



WHAT HAPPENS AFTER A FLORIDA CAR ACCIDENT?

This free EBook provides answers to car accident victims' most frequently asked questions. This EBook does not provide actual legal advice, as every accident and every case are different. For complete legal advice, you should contact the Law Offices of Joseph I. Lipsky, P.A., to arrange for a free no-obligation consultation to discuss the specifics of your case.



Call us on our toll free hot line with any questions:

1-888-FLA-LAW8

Do you need a lawyer after being in a car accident in Florida?

Being involved in a car accident in Florida raises have many questions, including, how do I handle getting my car fixed? What do I do about my medical bills? How am I going to support my family while I'm out of work because of injuries? What type of doctor should I see? And, how do I deal with the insurance companies?

Because of these questions, and many others, it is extremely important that victims of Florida car accidents consult with an experienced personal injury attorney as soon as practicable after being involved in an accident. A Florida car accident attorney with a proven track record of helping injured accident victims, such as Joseph Lipsky, can provide answers to your many questions, and help Florida car accident victims pick up the pieces of their lives and move forward after being injured.

The questions and answers below are some of the most frequently asked after a car accident. ***The answers listed below are meant only as a guide, and do not represent actual legal advice.*** Because of the complicated issues which arise after car accidents, including medical questions and insurance issues, we strongly recommend all accident victims to hire an attorney to discuss the facts of their particular accident and to ascertain their actual rights.

How do I get my car fixed?

While many injured car accident victims need to immediately seek medical care due to accident related injuries, all driver involved in accidents which were not their fault, have the same initial question, who's going to pay for the damage to my car? In Florida, the driver, and/or owner, of the vehicle that is found at fault for causing an accident is ultimately responsible for paying for the property damage, loss of use and replacement/rental car for the car they wreck. However, as most insurance companies need to conduct an investigation into the cause of a car accident, including taking a statement from their insured, the process of getting another insurance company to commit to quickly pay for property damage repairs, or the total loss of a vehicle, after a violent collision may take an extended amount of time.

In order to avoid being at the mercy of someone else's insurance company, we urge Florida drivers to purchase collision coverage. As

Florida does not require vehicle owners to buy collision coverage, this is something additional you must buy. If you have collision coverage, then your insurance company, regardless of who caused a crash, will pay for your car to be repaired or replaced. If the other driver is found to be at fault for the accident, your insurance company will pursue “subrogation” from the other driver’s insurance company, and will also get you reimbursed for your deductible. Due to the complexities of coordinating which insurance company will handle the property damage, and arranging for a rental car, it is important for Florida car accident victims to hire a knowledgeable personal injury attorney like Joseph Lipsky to help guide you through these hurdles.

Who’s going to pay my medical bills and lost wages?

Once the issues about who’s going to pay for your property damage are resolved, most Florida car accident victims then want to know how their medical bills and lost wages are going to be addressed. Florida is a no-fault state, so every driver is required to use their own insurance company to pay the first \$10,000.00 of medical bills and/or lost wages. These payments are required to be made under the personal injury protection, or PIP, coverage of your own insurance company. In Florida, all car owners, and drivers are required to have PIP insurance. This means, regardless of who causes an accident, each driver’s own insurance company, not the other driver’s, even if they were at fault, is required to pay the first \$10,000.00 of medical bills and/or lost wages. Therefore, *your* insurance company will pay 80% of your accident related medical bills and 60% of your lost wages.

In order to document and prove your lost earnings, it is important to gather and keep documents such as letters from your employer, pay stubs and your tax returns. In order for an insurance company to consider your lost wage claim, you must also have a note from your treating doctor which specifies why you are unable to return to work. It is critical that your doctor explains your physical limitations, such as an inability to lift more than a certain amount of weight, or limitations on long-term standing.

Why does my insurance company pay my medical bills if someone else caused the accident?

Because Florida is a so-called No Fault State, each driver’s own insurance company is responsible for paying 80% of all accident related medical expenses. Often, insurance companies challenge what they believe are unreasonable charges, by claiming they exceed what

is considered to be necessary or customary. Recent amendments to Florida Law tie in the amount doctors may charge, and what your insurance company must pay, to so-called fee schedules, usually associated with Medicare reimbursement rates.

Unfortunately, many Florida car insurance companies fail to pay all accident related medical bills; this is yet another reason why Florida car accident victims need to retain an attorney.

What kind of doctor should be treating me for my injuries?

If you are hurt in a car accident, or even if you are not sure, it is your right to seek medical care as soon as possible after a crash. Waiting a few days to see how you feel, before you seek medical care, is the highest hurdle to overcome in getting full compensation from an accident case. Most insurance companies will claim that your delay in seeking medical care proves that you were not hurt in that accident.

When you do go to the doctor, hospital or urgent care center, be sure to let them know you are there because you believe you were injured in a car accident; rather than just saying you are in pain. Proper documentation of car accident related injuries goes a long way in winning a personal injury case. That is why, even if it's against your nature, that you tell your doctor or therapist about all of your pains and limitations at every visit. If you don't mention your problems, the doctor may write that you are doing ok, when you may really be suffering.

Due to the many types of injuries that Florida car accident victims suffer, there are different types of doctors who may help you recover. Florida car accident victims need medical attention to treat their injuries, as such it is important that you seek the help of a doctor who is not only qualified to properly treat your injury, but one who is also experienced in understanding the legal hurdles which injured accident victims must overcome in order to be fairly compensated for their injuries. This is yet another reason why Florida car accident victims should immediately consult with an experienced Florida car accident attorney like Joseph Lipsky.

With a 20 year track record of helping Florida car accident victims, Joseph Lipsky knows many doctors throughout South Florida, who are available to treat all types of car accident related injuries, including back injuries, fractures, head injuries, scarring and knee injuries. Whether a car accident victim needs the assistance of an orthopedic

surgeon, neurologist, plastic surgeon or pain management specialist, an experienced Florida personal injury attorney will help guide you, with the advice of these Board Certified doctors, along the best path to a physical and financial recovery.

How will the insurance company evaluate my claim?

Insurance companies, including your own, will look at your personal injury claim from *their* point of view. Most major insurance companies use computer programs to evaluate your case. If your claim has an unusual angle, such as significant property damage, or the other driver being drunk, then the insurance company will add value beyond what their faceless computers indicate. When it comes to an insurance company's evaluation of a car accident claim, only one thing is true, they will not look at the claim from your perspective. When an insurance company refuses to fairly evaluate a car accident personal injury claim, an experienced attorney will not hesitate to file a lawsuit and take the insurance company to trial, so that a jury, not the insurance company, has the final say on the value of a claim.

What types of insurance do car owners and drivers required to have?

Pursuant to Florida Law, specifically statutes 324.021 through 324.022 and 324.023, drivers are only required to have personal injury protection (PIP) and property damage (PD). Currently, Florida does not require drivers to purchase bodily injury liability coverage.

Are there laws to protect Floridians against bad behavior by insurance companies?

Florida Statute section 626.9541 prohibits insurance companies and agents from inappropriate behavior including:

1. False advertising;
2. Unfair claim practices;
3. Unfair discrimination;
4. Coercion;
5. Rebating;
6. Refusing to insure;
7. Cancellations and non-renewals; and
9. Premium surcharges.

How can an insurance company cancel my coverage?

Florida statutes dictate that when an insurance company cancels a policy, any unearned premium must be returned to the insured within 15 days after the date the policy was cancelled.

If you cancel your own policy, the unearned premium must be returned within 30 days after the effective date of cancellation. The insurance company may keep 10 percent of the unearned premium, unless the request is from a military service member being called to active duty, in which case the insurer must refund 100%.

Can my insurance company not renew my policy if I had an accident?

Florida Statute section 626.9541 (o), prohibits car insurance companies from not renewing a policy just because you caused 1 accident within a three year period. But, if you've had additional crashes or received other traffic tickets, the insurance company may use those and your most recent accident as a reason not to renew your policy. In situations when you've been involved in crashes which were not your fault, an insurance company can issue a non-renewal if you've been in more than 2 such accidents in the last 3 years.

What happens if I am late in paying my insurance premium?

In Florida, insurance companies do not have to provide any insurance if you do not pay your premium on a timely basis. Payments are due on the date shown on your bill. Insurance companies do not have to provide any grace period to their insureds. So to maintain your insurance, make sure to pay your premium on time.

Who is covered under my Florida car insurance policy?

Your personal car insurance policy provides coverage for the named insureds, a spouse, and your relatives who live with you, if you are the named insured. There is a significant caveat, which is you must notify your insurance company of every licensed driver who lives with you. If you fail to inform your insurance company of a licensed driver living in your home, they may later deny a claim for what is known as a material misrepresentation.

If you loan your car to someone, under most circumstances, you are also allowing that person to be a temporary insured under your policy.

But if the person you loan your car to lives with you, or regularly uses your car, you must add them to your policy, or the insurance company will likely cancel your coverage for a material misrepresentation.

What is medpay coverage?

When you purchase car insurance you have an opportunity to include medical payments coverage to your policy. Medpay covers reasonable expenses you incur for medical care caused due to injuries suffered in a car accident. Because your mandatory PIP coverage only pays for 80% of your accident related medical bills, buying optional medpay coverage will pick up the uncovered 20%, for which you are ultimately responsible.

What happens if I'm hurt and the person who caused the accident has no insurance?

Florida Statute section 627.727 requires insurance companies to offer you, when your policy has bodily injury coverage, the right to purchased uninsured motorist (UM) coverage. UM coverage pays you for injuries you suffer if you are involved in a car accident caused by someone that either does not have bodily injury insurance, or has an inadequate amount of bodily injury insurance to pay for all of your damages. Given the number of uninsured, or inadequately insured, drivers in Florida, purchasing UM coverage is one of the most important types of insurance Florida drivers should buy.

When you buy UM coverage, your insurance company is also obligated to offer you what is known as stacked coverage. Stacked UM coverage will help you if you have more than 1 car on your policy. As an example, if you have 2 cars, each with UM coverage of \$50,000, then in the event of a serious accident, you will have the right to pursue \$100,000 of UM insurance from your company.

Because UM coverage is so valuable, Florida Law requires insurance companies to get their insured's signed rejection if they decide not to purchase UM coverage. If an insurance company fails to have you sign the specific rejection form, then you are entitled to UM coverage equal to the amount of the bodily injury liability limits on your policy.

Do I have to pay anything if my windshield is cracked?

Pursuant to Florida Law, if you purchased either comprehensive collision coverage then your front windshield to be covered. And, if you have a deductible, Florida law requires your insurance company to NOT charge you a deductible if your windshield is cracked or needs to be replaced.

If someone else damages my car am I entitled to be paid for its diminished value?

If someone else is responsible for a car accident, their insurance company, in addition to repairing your car, may also be liable for paying you for the diminished value of your car. If you do not pursue this type of claim, you will bear that loss when you try to trade-in or sell your damaged car, particularly if you have a “high end” or antique car.

Unfortunately, if your insurance company is the only source of recovery, they cannot be held responsible for a diminished value claim.

How long does an insurance company have to investigate a car accident before paying a claim?

Insurance companies generally have to respond to any letter regarding a claim within 14 days. The insurance company must begin investigating a claim within 10 days after receiving a proof of loss. Thereafter, within ninety days, the insurance company must either pay or deny a claim.

Who decides where my car is repaired?

It may be hard to believe, but Florida Statute section 626.9743, does not require insurance companies to guarantee repairs. Insurance companies are also not responsible for delays in repairs being completed. But if the insurance company chooses the repair shop, they will usually approve any addition necessary repairs beyond those originally authorized.

How is it decided if my car is a “Total Loss?”

According to Florida Statute section 319.30 (3)(a)1, if the Department of Highway Safety and Motor Vehicles estimates the cost of repairing car damage to be equal to eighty percent of the cost to purchase the vehicle, it shall be declared unrepairable. Yet, if an insurance company

and the car's owner agree to repair, instead of replace, the car, and if the actual costs to repair are more than 100% of the price to replace the damaged car, the car's owner must inform the Department of Highway Safety and Motor Vehicles immediately and request the new title state it is a "Total Loss Vehicle."

How can I help my lawyer increase the value of my case?

Be sure to provide your attorney with all of your car insurance and health insurance information, including providing copies of the front and back of those insurance cards. When your lawyer has this information at the beginning of a case, it alleviates concerns in making sure the correct parties receive the information needed to process your claim.

If you know of any witnesses to your accident, it is critical that you provide those individual's information to your attorney as soon as possible after the crash. As insurance companies will be actively seeking out those same witnesses; hiring an attorney immediately after a car accident will help make sure your rights are also protected.

During the first few months after your accident, either your car insurance company, your health insurance company, or both, will be sending you forms called Explanations of Benefits (EOBs). These documents list all payments made for your medical care. These documents help to your attorney make sure that your medical bills are properly paid. Be sure to provide these EOB forms to your lawyer every time you receive one.

What else should I do to protect my case?

In this age of social media, it is a certainty that during the claims process that all insurance companies will use the internet to research accident victims. Many times a simple name search will lead an insurance adjuster to a Facebook or Twitter account which provides them with information that directly contradicts with what your treating doctor says you can and cannot do. While it may be difficult, not only should you not only refrain from posting anything about your accident or injuries, but you should shut down all social media sites until the conclusion of your claim.

Should I give a statement to an insurance adjuster?

The driver who caused your accident's insurance company will try to take your statement. There is no legal obligation for you to provide such a statement. In fact, there is nothing for you to gain by giving a statement, without the benefit of having your attorney present. Promises made by insurance companies that they are there to help you, are usually insincere. Insurance companies have only one goal in taking your statement, to lock you into a story which benefits their insured.

If you or a family member has been involved in a car accident in Miami, Fort Lauderdale, the Palm Beaches, the Florida Keys, or any Florida city in between, call or email the Law Offices of Joseph I. Lipsky, P.A., with all of your Florida car accident questions and to arrange for your **FREE NO OBLIGATION CONSULTATION:**

(888) FLA-LAW8 - Toll Free
(954) 693-0073 - Ft Lauderdale
(305) 821-7333 - Miami-Dade
(561) 514-3535 - Palm Beach
(305) 296-6300 - Florida Keys

The call, and car accident consultation, are **FREE**, so do not delay in calling to find out about your legal rights.