THE WHITTEL & MELTON RIDER SERIES

THE FLORIDA RIDER'S GUIDE TO MOTORCYCLE INJURY COMPENSATION

Presented by Whittel & Melton, LLC · Spring Hill, Florida

NAMIL PREMIER

Member, National Academy of Motorcycle Injury Lawyers

WHAT'S INSIDE

CHAPTER 1

A MESSAGE TO FLORIDA'S RIDERS

The only thing worse than being seriously hurt in a motorcycle crash is not getting the compensation you deserve, or finding out later that an insurance company took advantage of you.

Insurance companies have every advantage. They aren't worried about medical bills, lost wages, or putting food on the table. Their adjusters are trained to diminish, devalue, and deny motorcycle claims, and behind them stands an army of lawyers whose only job is to pay you as little as possible.

Here's the truth: you don't have to face them alone. **Whittel & Melton, LLC** is a statewide Florida injury and criminal defense firm, and through our membership in the **National Academy of Motorcycle Injury Lawyers (NAMIL)**, we stand up for injured Florida riders. We know how insurers operate, and we don't back down.

If you've been hurt, don't wait. Every day that passes is another day the insurance company is working against you. Call **(813) 505-7855** for straight answers.

CHAPTER 2

THE FIRM IN YOUR CORNER

Jason M. Melton

Founding Partner, Whittel & Melton, LLC · NAMIL Founding Member

Jason M. Melton is a founding partner of Whittel & Melton, a statewide Florida law practice with offices in Spring Hill, The Villages, Gainesville, and Boca Raton. He earned his B.A. from **Southern Methodist University** in 1996 and his law degree from the **Columbus School of Law at The Catholic University of America**, with additional study at the University of San Diego School of Law and the Comparative Law Institute in Florence, Italy.

Jason began his career advocating for victims in Florida's criminal courts as an **Assistant State Attorney for the 11th Judicial Circuit**, and also worked with the U.S. Attorney's Office for the Northern District of Texas and the State Attorney's Office in Montgomery County, Maryland, before bringing that same commitment to justice into the civil side, taking on insurance companies and large corporations on behalf of injured riders.

WHY RIDERS CAN TRUST THIS FIRM

- **Founding member of the National Academy of Motorcycle Injury Lawyers (NAMIL)**, named one of the **Top 20 Motorcycle Injury Lawyers in the United States** in 2020.
- **AV Preeminent rating** from Martindale-Hubbell, the highest peer-review rating for legal ability and ethics.
- Life member of the **Million Dollar Advocates Forum** and **Multi-Million Dollar Advocates Forum**.
- Recognized as a **Florida Super Lawyer**; past president and treasurer of the Hernando County Bar Association.
- Appointed by the chief judge of the 5th Judicial Circuit to the joint professionalism committee for Hernando and Sumter Counties.

FIRM COORDINATES

Whittel & Melton, LLC · 11020 Northcliffe Boulevard, Spring Hill, FL 34608
Also serving The Villages, Gainesville & Boca Raton · **(813) 505-7855** · thefllawfirm.com

CHAPTER 3

DON'T GET PLAYED BY THE ADJUSTER

The first thing the other driver's insurer wants is a recorded statement and a signed release. Don't give either. Once they have your words on tape, they will twist them to deny or minimize your claim. If you think you can handle an adjuster alone, test them with these questions and watch the red flags appear.

11 QUESTIONS EVERY RIDER SHOULD ASK AN ADJUSTER

1. Will you put in writing that the crash was not my fault?
2. What are your insured's policy limits? Show me the declaration page.
3. Can I have a copy of your insured's recorded statement?
4. If you want my medical records, will you give me copies of everything you collect?
5. Will you share statements from other witnesses?
6. Does your insured have umbrella or secondary coverage? Put it in writing.
7. What personal or medical information have you gathered on me from databases?
8. Have you pulled my credit report or debt information?
9. Have you canvassed my neighbors or people I know?
10. Have you conducted surveillance on me? Show me the photos or video.
11. What reserve amount have you set on my case?

If the adjuster says "no" to any of these, that's a flashing warning sign they don't intend to treat you fairly.

CHAPTER 4

FIVE STRATEGIES THAT CAN GROW YOUR SETTLEMENT

These aren't tricks. They're proven habits that can significantly increase the value of your case if you start them early.

1. TAKE PHOTOS, LOTS OF THEM.

The scene, your injuries, your bike, the other vehicles, your recovery. Pictures tell a story words can't.

2. GET DIAGNOSED FOR EVERY INJURY.

Don't shrug off "minor" pain. If it isn't in your medical record, insurers will argue it came from something else.

3. FOLLOW DOCTOR'S ORDERS.

Every appointment, every therapy session. Skipping care is the easiest way to tank a claim.

4. BRING IN THE RIGHT EXPERTS.
Accident reconstructionists, medical life-care planners, and economists make your damages undeniable.

5. NEGOTIATE THE MEDICAL BILLS.
Even after you win, reducing outstanding bills keeps more money in your pocket. A good firm does this for you every day.

CHAPTER 5

FIVE MISTAKES THAT CAN RUIN YOUR CLAIM

- **Giving a recorded statement.** Never let the other driver's adjuster record you.
- **Believing the adjuster.** If they say you don't have a case or you're at fault, get a lawyer's opinion first.
- **Failing to capture evidence.** Skipping photos of the scene, vehicles, or injuries is a mistake you can't undo.
- **Missing medical appointments.** Every gap in treatment becomes ammunition that you "weren't really hurt."
- **Representing yourself.** You're too close and too untrained in the maneuvering. Your words can be used against you. A lawyer's can't.

CHAPTER 6

FLORIDA MOTORCYCLE INSURANCE ESSENTIALS

Florida is one of the most dangerous states in the country to be underinsured as a rider. Unlike car drivers, motorcyclists aren't required to carry any insurance at all to register or operate a bike, and the driver who hits you may not be required to carry bodily injury coverage either.

FLORIDA DRIVER REQUIREMENTS (FLA. STAT. § 627.733)

$10,000 / $10,000

> Florida only requires drivers to carry $10,000 in Personal Injury Protection (PIP) and $10,000 in Property Damage Liability (PDL). **Florida does not require Bodily Injury Liability (BIL) coverage** for most drivers, and motorcycles are exempt from Florida's PIP requirement entirely. That means the driver who hits you may carry zero coverage for your injuries.

A single surgery can top $100,000. Rehab and lost wages pile on fast. If the driver who hits you carries no bodily injury coverage at all, you could be left with nothing unless you protected yourself.

WHAT RIDERS SHOULD CARRY

- **Liability:** as much as you can afford, since Florida sets no floor for the other side.
- **UM/UIM:** this is your real lifeline in Florida, where the at-fault driver may have no BIL at all.
- **Medical Payments (MedPay):** $5,000–$10,000, pays regardless of fault.
- **Umbrella:** worth it if you own a home or assets.

CHAPTER 7

THE UM/UIM LIFESAVER: A REAL-NUMBERS STORY

Picture a rider hit by a driver who ran a red light. Medical bills alone top $250,000. The problem: Florida doesn't require that driver to carry any bodily injury liability coverage, so there may be little or nothing available from their policy.

Without protection, that rider is financially ruined. But say they carried **Uninsured/Underinsured Motorist coverage of $250,000** on their own motorcycle policy. Their own UM/UIM steps in exactly where the at-fault driver's coverage falls short.

> **THE MATH**
>
> At-fault driver's bodily injury coverage: $0
> Your UM/UIM coverage: $250,000
> **Total available: $250,000**

Riders skip UM/UIM to save a few bucks. Don't. In Florida it's the difference between recovery and ruin.

CHAPTER 8

WHAT IS MY CASE WORTH IN FLORIDA?

There's no magic calculator, but three factors drive most of it: **liability** (how clearly the other driver is at fault), **available insurance** (policy limits set the ceiling), and **your lawyer** (insurers track which firms actually try cases).

> **FLORIDA'S 50% RULE (FLA. STAT. § 768.81(6))**
>
> Since 2023, Florida uses **modified comparative negligence**. If you're found **more than 50% at fault, you recover nothing.** At 50% or less, your award is reduced by your share of fault. Insurers love to pin partial blame on riders, so fault is everything.

Other factors adjusters weigh: the severity and permanence of your injuries, current and future medical bills, lost wages and earning capacity, your credibility, and the at-fault driver's conduct (impaired? distracted?).

CHAPTER 9

TIMELINE: HOW LONG UNTIL IT SETTLES?

- **Never settle too soon.** Insurers dangle quick low offers before you know the full extent of your injuries.
- **Wait for Maximum Medical Improvement (MMI).** Settle before you've healed as much as you will, and you're gambling with your future care.
- **After treatment, expect 3–6 months** to gather bills, build a demand, and negotiate.

> **FLORIDA DEADLINE (FLA. STAT. § 95.11(4)(A))**
>
> You generally have **two years from the date of injury** to file a personal-injury lawsuit in Florida. This deadline was shortened from four years when House Bill

837 took effect on March 24, 2023. Miss it and your claim is gone. Don't wait to get advice.

CHAPTER 10

DO I HAVE TO GO TO COURT?

"I'm not the suing type." We hear that a lot. The truth: **you're the boss**, and most cases settle before trial. But filing suit is sometimes how you make a stubborn insurer pay full value. It opens access to records, statements, and depositions, and it tells the insurer you're serious. Having a firm willing to try the case is often what makes the difference, even if you never see a courtroom.

CHAPTER 11

EVIDENCE WINS CASES: YOUR POST-CRASH PLAYBOOK

IMMEDIATELY AFTER A CRASH

- Photograph the scene, vehicles, your bike, your gear, and your injuries.
- Get witness names and numbers.
- Call police and get the crash report.
- Save your gear, don't toss the helmet, jacket, or gloves. They prove impact.

MEDICAL EVIDENCE IS EVERYTHING

- Report every symptom, even "small" ones. Undocumented means denied.
- Follow treatment. Keep a simple pain journal (pain, sleep, mobility).
- Helmet-cam or dash-cam footage can be a game-changer.

CHAPTER 12

SPRING HILL & FLORIDA RIDING RISKS

- **US-19 & Cortez Boulevard.** High-speed, high-traffic corridors through Spring Hill with frequent left-turning drivers at intersections. Own your lane and assume they don't see you.

- **Suncoast Parkway.** Fast-moving toll-road traffic; keep a buffer and stay visible when passing.
- **Sudden Florida storms.** Afternoon thunderstorms turn oily pavement slick fast, especially at the start of a downpour. Rainbow sheen on the road means oil, avoid it.
- **Snowbird season & wildlife.** Winter brings unfamiliar seasonal drivers to Hernando County roads, and rural stretches see deer crossing at dawn and dusk.

FLORIDA'S HELMET LAW (FLA. STAT. § 316.211)

Riders under 21 must wear a DOT-compliant helmet. Riders 21 and older may ride without one **only if they carry at least $10,000 in medical benefits coverage specifically for motorcycle crash injuries**. All riders, regardless of age, must wear an approved eye-protective device. If you ride without a helmet and don't carry that coverage, an insurer can use it against you to reduce your recovery under Florida's comparative-fault rule.

CHAPTER 13

RIDE SAFER: PRO TIPS FOR FLORIDA RIDERS

BRAKING & CORNERING

- Finish braking before you enter a curve.
- Avoid hard braking on painted surfaces and crosswalks.
- Practice emergency stops in a safe lot. Muscle memory saves lives.

HEAT & SUDDEN RAIN

- Double your following distance the moment a Florida storm starts, the first few minutes of rain are the most slippery.
- Ride in a car's tire track to avoid water pooling in the lane center.
- Stay hydrated; Florida heat and humidity fatigue riders faster than they expect.

GEAR & VISIBILITY

- Bright jacket and reflective tape change whether drivers see you at intersections.
- Add auxiliary lights to grow your profile in traffic.

- Check your tire date code (4-digit DOT) and replace tires every 5–6 years regardless of tread.

CHAPTER 14

RESULTS, REVIEWS & COMMUNITY

Jason Melton is a founding member of the National Academy of Motorcycle Injury Lawyers and was named one of the Top 20 Motorcycle Injury Lawyers in the United States in 2020. Locally, he has served as president and treasurer of the Hernando County Bar Association and has founded two annual college scholarships in the community he serves.

For Jason's approval before publishing: insert 2–3 real, firm-approved case results and a few verified client testimonials here. Per bar advertising rules and our own standard, we won't publish specific results or quotes that the firm hasn't reviewed and approved. Until then this section stays general.

Chapter 15

YOUR NEXT STEP: A FREE CASE REVIEW

If you've been hurt in a motorcycle crash, don't go it alone. The insurance company has a team of lawyers. So should you.

When you call Whittel & Melton, you'll talk to a real person, get your questions answered, and learn your rights before you sign anything. No pressure, no obligation, and if we take your case, you don't pay unless we win.

(813) 505-7855

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APPENDIX

QUICK REFERENCE

A · FLORIDA INSURANCE CHEAT SHEET

- Driver minimum: $10k PIP / $10k PDL · no mandatory bodily injury liability · motorcycles aren't required to carry insurance at all.
- Recommended: as much liability as you can afford + UM/UIM + MedPay $5k–$10k.

B · AFTER-CRASH CHECKLIST

- Check for injuries, call 911.
- Photograph scene, vehicles, gear, injuries.
- Get witness info and the police report.
- Seek medical care the same day.
- Call Whittel & Melton before giving any statement.

C · GLOSSARY

- **MMI:** Maximum Medical Improvement, when you've healed as much as you will.
- **UM/UIM:** Uninsured / Underinsured Motorist coverage.
- **MedPay:** Medical Payments coverage, pays regardless of fault.
- **PIP:** Personal Injury Protection, Florida's no-fault coverage for your own injuries (motorcycles are exempt from this requirement).

D · ABOUT NAMIL

The National Academy of Motorcycle Injury Lawyers is a nationwide network of attorneys dedicated to injured riders. Membership is limited to firms committed to bikers' rights. Whittel & Melton is a NAMIL founding member firm for the Spring Hill / Tampa Bay market.

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This guide is general information for Florida riders, not legal advice, and does not create an attorney-client relationship. Laws change and every case is different; consult an attorney about your specific situation. Attorney advertising. Statutory references (Fla. Stat. § 627.733, § 768.81(6), § 95.11(4)(a), § 316.211) are provided for general reference and should be verified.