

RESORT TORTS™

What You Need to Know To Identify Serious Cases



Each year, 82 million people visit Florida. They enjoy our 1,200 miles of sandy beaches, the glittering nightlife of South Beach, the theme parks of Central Florida, gleaming cruise ships sailing from the largest passenger port in the country, and hundreds of major resort hotels. Sadly, many visitors leave with more than just souvenirs. Some are injured or have loved ones who are killed.

Resort Torts™ encompass many aspects of tort litigation. Resort Torts™ are instances of civil liability for negligent or intentional acts that arise out of a resort, vacation or recreational setting. They involve hotel-motel safety; cruise ship accidents; pleasure boating and jet ski incidents; amusement and theme park liability; aquatic, diving and swimming incidents; gaming and casinos; plane crashes (commercial and general); rental car liability; moped, bicycle and motorcycle safety; buses and tour guides; travel industry liability for crime victims; and medical care provided to vacationers. Resort Torts™ can encompass a broad cross section of cases but they have one thing in common: tourists, business travelers and locals alike are all exposed to risks while traveling, vacationing or engaging in resort or pleasure activities.

Tourists by their very nature are less attentive to dangers because they are in a strange place, distracted by amusements and sights, and are focused on enjoying the surroundings. Often there are higher duties owed to visitors because of their lack of familiarity and awareness of risks that would be otherwise known to the proprietors of certain businesses. The best example of this is the duty owed by an innkeeper to its guests. The law imposes on hotels, apartments, and innkeepers a nondelegable duty to keep their premises in a reasonably safe condition. *Goldin v. Lipkind*, 40 So. 2d 539, 541 (Fla. 1950).

Some of the cases we litigate and try are unique to a resort setting. Examples include parasailing injuries and death; scuba diving incidents; head trauma from a cruise ship mooring

line snapping and striking a passenger; and sexual assaults of children by theme park employees dressed in character costumes. Many other cases can arise absent the resort backdrop such as: slip and fall in a hotel lobby that was improperly maintained, scalding hot coffee spilled in the lap of a Disney hotel guest resulting in second degree genital burns, a taxi crashing into a moped, or a visiting student shot and paralyzed when thieves carjack his rental car. Many people do not realize that golf carts are dangerous instrumentalities which are subject to liability as such under Florida law.

Resort Tort™ hazards can include premises liability such as trip and falls, violent criminal assaults due to negligent security or insufficient lighting, defective premises design or layout, dangerous products, pool and spa tragedies, transportation negligence (plane crashes, car/bus/taxi crashes, boating mishaps), medical malpractice provided by an innkeeper or cruise ship, and many other types of dangers. Having an awareness of what kinds of dangers face visitors and locals alike can help prevent injuries in the first place, and identify serious cases when and if they do occur. ↱



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