if the insurance carrier does not do the right thing and settle this boating accident case, then we would get a trial date and we would try that case.

## *Can Preexisting Injuries Affect My Boating Accident Claim?*

I was talking with an individual just last week who was injured in a boating accident. They had preexisting conditions to their back and were concerned that having that condition would foreclose their ability to make a claim for the aggravation of that condition. Florida law specifically allows claims to be made for aggravation of preexisting conditions. Rather than a negative, the existence of those preexisting conditions often are an asset to the case because they explain why and how the person sustained the extent of injury that they did. Preexisting conditions often predispose individuals to significantly bigger injuries than someone who did not have a preexisting condition in the first place.

## CONTACT OUR FLORIDA OFFICE TODAY

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We know that the insurance company has a job to do. They are trying to reduce their costs by any means and that including bullying tactics used against you. Our job is to fight against them. We will do everything it takes to get them to give you the compensation you need to get back to normal. We will put a barrier between them and you.

If you have been seriously injured in a boating accident by the negligence of another, you deserve compensation in its fullest. There is nothing quite like

getting hurt because someone else wasn't doing what they were supposed to be doing. You don't deserve to be left out to dry by the insurance company. Our Florida boating accident lawyer is here to protect your rights and defend your case. We will work with you and make you a priority and tirelessly push the insurance company to do what is right and give you the amount of compensation you deserve. Call our office today to get a free consultation and find out how we can help you.

## ABOUT THE AUTHORS

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### *Robert J. Healy*

A lifelong resident of the Pinellas County and St. Petersburg area, Rob Healy is a founding partner of Salter, Healy, Bassett & Rivera and an accomplished trial lawyer. Rob honed his trial skills while representing big corporations and insurance companies for one of the largest defense firms in the state of Florida before teaming up with Brad Salter to found Salter Healy. Today, Rob continues to maintain his passion for providing ordinary people with extraordinary

legal service. By only representing Plaintiffs now, Rob uses his past experience representing insurance companies to the advantage of his wrongfully injured clients.



### *Brad Salter*

A founding partner of Salter, Healy, Bassett & Rivera, Brad Salter helped create the firm with the intention of providing effective legal service, along with compassion, those who are injured. Brad is a board certified attorney who has practiced in St. Petersburg for over 20 years. Brad honed his skills at a large insurance defense firm after graduating from law school. While with that firm, he earned his Board Certification in Civil Trial Law, which made him the

youngest board-certified civil trial lawyer in the state at the time. Shortly after obtaining board certification, Brad decided to change the focus of his practice and represent the injured, instead of the insurance companies.



### *R. Evan Bassett*

R. Evan Bassett is a Board Certified Civil Trial Lawyer who has practiced in Florida for nearly 20 years. Evan is a fifth generation Floridian. He attended high school at Berkeley Preparatory School in Tampa and has lived in the Tampa Bay Area all of his life. He attended Furman University where he obtained his Bachelor of Arts degree with a major in Spanish, and with minors in Political Science and Communications. While at Furman, Evan was invited

for membership in the Phi Sigma Iota International Foreign Language Honor Society, and the Sigma Delta Pi National Hispanic Honor Society.



### *Daniella Rivera*

Daniella Rivera is a bilingual attorney practicing in the area of civil litigation, with a focus on personal injury. She is first generation American from El Salvador; born in Baton Rouge, Louisiana, her college endeavors eventually led her to St. Petersburg, FL. Daniella joined Salter, Healy in 2007 and was able to hone her skills while earning her Juris Doctor degree from Stetson University College of Law. Daniella focuses on working closely with her clients

and has a passion for providing ordinary people with extraordinary legal service. Daniella focuses her entire practice on fighting for the rights of those who have been injured in car accidents, motorcycle accidents, bicycle and pedestrian accidents, slip and falls, premises liability and other personal injury cases.



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