



# FLORIDA CONSTRUCTION ACCIDENT GUIDE

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



People with jobs that require sitting at a desk for eight hours don't understand the danger that is involved at a construction job. If you're here, you know that construction is a high-risk job and when things don't go right, they can cause catastrophic injury and sometimes result in death. We want to let you know that, at

Perenich The Law Firm, we will take your case as far as it needs to go to get you the compensation you deserve. While you may be feeling extremely nervous about what the future has to offer, we want you to know that you will be in good hands when you are with us.

## CAUSES OF THE ACCIDENT AND INJURIES THEY CAUSE

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As mentioned, it's dangerous work to be on a construction site. There are so many moving parts, raw materials, heavy operated machinery, and a constantly changing environment. When a job that is so physical is given obstacles like this, accidents can happen and it truly can be the worst of the worst injuries. Some of the accidents include:

- » Falling from heights
- » Heavy objects falling on a worker
- » Electrical accidents
- » Slip and Falls
- » Auto accidents

These are just some of the possible accidents that can happen. Every workplace accident has the potential to cause serious and even permanent injury. Some of these injuries include:

- » Broken bones
- » Concussion
- » Traumatic brain injury

- » Internal organ damage
- » Internal bleeding
- » Spinal cord injury
- » Scarring and disfigurement

Having these injuries can cost you a lot of money in medical bills, leave you unable to return to work (perhaps for the rest of your life if you can't go back to the same type of work), and perhaps a change in your life forever.

## COMPENSATION AVAILABLE TO YOU

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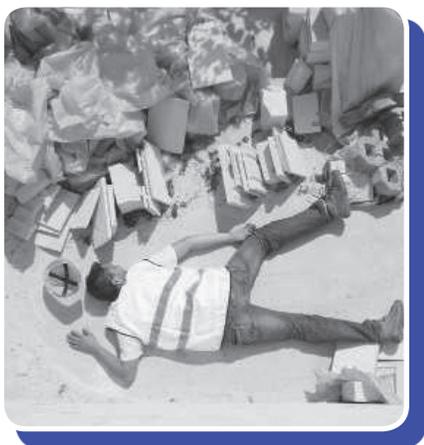
These cases can be quite different than other accidents that result in injuries such as a car accident. Most of the time for car accidents, you will always have a liable party to bring a claim against, but due to the nature of construction accidents, you can't always bring a claim. This is a worker's compensation claim for most people as you cannot sue your employer. (It would be different if you were a passerby walking down the street and got injured at a construction site you didn't work at.) Worker's compensation will cover your medical expenses and lost wages which is if your employer carries this coverage. If they do not, they can get into a lot of trouble. They also need to be running their site in accordance to the Occupational Safety and Health Administration (OSHA). If they do not follow OSHA laws, you may have a personal injury claim. There are other ways you would be eligible for a personal injury claim including malicious intent that caused your accident, serious negligence, or a liable third party. You may be eligible for a third party claim if your accident involved:

- » A third party contractor (who would not be your employer) whom you can file a claim against
- » A product manufacturer whose product had a defect that injured you (that product could be a tool or scaffolding)

- » A designer or engineer that was negligent and caused you injury
- » The property owner who was negligent about hazards on their property (your claim would be for premises liability against them)

The best way to figure out if you should pursue a claim is to sit down with an experienced Tampa Bay construction accident attorney. Our law firm is dedicated to helping victims like you find the route to compensation that makes the most sense and will give them what they need to have a full and fair recovery.

If you have established that you're eligible for a third party or personal injury claim, there are some liability rules that you should be aware of. Florida follows pure comparative negligence laws that affect your compensation. First, if you are found to be at fault for the accident, your award may be reduced. Second, in the unlikely event that you are found to be 100% at fault, you will be barred from receiving compensation. The way it works is, if you had some part in the accident, then you might be deemed partially responsible. Let's say you were found to be 10% at fault and you were awarded \$100,000. Because of Florida's laws, your award will be reduced to \$90,000.



## FREQUENTLY ASKED CONSTRUCTION ACCIDENT QUESTIONS

### *How Do I Know I Have the Right Attorney?*

You may be hoping to ask, "What should I be looking for to hire the most qualified construction accident attorney?" First and foremost, select an attorney that has experience in handling construction accident injury cases. Please do not hire a lawyer that does just general practice or that does family law and a little bit of personal injury on the side. You want to be hiring a law firm that is devoted exclusively to personal injury cases and has a focus on construction accident cases and construction litigation.

In construction accident cases, there are certain rules that apply. You have something called OSHA regulations. You also have an employer that's involved that generally has a duty to ensure that there is a safe work site. You potentially have others involved that are not co-employees that might have been involved in the accident.

An example would be if you were at work on a construction site and another employee that might be hired by a completely different company somehow does something that results in your injury, we're not only going to be looking at that employee, we're going to be looking at the employer of that person. We're going to be looking to whether or not the OSHA regulations were being followed. Those are very important things that we're going to be looking at in a construction accident injury case. We have to document that scene very quickly. We're going to be discussing the case with the OSHA regulators to make sure that OSHA regulations were followed in a given case.

## *How Much is My Case Worth?*

When somebody has been injured on a construction site, the most important thing that we have to do as lawyers is figure out who bears responsibility for causing that injury. We cannot assume that it's one person or one company when our client is injured on a construction site. It's usually a lot of different companies or contractors who are all involved in a construction project. That means each and every one of them bears some responsibility in creating the environment that contributed to our client's injury.

It also means that each one of those contractors or companies has available insurance by which they can pay for damages that our client has suffered. To fully assess what the value of a claim is in a construction accident case, we're going to do everything that we do in all of our cases. We're going to make sure our clients get full medical care, that we account for all future medical care, we account for all the ways in which the injuries have affected our client's life whether it's lost income, or lost ability to enjoy life the way they had previously planned to do it, and then making sure that every single company and contractor that had a role in causing that dangerous condition is held accountable.

## *What Benefits Do I Have?*

You may be wondering, “What benefits do I have available to me if I’ve been injured in a construction accident case? First and foremost, if you are in the course and scope of your employment, then you have your right to workers’ compensation. There’s no determination of fault when it comes to workers’ compensation. They’re benefits that apply as long as you have been injured in the course and scope of your employment.



You also have what’s called the indemnity benefits. If you’re not working, you’re entitled to a percentage of your lost wages and medical benefits under workers’ compensation.

Then in addition to that, you have what’s called impairment benefits through that workers’ compensation process. Impairment benefits are determined based on whether or not you have sustained an injury considered to be permanent under the Florida guides for the evaluation of permanent impairment in the state of Florida. That’s something that your treating physicians will make a determination of once you have reached maximum medical improvement.

If your injuries were caused by the failure to use reasonable care by someone who is not your employer or co-employee or if it was caused by a third-party, consult with us, because you’re also entitled to pursue that claim against that third-party under Florida law because workers’ compensation doesn’t provide for all your injuries, damages, and losses. For example, workers’ compensation does not pay for your pain and suffering, mental anguish, or your loss of your capacity for you to enjoy your life in your normal lifestyle. Those are the kinds of damages that we’re able to recover against an at-fault party that caused or contributed to that particular accident that caused your injury on a construction site.

## *What If I'm Seriously Injured?*

I've been asked, "If I've been seriously injured in a construction accident here in Florida, what is the most important thing that I do?" Number One, get medical treatment And go to the hospital.

If an ambulance shows up, don't assume that you're okay. Don't try to brush it off that you're going to just recover immediately. Sometimes it takes time for these injuries to set in to where you're fully aware of the extent that you've been injured.

The next thing that you need to do is call an attorney who has experience in construction accident cases. An attorney who has experience like we do with these kinds of cases understands the importance of collecting the evidence early on. The other thing that you should be mindful of is, if no one is there to help you, do whatever you can to document that you've actually been injured. Let somebody nearby know what happened.

Sometimes people will walk away from a construction site and then later decide to go to a hospital without even talking to anybody on the site which is a big mistake. You've got to let people know that you've been injured, and you need to ask somebody to call 9-1-1.

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

If you are hurt in a construction accident, a person from either your employer's or another insurance company person will contact you. They will want to take a recorded statement from you. You may be wondering if you should get them one.

It's critical that, before you give a statement, whether it's recorded or non-recorded to anybody investigating a construction accident, that you have legal representation with you before you give that statement. The reason is because you don't want to go in and give a statement and be confronted with questions for the very first time about how the construction accident occurred, or about your potentially prior conditions or medical care and treatment before you've had an opportunity to review those things with an experienced lawyer that does construction accident cases. We cooperate 100% with insurance companies and their investigators and claims adjustors in terms of providing statements from

our clients in construction accident cases. However, it's better being there with you side by side to ensure that you are fully prepared before you give a recorded or non-recorded interview to your employer or to some other person who is investigating that construction accident case.

## *Who is Liable for My Injury?*

Workers' comp only prevents you from suing your employer. In a construction injury claim, most of the time the person who's working in that setting is not working alongside coworkers.

They're usually actually working alongside other contractors who can be negligent if they did things that contributed to the injury that our client suffers. What's critical to understand is that we're not going to just assume that this is workers' comp and that we can't help people make claims for injuries against negligent actors in a construction setting accident claim. We successfully prosecute these claims, not against our client's employer or any of their coworkers; it is sometimes actually against the other contractors who had been negligent in what they had done that contributed to an injury.

## *How Long Will This Case Take?*

Our law firm is focused on what's right for our clients. We have an absolute fundamental duty to make sure that our clients get the best recovery they can and that there is complete and total compensation for their entire losses. In a construction accident case, we also know that the injuries can be lifelong. That means we've got to take our time. We've got to give the doctors the opportunity to fully assess what the injuries are.

When the question of how long this will take comes up, understand that if you want us to do the best job possible we're not going to rush this. We're going to let the doctors that work with us give full investigation and exploration of every way in which that accident has caused injury to you. Only by doing that are we going to be able to maximize the recovery for our clients.

We're going to take as long as it takes. Sometimes it can be six months or it can be six years. Every client should want a law firm that understands that you cannot rush those claims if you're trying to get the best compensation for what the client has suffered and what the client will suffer in the future.

## *What Mistakes Should I Avoid Making?*

I've been asked, "What are the biggest mistakes a person could make in an accident at a construction site?" The biggest mistake would be to delay medical treatment.

Have somebody on site call 9-1-1. When an ambulance shows up, don't turn the ambulance away. Go to the hospital and get proper medical attention. Don't assume that you're okay just because it doesn't hurt immediately.

It's important that you also follow your doctor's instruction. A doctor may say that you need to come in for the next six weeks, three days a week. Don't put that off. Going to a doctor or going to a hospital can be inconveniences, but they can make a big difference in protecting your legal rights in a case. The other biggest mistake, perhaps the worst of all the mistakes is to delay hiring an attorney or to hire the wrong attorney. It's important that you hire an attorney who has experience in prosecuting construction accident cases and can best help you protect your rights.

## *Should I Report My Accident?*

You may be wondering if it is important to let management know that you've been injured at a construction site accident here in Florida. The answer is, absolutely yes. You have to let management know because ultimately, we need to prove if the accident actually occurred. Management, if they do their job, will take down the information. Make sure that they write it down and that they take down your contact information.

Tell them exactly what happened. Don't assume that it was your fault. It's important simply that the injury be documented. Go get medical treatment, then call an attorney with experience in construction accident cases.

## *What is Workers' Compensation?*

There may be certain limitations about what you are going to be able to get because of Florida's workers' compensation system. You might not get all the damages that you would normally get in a personal injury action or a car accident case. You won't get any pain and suffering damages, and you'll have limitation of recovery fundamentally to whatever disability rating you get or the medical care that is contemplated for you in the future.

What we want to do when we get a workers' compensation claim is help the client navigate through that process so that they can make good decisions, and do the best with a difficult system. It's not going to be great, but a lawyer who knows how to make the right decisions in the workers' comp setting can actually do some good things for a client.

## CONTACT OUR OFFICE TODAY

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As you can tell, these issues can be extremely complicated, and talking to an attorney is going to be the best option if you want to get the most compensation possible. We will guide you every step of the way and protect your rights. While this can be a particularly stressful time in your life, we want you to relax knowing that you are in good hands and we will ensure you are taken good care of. Please call our experienced Tampa Bay construction accident attorney today for a free consultation.



## CREATED BY PERENICH THE LAW FIRM

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Brothers and founding partners of PERENICH The Law Firm, Greg, Tim, and Terence maintain their mission to continue the legacy their father, Guy Perenich,

began decades before. Together, the brothers reaffirm their connection to the community they've always called home, through the vocation of legal advocacy, in service to righting the wrongs of injustice.

PERENICH The Law Firm was built upon a foundation of values and principles Guy Perenich taught his sons. Today Greg, Tim and Terence carry on their father's legacy to bring justice to all members of our Tampa Bay community.

We are a family of trial lawyers at PERENICH The Law Firm with deep ties to Clearwater and communities throughout Tampa Bay. For decades, we have built strong bonds and formed lasting relationships with our clients, continuing a multi-generational commitment to helping those seeking recovery and justice.

Our family is dedicated to protecting your family, just as we would our own. Whether an experienced personal injury attorney is needed to enforce your rights after an auto accident, or you need expert legal representation to protect your home in foreclosure or bankruptcy, the attorneys of PERENICH The Law Firm are committed, experienced, effective, reliable Tampa Bay area bankruptcy and accident injury lawyers.

**PERENICH** the  
law firm  
tampa bay personal injury attorneys