

# ANCHORED IN LAW



**YOUR GUIDE TO BOATING**

**ACCIDENT CLAIMS IN FLORIDA**



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CHAPTER 1:

# The Current State of Boating Accidents in Florida



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Florida's extensive network of waterways and favorable climate have solidified its reputation as the "Boating Capital of the World." With over a million registered vessels, the state offers abundant opportunities for recreational boating. However, this popularity also brings challenges, notably a higher incidence of boating accidents compared to other states.

Florida leads the nation in boating accidents, with 659 incidents and 59 fatalities reported in 2023. Notably, the Florida Keys have emerged as a hotspot for such incidents. Understanding the common causes of these accidents, the legal obligations that follow, and the process for seeking compensation is essential for all boaters. This guide aims to equip you with the necessary knowledge to weather this storm in Florida safely and responsibly.





CHAPTER 2:

# Common Causes of Boating Accidents in Florida



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Sunshine, salty air, and a breeze through your hair—that's the Florida boating dream. But let's be real: it can all go sideways real quick. Florida might be the boating capital of the U.S., but it also tops the charts for boating accidents year after year. So, what exactly causes these mishaps on our beautiful blue waters? Let's break it down.

**01****Operator Inexperience & Distraction:**

Boating isn't like hopping on a golf cart—there's no brake pedal, and the water doesn't come with lane markers. Still, many boaters head out with little to no formal training. In fact, nearly half of Florida's boating accidents are caused by inexperience or just plain not paying attention. One minute you're scanning the horizon, the next, you've beached your boat on a sandbar or sideswiped a jet ski.

Florida law expects all boat operators to act like responsible captains, keeping a proper lookout and understanding how to safely maneuver the vessel. If someone was too busy fiddling with the radio or showing off for their friends, that's not just a whoopsie—that's negligence.

**02****Booze + Boats = Bad News**

Nothing ruins a day on the water faster than a BUI (Boating Under the Influence). Florida's laws are crystal clear: 0.08% BAC (Blood Alcohol Content), and you're over the legal limit. But it's not just about numbers—if you're impaired at all, you're a danger. About 1 in 4 fatal boating accidents involve alcohol.



Getting caught can mean jail time, fines, and a criminal record. Worse? You could seriously hurt someone and get slapped with a lawsuit. And yes, victims of BUI accidents can sue and win big. It's all fun and games until the cooler turns into evidence.

**03**

### **Speed Demons and Reckless Operators**



Florida's waters aren't the Indy 500, but some folks never got the memo. Reckless boating and speeding are huge contributors to accidents. Swerving through a crowded marina or blasting past a "No Wake" sign isn't just annoying—it's illegal.

Florida law calls it "willful or wanton disregard for safety." If you crash because you were showing off, you're not just in trouble—you're liable. And if someone gets hurt? That could mean criminal charges and a lawsuit. It's better to keep your speed in check than to end your joyride in court.

**04**

### **Equipment Failures:**



Engines stall. Rudders stick. Bilge pumps fail. But here's the thing: most mechanical issues are preventable with proper maintenance. Florida law requires boaters to carry safety gear like life jackets and fire extinguishers. Failing to have or maintain this equipment? That's a ticket waiting to happen—and possibly a lawsuit.

Say your steering fails, and you plow into another boat. If you knew the part was faulty and ignored it, you're on the hook. Even if you didn't know, if you skipped maintenance, you could still be held responsible. In short: if you own it, you better take care of it.



## 05

**Stormy Seas and Bad Weather Calls**

We love our Florida weather, but anyone who's been caught in a pop-up thunderstorm knows it can turn on you fast. Operators are expected to check forecasts and use common sense. When dark clouds roll in, it's time to dock, not dare the storm.

If you keep cruising into nasty weather and an accident happens, don't expect sympathy from the law. It's not the storm's fault—it's yours. Choosing to stay out and about when conditions are clearly deteriorating? That's a poor judgment call and one the courts won't ignore.

**Remember: Accidents Happen—But They're Usually Preventable**

Whether it's a rookie mistake, a boozy blunder, a need for speed, or just ignoring safety protocols, most boating accidents boil down to one thing: human error. And in the eyes of the law, that means liability. If someone's negligence caused an accident, they can—and should—be held accountable.

So, next time you head out on the water, be the captain your crew deserves. Because when things go wrong, Florida law makes sure there's a reckoning.





CHAPTER 3:

# Types of Boating Accidents and What They Mean for Your Claim



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Let's break down the most common maritime misadventures and what they could mean for your rights and your wallet.

**01**

## **Collisions with Other Vessels**



*Legal Claim: Personal Injury, Property Damage*

When boats play bumper cars, it's rarely fun and games. These accidents usually stem from distracted or inexperienced operators who fail to follow the rules of the (nautical) road. Under Florida law, particularly Fla. Stat. § 327.33, all vessel operators have a duty to operate in a safe and prudent manner. If a boater's carelessness causes a collision, the injured party can file a personal injury or property damage claim—and maybe even reel in some punitive damages if gross negligence is proven.

**02**

## **Collisions with Fixed Objects**



*Legal Claim: Property Damage, Personal Injury*

Docks, piers, submerged rocks—you name it. If your boat slams into it, you're looking at damage that may not be good for your wallet. These are often the result of poor visibility, bad navigation, or simply failing to keep a proper lookout (a key safety requirement under U.S. Coast Guard rules). If negligence is involved, the responsible party could be on the hook for repairs—and medical bills, too.



03

## Falls Overboard



*Legal Claim: Personal Injury, Wrongful Death*

Falling off a boat is one of the deadliest accident types in Florida waters. Victims often drown or suffer head injuries, especially when safety measures like life vests aren't used. If the fall was caused by another party's failure to follow safety protocols, a personal injury—or in tragic cases, wrongful death—claim under Florida's Wrongful Death Act (§ 768.16) may apply.

04

## Capsizing



*Legal Claim: Injury, Property Damage*

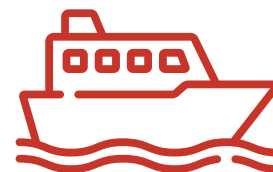
Capsizing happens when a vessel flips over—usually due to overloading, sharp turns, or surprise weather. If a boat operator ignored warnings or failed to secure passengers and gear properly, you may have grounds to sue under premises liability or maritime negligence doctrines.



**05****Flooding or Swamping**

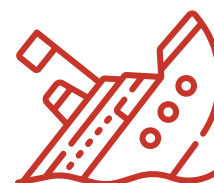
*Legal Claim: Property Damage, Personal Injury*

Taking on water doesn't just ruin the party—it can destroy the boat and injure passengers. Causes range from hull damage to poor drainage and rough seas. If another party's negligence (like an unsafe rental or unmaintained vessel) caused the swamping, you may be entitled to compensation for damages.

**06****Grounding**

*Legal Claim: Property Damage*

Running aground on Florida's infamous sandbars or hidden reefs can rip up your boat and cause injury. Claims in these cases often stem from poor route planning or failure to heed charts and navigational warnings. If the accident was preventable, you may have a solid case.

**07****Sinking**

*Legal Claim: Property Damage, Personal Injury*

A sunken boat isn't just a total loss—it's a logistical and legal mess. Most sinkings are due to severe collisions, structural issues, or missed maintenance. If someone else's boat rammed yours, or your rental boat had known issues, don't go down with the ship—file a claim.



08

## Fires and Explosions

*Legal Claim: Personal Injury, Property Damage*



Fuel leaks, engine problems, or mishandled flammables can turn a leisure cruise into a fireball. When a preventable fire or explosion injures passengers, product liability or negligence claims can be filed—especially if the boat was improperly maintained or a manufacturer defect played a role.

09

## Propeller Accidents

*Legal Claim: Personal Injury*



This one's tough to talk about—propeller accidents are devastating and often preventable. Boaters who fail to shut down their engines when swimmers are nearby can face serious legal consequences. Under Florida Statute § 327.32, boat operators owe passengers and swimmers a duty of care. Failure to act responsibly? That's grounds for a lawsuit.

10

## Water Sports Accidents

*Legal Claim: Personal Injury*



Water skiing, tubing, wakeboarding—fun until someone gets hurt. Accidents often result from operators going too fast, turning too sharply, or not keeping watch. If the driver was negligent or ignored safety standards, the injured rider may seek compensation for medical costs and more.





## Pro Tip: Claims May Fall Under State or Maritime Law

Depending on where the accident occurred (inland waters vs. navigable federal waters), your claim could fall under Florida personal injury laws or federal maritime law, which has its own rules for negligence and liability. It's a tricky current to sail through—an experienced boating accident attorney can help you figure out where your case stands.





CHAPTER 4:

# Legal Obligations After a Boating Accident



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Picture this: You're enjoying a sunny Florida afternoon on your boat when – CRUNCH! – another vessel collides with yours. After the shock, what should you do next? Florida law has a clear checklist to keep you on the right side of the law: stop, help, report, and be truthful.

## What the Law Requires You to Do?

First, stop and assist. Florida Statute § 327.30 mandates that a boat operator involved in an accident must stop at the scene and render “such assistance as is practicable and necessary” to anyone hurt or in danger. You also need to give your name, address, and vessel identification in writing to injured persons and owners of damaged property.

In short, don't even think about zipping away; staying put and helping is both the right thing to do and required by law.

Next, **report the accident** if it's serious. Florida law says you must notify the authorities **without delay** if the accident involves any of the following.

- Injury or death (beyond immediate first aid)
- Missing person (someone disappears under circumstances that could indicate injury or drowning)
- Significant property damage (estimated at \$2,000 or more)



In these cases, call the Florida Fish and Wildlife Conservation Commission (FWC) or local law enforcement as soon as possible.

An official report will need to be filed – usually by the investigating officer, but if no officer responds, then by you or the boat’s owner.

## Consequences of Not Reporting

Failing to follow these rules can land you in hot water legally. Leaving the scene or not reporting a qualifying accident is a criminal offense. If someone was injured and you don’t report, you’re committing a third-degree felony (punishable by up to 5 years in prison and a \$5,000 fine). If it’s just property damage and you skip the report, it’s a second-degree misdemeanor (up to 60 days in jail and a \$500 fine).

On top of that, operating your boat recklessly to begin with is illegal – driving a vessel with “willful or wanton disregard for the safety of persons or property” is defined as reckless operation under Florida law. That means if your bad boating caused the crash, you could face separate charges under § 327.33.

In short, trying to dodge your post-accident obligations can bring far worse trouble than a banged-up boat.

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- • • • •



## Example: Doing It Right vs. Wrong

For example: John's jet ski collides with a small fishing boat on the Intracoastal Waterway. One passenger on the fishing boat is thrown overboard and injured, and both vessels are damaged. John immediately stops to pull the person from the water and renders first aid. He uses his radio to alert the FWC and reports the accident, then exchanges information with the other boat's operator. Because he follows the law, John gets help to those in need and avoids any legal fallout. If John had instead sped off to avoid responsibility, he could be looking at hefty fines, criminal charges, and even jail time – a far cry from fun in the sun.

By knowing and following these rules, you can handle a boating mishap responsibly and keep your outing from turning into a legal disaster.



CHAPTER 5:

# Seeking Compensation After a Boating Accident in Florida



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A boating accident can cause far more than surface-level damage—it can lead to serious injuries, financial hardship, and prolonged emotional distress. Florida law allows victims to pursue compensation for these losses, but it's important to understand what that includes, who qualifies, and the applicable legal deadlines.

## Eligibility for Compensation

Under Florida law, individuals who are injured due to another party's negligence—whether as a passenger, another boater, or even a bystander—may file a personal injury claim. Claims can also be made by surviving family members in the case of a wrongful death.

Negligence must be proven by establishing that:

- The responsible party owed a duty of care.
- That duty was breached through careless or reckless conduct.
- The breach caused the accident.
- The accident resulted in quantifiable damages.

Florida adheres to the principle of comparative negligence as per Florida Statute § 768.81, which means a victim's compensation may be reduced in proportion to their share of fault.





# Types of Compensation Available



## **Medical Expenses:**

Victims can recover the cost of immediate emergency care, surgeries, ongoing treatments, physical therapy, and future anticipated medical needs related to the accident.



## **Lost Wages and Future Earnings:**

If the injury results in time away from work or a permanent reduction in earning ability, compensation may include both current and projected income loss.



## **Pain and Suffering:**

Non-economic damages such as physical pain, mental anguish, and loss of quality of life are compensable under Florida law.



## **Property Damage:**

Reimbursement may include repair or replacement costs for a damaged vessel or lost personal items.



## **Wrongful Death Damages:**

Pursuant to the Florida Wrongful Death Act (§ 768.16–768.26), survivors may claim funeral expenses, loss of companionship, and loss of future financial support.



# Statute of Limitations: Know the Time Limits

Effective March 24, 2023, Florida's statute of limitations for personal injury claims was reduced from four years to two years under new tort reform legislation. This means:

- Accidents occurring on or after March 24, 2023: Victims have two years to file a personal injury lawsuit.
- Accidents occurring before March 24, 2023: The prior four-year limit applies.

Wrongful death claims must still be filed within two years of the date of death, regardless of when the accident occurred.

Failure to file within the statutory deadline typically results in the court dismissing the case, barring recovery.

Boating accidents can topple your life, but with the right legal steps, compensation can help you recover and rebuild.



CHAPTER 6:

# How a Personal Injury Attorney in Florida Can Help After a Boating Accident



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After a boating accident, you may be dealing with more than just bruises and broken fiberglass. There are medical bills to pay, insurance claims to untangle, evidence to preserve, and deadlines to meet. If that sounds like a storm of legal and financial chaos—well, it can be. That’s where an experienced Florida personal injury attorney steps in to throw you a legal life preserver.

**01**

## **Understanding Maritime and Florida Law**

Boating accidents are governed by a unique blend of federal maritime law and Florida state law. A seasoned attorney knows the nuances of both. Whether your accident happened in the Atlantic, the Gulf, or an inland lake, they’ll determine which laws apply to your case and how to use them to your advantage.

Florida’s statutes, such as Florida Statute § 327.30, outline the duties of vessel operators and define negligent behavior on the water. An attorney can assess if a violation of such laws contributed to your injury and build a case from there.

**02**

## **Investigating the Incident**

From collecting witness statements to securing marine accident reports and accident reconstruction, a good attorney leaves no buoy unturned. They work with expert witnesses, marine engineers, and accident specialists to get to the truth—especially important when liability is contested.



## 03

**The Insurance Process**

Insurance companies aren't known for being generous, especially when boats are involved. An attorney can handle all communication with insurers, submit detailed claims, and fight back against denials or lowball offers.

Some policies fall under homeowners' insurance, others under specialized marine coverage. Knowing how to read the fine print—and where it overlaps—is a crucial part of getting full compensation. Something that is a forte of a personal injury attorney!

## 04

**Calculating Full and Fair Compensation**

You may be entitled to far more than just reimbursement for your hospital bill. A lawyer will help calculate damages for:

- Medical expenses (including future treatments)
- Lost wages and reduced earning capacity
- Pain and suffering
- Emotional trauma
- Property damage

They'll also consider whether punitive damages apply—especially in cases involving gross negligence, such as boating under the influence.



## 05

**Filing a Lawsuit if Necessary**

If the insurance company isn't budging or the responsible party refuses to settle, your attorney will prepare your case for court. This includes filing a formal complaint, conducting discovery, representing you at mediation, and arguing your case in front of a judge or jury.

**Leverage a Peace of Mind!**

Finally, having a legal expert by your side gives you the space to heal. While you recover, they handle the legal grind. They know how to deal with insurance tactics, how to present compelling claims, and how to push for the best possible outcome.

If you've been injured in a Florida boating accident, don't try to go it alone. A personal injury attorney is your advocate, your strategist, and your strongest ally in securing the justice and compensation you deserve.





CHAPTER 7:

# Frequently Asked Questions About Boating Accidents in Florida



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Q

## **What Should I Do Immediately After a Boating Accident in Florida?**

A

First and foremost, ensure the safety of all individuals involved. Provide necessary medical assistance and secure the vessel to prevent further damage. Florida law requires that any boating accident resulting in death, disappearance, injury requiring medical treatment beyond first aid, or property damage of \$2,000 or more must be reported promptly to the Florida Fish and Wildlife Conservation Commission (FWC) or local authorities.

Q

## **How Is Fault Determined in a Boating Accident in Florida?**

A

Fault is typically determined by assessing negligence. This involves evaluating whether an operator failed to act with reasonable care, such as by violating navigation rules, operating under the influence, or displaying inattention. Authorities and legal professionals investigate to establish liability, considering witness statements, accident reports, and relevant laws.

Q

## **Can I Receive Compensation for Injuries Sustained in a Boating Accident?**

A

Yes, if you've been injured due to another party's negligence, you may be entitled to compensation. This can cover medical expenses, lost wages, pain and suffering, and property damage. Consulting with a personal injury attorney experienced in boating accidents can help you understand your legal options.



Q

### **How Long Do I Have to File a Boating Accident Claim in Florida?**

A

The statute of limitations for personal injury claims in Florida is generally two years from the date of the accident. However, specific circumstances can affect this timeframe, so it's advisable to consult with an attorney promptly to ensure your claim is filed within the appropriate period.

Q

### **What Are Common Causes of Boating Accidents in Florida?**

A

Common causes include operator inattention, inexperience, excessive speed, alcohol impairment, mechanical failure, and violation of navigation rules. Environmental factors like hazardous waters and weather conditions also contribute to accidents.

Q

### **Do I Need to Report a Boating Accident in Florida Even If No One Was Injured?**

A

Florida law mandates reporting if the accident results in death, disappearance, injury requiring medical treatment beyond first aid, or property damage of \$2,000 or more. Even if no injuries occur, significant property damage necessitates a report to the FWC or local authorities.



Q

### **What Types of Compensation Can I Seek After a Boating Accident in Florida?**

A

Victims may pursue compensation for medical expenses, lost wages, loss of earning capacity, pain and suffering, property damage, and, in certain cases, punitive damages. The specific compensation depends on the details of the case and the extent of the losses incurred.

Q

### **How Can a Personal Injury Attorney Assist Me After a Boating Accident in Florida?**

A

An attorney can provide invaluable assistance by investigating the accident, gathering evidence, negotiating with insurance companies, and representing you in court if necessary. Their expertise ensures that your rights are protected and that you pursue the full compensation you are entitled to.



# A FINAL WORD

Anytime you have a legal question, we want you to call us. We will take the time to talk with you so you will know what to do.

Don't let insurance companies and the complexity of the legal system add to your stress after enduring a natural disaster. We will fight for your rights and for what you are entitled to.

If you have been denied claims, dealing with underpaid settlements, or struggling to secure the full value of your insurance coverage, we will help you get all possible insurance and assets – anything and everything you deserve for just compensation. Our firm has successfully settled complex claims and obtained financial compensation for aggrieved clients and their families.

Even if you think you're dealing with something that we don't handle, we still want you to call us for legal advice. We have worked closely with many law firms over the years.

If we cannot take your case, we will get you to the right attorney/firm to help you and your family move forward.

***Let us shoulder the legal burden while you focus on recovery. Call JustCallMoe Injury & Accident Attorneys today!***



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