



FLORIDA CAR ACCIDENT GUIDE

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



Car accidents are terribly serious and can leave you too injured to return to your normal life and that can be really frustrating. If you are feeling worried about your physical wellbeing and your financial stability, you probably want to pursue a car accident claim. We want to guide you through that legal process to a successful outcome.

Here in the Tampa Bay Area, and especially along dangerous roads like U.S. Hwy. 19, Interstate 4, and Dale Mabry, the most common reasons for catastrophic car accidents often include driver inattention due to cell phones and blatant disregard of traffic laws. In the worst cases, drivers are inebriated by alcohol or drugs and have recklessly decided to put innocent motorists at risk by getting behind the wheel of their vehicle. While unsafe road conditions such as dense fog, heavy rains or brush fires are often contributing factors to auto accidents, of all the reasons the most common factor is simply driver negligence.

Our lawyers at PERENICH The Law Firm have devoted their professional careers to representing the innocent victims of auto accidents. Our car wreck attorneys are dedicated to restoring your life and the hope of a bright future. As practicing Tampa Bay car accident lawyers, we're acutely skilled and experienced in all types of automobile accident cases, even those involving whiplash, paralysis, permanent disability and death.

FIRST STEPS TO FOLLOW AFTER AN ACCIDENT

After an accident, the top priority should always be your safety and your health. If you are able to, move your car to a safe location away from traffic, but near the scene of the accident. Getting the police on the scene right away to secure the evidence and make sure everyone is safe is important. If you are not whisked away on an ambulance and your injuries aren't life threatening, it is important to take photos, videos, and collect names and information from witnesses and the other driver(s). You want to secure this information for your claim to

be successful. If you are seriously injured and cannot do this, a police officer, friend, or attorney can do it for you.

After you have left the scene of the accident with your evidence and information, and you need to see a doctor. Do not skip this vital step to start treatment for your injuries. It also is important because you want medical proof of your injuries to show the insurance company you deserve compensation. After this, you should call an experienced attorney to take on your case.

You want to ensure that you act quickly on all of this because there is a statute of limitations you need to be considerate of. In Florida, it's a little bit longer but that does not mean you should wait longer. From the date of your accident, you have four years to get your claim brought or to have it settled. If your accident was with a government vehicle, you may have a shorter statute of limitations. Once this time limit runs out, you will lose your right to a claim and compensation.

REAR END ACCIDENTS

The most common motor vehicle accident is the rear-end accident. This usually results when a vehicle slows or stops for traffic on the road, and the driver behind him fails to stop in time, and crashes into the back of the vehicle in front of him.

Florida law previously recognized a presumption of negligence on the part of the driver of the rear-ending motor vehicle. With this presumption, the rear-end accident victim had a head start on proving that the rear-ending motor vehicle operator was negligent, and therefore would be held responsible for the injuries caused to the occupant of the vehicle that was impacted from behind. The idea was that automobile drivers have the responsibility to be on the lookout for traffic in front of them. This concept recognized that the driver in the front wouldn't be able to prevent an accident that resulted from what happened with the motor vehicle that was behind him.

However, in recent years, this presumption has been eliminated. Florida law recognizes the legal concept of comparative fault. In short, this means that when an accident results, the cause of the accident can be shared by more than

one person and that not every driver is necessarily either 100% at fault or 0% blameless.

Although many times, an accident happens because of the sole and exclusive fault of one driver, there are many instances when fault can be shared and a jury is charged with the task of apportioning the fault to more than one person, even the victim who had the least responsibility in the circumstances that led to his or her injuries.

With Florida now embracing comparative fault, the courts have decided that the presumption of fault for rear-end accidents no longer applies. If a rear-end accident happens, a jury should consider whether or not the vehicle in front contributed to causing the accident in any way.

So, now insurance companies who should be taking full responsibility for their policyholders who cause rear-end accidents, and they look for any way to avoid taking responsibility and instead blame the innocent injured person.

TEXTING WHILE DRIVING ACCIDENTS

Distracted driving is the leading cause of auto accidents, and as the prevalence of texting has increased, this percentage has continued to increase. Texting and driving is incredibly dangerous and puts lives in jeopardy. Texting and driving is illegal in the state of Florida. This type of distracted driving leads to, at the very least, a traffic citation, and at the very worst, an injurious or fatal accident.

Obviously, keeping your eyes on the road is the best way to avoid an auto accident. Unfortunately, you can't control everyone else on the road. One driver's foolish mistakes can dramatically impact one's life. It is important that your rights are upheld when you or someone you love has become a victim of an auto accident caused due to a texting driver.

A driver needs cognitive focus, manual focus, and visual focus to be fully in control of their motor vehicle. Texting while driving means that the driver does

not have both hands on the wheel, and their attention is not focused on the road where it belongs. These two distractions reduce awareness and reaction time.

When someone else's texting and driving negligence has caused an accident, it is important that the victim's rights are upheld and justice is served. Florida's distraction law states that an individual should not be texting and driving. If negligent behavior causes you or a loved one pain, injury, or death, then you should be fairly compensated.

PASSENGER IN AN AUTO ACCIDENT

Being a passenger in an auto accident is devastating. You had no control over what happened and now you probably feel like you are at the whims of an auto insurance company with which you have no connection. Being a passenger in an automobile accident allows you the same rights as any other parties involved. The most important things an auto accident passenger can do is ask questions and document the accident. If no one involved in the accident wants to call the police, call the police yourself. Without a police report of the accident it will be very hard to get an insurance company to pay for your injuries.



TALKING TO THE INSURANCE COMPANY

If you are worried about ruining your case before it really even gets started, you need to know that the worst thing you can do is make a recorded statement to the other driver's insurance company adjuster. They will be calling you right after your accident and, without a doubt, they are looking to get answers out of you that will wash their hands clean of any responsibility for the accident. You might think you're being helpful by talking to them, but they're looking out for themselves, not you, and they will do whatever it takes to drop your claim or reduce the amount of compensation they owe you.

AVAILABLE COMPENSATION OPTIONS



There are two avenues available to you for compensation when you're in a car crash in Florida. We are one of the few states who practice no-fault. That is a type of insurance that you will have on your own policy that will give you compensation for your medical expenses, your lost wages, and out-of-pocket expenses related to the accident. This is available to you regardless of who caused the accident.

If the crash ended in serious injury and no-fault won't cover your injuries, only then you can pursue a claim against the other driver. The exact definition of "serious injury" needs to be hammered out with an attorney. But after that, you are allowed to bring on a car accident claim. When you seek compensation through a claim, there are rules that can reduce your award. However, Florida allows for you to get compensation even if you are almost entirely at fault through pure comparative negligence. The way this works is that if you were deemed to be 15% at fault for your accident and you are awarded \$10,000, you would be able to take \$8,500 of that award.

The types of possible injuries in a car accident include:

- » Concussion
- » Broken bones
- » Fractures
- » Traumatic brain injury
- » Cuts and lacerations
- » Internal bleeding
- » Spinal cord damage
- » Paralysis

The list certainly extends past this and what you should know is that the worse your injuries are, the more you may be compensated. Just to reiterate, it is extremely difficult to pursue a car accident claim if you don't get your injuries looked at. The insurance is hounding for ways to reject your claim and that would be the easiest thing to turn you down for. Even if you go to urgent care, general practitioner, or the ER, you need to get your injuries treated.



FREQUENTLY ASKED CAR ACCIDENT QUESTIONS

How Do I Pick the Best Attorney?

You may be asking yourself, "How do I know if I've selected the absolute best car accident attorney?"

You should look at the person's web page, check out their experience, and their history. Someone who comes right out of law school may or may not appreciate all the nuances that are involved in a car accident case.

Some attorneys may spend a lot of money advertising on radio, television, or billboards. That does not make them the best attorney. We take special pride in how much we care about our clients. We want to help them in the best way possible. We aggressively approach the case, not just in terms of collecting evidence, but also in terms of our discussions with the adjusters and our presentation of the case at trial.

What Do I Do After a Car Accident?

You may be wondering, "What are the main steps that we need to undertake to be able to pursue this claim successfully?" You need to get good medical care and treatment for your injuries. Not just for your case but because you need to know that your health is way more important than your wealth. We want to make sure that you are getting good medical care and treatment by the very best medical professionals in the community here. We're going to be discussing

that with you to make sure that indeed you are getting that medical care and treatment, and you're following a plan of care.

Then step two is allowing us to analyze what that medical care and treatment is to determine what your losses are. Finding out if your injuries will be permanent is important because if you don't have a permanent injury physical scarring, or loss of an important bodily function, then you're not going to be entitled to your non-economic damages. Non-economic damages are your pain and suffering, mental anguish, disability, any resulting disfigurement, or loss of the capacity for you to enjoy your life in your normal lifestyle. Then the third step is putting that together. The insurance company demands a comprehensive demand to the insurance company for the at-fault party to try to resolve your claim. We want to do everything that we can to make sure that we are presenting every piece of information to that insurance adjuster and to the claim adjuster to make sure that they understand what your injuries, losses, and damages are.

Only then will we be in a position to try to resolve your case. If we can't, then we file a lawsuit with your permission. If the case ends up going to trial, we're going to be there with you every step of the way to prevail and ensure that we have done everything to make sure that you have received your reasonable, justifiable compensation for your losses and injuries.

How Much is My Case Worth?

When I meet with new clients, I am frequently asked how much an automobile accident injury claim is worth. When we look at that, we're not going to have a complete understanding when we meet with the client at the very beginning of the case. What I would tell you if you were asking me that question is we're going to need to know the extent of your injuries. We're going to need to know if those injuries are of a permanent nature. Is there a mental anguish or psychological component to those injuries where there's mental suffering because of that? Sometimes that's something that happens when a person has physical injuries.

We're also going to look to see how much the medical bills and expenses are that you owe for incurring reasonable and appropriate medical care and

treatment. We're going to have to have a reasonable estimation of what the future costs for those injuries are to medically and appropriately treat them.

We're going to also be looking to see what economic losses you have suffered. Have you missed work? Has this resulted in you being unable to perform your job to the level that you were performing it before you were injured in that auto accident?

It's impossible to give a specific answer of the value of that auto injury claim at the very beginning of the case, but as we work on the case and have a better understanding of what your injuries and losses are, we're going to be able to project to you what the value of that claim is.

Who Pays My Medical Bills?

Sometimes the reason why clients call us is because they realize that they're going to be faced with medical bills that they didn't plan for and they're concerned about that. We prosecute these claims in the Tampa Bay area. We will recover the payment of medical bills from the at-fault driver's insurance company. That can be a lot of different things. It can be even with one's own insurance company through uninsured motorist coverage.

Under no circumstances will we ever give up on making sure that our client's medical bills are properly paid for by the responsible party. That means that our clients should not worry about the medical bills, and they should focus on getting better and taking care of themselves and their family through this difficult time. Let us worry about getting your medical bills paid for.

How Long Will This Case Take?

Every time I meet with a client, one of the questions that always comes up is, "How long is this process going to take?" That depends on a lot of different things. One of the most important considerations for our firm is making sure that we maximize our client's damages. We want to make the biggest recovery that we can.

We want to get complete and total compensation for all the losses that our client has suffered in an automobile accident claim. That means that the client

has to take the time to get good medical care. That medical care is part of the investigation of your injuries; what they are, and what those injuries are going to mean for you in the future.

Typically, you would hope that you'd get a handle on that in four to six months, but in all cases, it's not the same. Our firm is not in any hurry to try to make that decision if it's going to mean less value to our client. Our fundamental focus is to give the client the opportunity to get full medical care at least to the extent that we have a very good handle on all of their injuries and all of the future medical needs that will go along with those injuries. Of course, sometimes it can take years. You need to hire a law firm that understands this and is willing to take the time and be patient to assist a client for what can be a very long process.



How Long Do I Have to File a Claim?

One of the first questions clients have is, “How long do we have to file the case?” In Florida, if you've been injured in an automobile accident, in general, we have four years to properly and timely file the claim. That means that we have four years from the date of the accident to file the claim, or an action in court.

There's an extra year that will apply if we're pursuing your own insurance company for uninsured motorist benefits because there is a five-year statute of limitations that applies in an uninsured motorist claim.

An uninsured motorist claim applies when the at-fault party's insurance is not enough to fully pay your damages for your injuries. In the event that you have uninsured motorists or underinsured motorist coverage, then that will apply as well. The statute of limitations in Florida for filing a claim for automobile accident injuries is four years from the date of the accident.

Are My Lost Wages Covered?

I am commonly asked whether or not somebody's lost wages can be compensated when they've been injured in an automobile accident. It's a good question

because most people, unfortunately, can't go one or two weeks without a paycheck. The challenge, of course, when there's an injury claim and the injury has prevented our client from working is, "How are they going to be able to pay their bills while they wait for their personal injury claim to develop?"

There's an answer. Florida is a no-fault state. Under the Florida no-fault law, your medical bills can be reimbursed up to a certain amount, as well as your lost wages. That's important to know. If a client is in a vulnerable situation where missing a week or two of a paycheck can have dire consequences for them, it's really the responsibility of the lawyer to advise the client that they have a right to reserve money on their no-fault coverage to pay for lost wages.

If the no-fault money, which is \$10,000 in the state of Florida, all goes to pay medical bills, and my client ends up being evicted from their home or having their electricity turned off, it doesn't matter whether they got good medical care or not if they can't take care of themselves or their family. You can talk to the insurance company adjuster on the no-fault side and ask that they set aside a set amount of money so that when you present lost income and the lost wages, you can be compensated and continue to take care of your family.

What Mistakes Should I Avoid?

Sometimes I'm asked what the big mistakes are that people make when they're involved in car accidents here in Florida. It's heartbreaking to see these mistakes. One thing that a person can do is delay medical treatment. That is sometimes fatal to a case.

Ultimately, we have to prove to either an adjuster or to a jury that you've been injured. The best way to do that is through the medical documentation. The person who turns away the ambulance or decides that they don't have time to go to the hospital can be making a big mistake. Sometimes we don't always understand how badly we've been injured when the adrenaline is still flowing right after the accident. Sometimes it takes time for our body to finally feel and experience the pain and suffering that has been inflicted upon us by the other driver's inattentiveness.

Another big mistake is to not hire the right attorney. There are many attorneys out there who do personal injury law, but not many appreciate all the nuances that it involves. I've seen many situations that I wish I could get in a time machine and have the client do things differently.

What Do I Do If I'm Hurt in an Accident?

I'm often asked, "What should I do if I've been injured in a car accident here in Florida?" First and foremost, get medical treatment. After the crash, you may be hyped up on the adrenaline. You may not even feel all of the injuries that you've taken on. Don't automatically turn away the ambulance. They call paramedics and the EMT people to the accident scene because car accidents are dangerous and they involve typically very serious injuries, even low-impact/low-speed collisions.

The next thing to do is to call an experienced trial counsel to help you navigate your case. A good attorney will understand that evidence can grow stale. What we do is we send an investigator out to the scene to take photographs of both vehicles.

If you've been involved in the accident and you have your cell phone, take photographs. Take photographs of all areas of your vehicle that were involved. Same with the other car, including the license plate. Get names and take photographs of the driver licenses of any witnesses that have contact information. Those are the critical things that a person should do when he or she has been involved in a motor vehicle accident here in Florida.

What If I'm Hurt in an Uber?

I had a client who was injured while she was in an Uber. Her concern was that there was not going to be any coverage for her injuries. Anybody who's in an accident, regardless of whether it was a Lift or Uber, have to call the police. The Uber driver doesn't want to call the police. The Uber driver wants to just resolve it and have everybody go on their way. They don't have regard for the passengers or whether their passengers are injured.

The Uber driver may be negligent. The other motorist may be negligent. Ultimately, you may have a claim against the Uber corporation itself if they had

a role in this. Those are things that are going to have to be investigated and fully prosecuted by a firm to get full compensation in a case where somebody's been injured as a passenger in a Lift or Uber.

What If the Other Driver Doesn't Have Insurance?

You may be worried if the other driver who hit you didn't have bodily injury liability coverage. Maybe that coverage lapsed or they didn't have it to begin with. We're going to do our investigation and determine for a fact whether the at-fault party had bodily injury liability coverage. We're going to make sure that, if that person was driving a vehicle that was owned by someone else and whether or not the owner of that vehicle had bodily injury liability coverage.

In Florida, a person who owns a motor vehicle or drives a motor vehicle isn't specifically required under Florida law to have bodily injury liability coverage. It's not a required type of coverage to drive a car. The only type of coverage that's required is property damage liability which won't cover your personal injuries.

We're going to be telling you from the very beginning, if indeed it's determined that the at-fault person who was driving the car that caused your injuries didn't have liability coverage. Then we're going to be moving to step two of our investigation which is to determine if you have uninsured motorist coverage under your policy or if you're residing with a resident relative that owns a motor vehicle that has uninsured motorist coverage that we can look to try to recover for your injuries, damages, and losses. We're going to be looking to that step if that person either didn't have any liability coverage or didn't have sufficient liability coverage. Then we're going to be looking to determine if you have uninsured motorist coverage that would protect you.

Under Florida law, an insurance company cannot legally raise your insurance premiums for you pursuing an uninsured motorist claim for an accident that was not your fault. They cannot do that solely on the basis of you pursuing an uninsured motorist claim.

CALL OUR TAMPA OFFICE TODAY

If you have been involved in a serious car accident and you are suffering from injuries, please call our Florida car accident lawyer today to set up a free consultation. We are willing and able to take your case all the way.



CREATED BY PERENICH THE LAW FIRM

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.

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