

Can I Recover Compensation If I Was Partially at Fault in a Florida Car Accident?

Get an experienced Palm Beach County car accident lawyer on your side

[Car accidents](#) in Palm Beach County don't follow a script. Your world could change with the sound of metal crunching and brakes screeching within the blink of an eye. Later, you might wonder if the crash was partially your fault and if you can get compensation. In Florida, the answer is yes – under certain conditions.

It used to be that Florida followed something called “pure comparative negligence,” meaning even if you were 99% at fault, you could still recover 1% of your damages. But in 2023, the law changed. Florida now follows a [modified system](#). You can still recover compensation – but if you're more than 50% responsible for a crash, you may walk away with nothing.

Before pursuing a car accident claim in Florida, it's important to know what this means, how fault is determined, and how an experienced car accident attorney can help you protect your ability to recover what you've lost.

What does Florida's modified comparative negligence law mean?

If you're 50% or less at fault, you can recover compensation. However, your total award will be reduced by your percentage of fault. If you're 51% or more at fault, you can't recover any damages from the other driver or their insurance company.

That's why it's important to get help from an experienced Palm Beach County car accident lawyer who knows how to investigate crashes like yours. A small increase in your assigned fault could cost you everything.

How is fault determined in a Florida car accident?

Fault isn't just about what happened; it's about what can be proven and how those facts are interpreted by insurance adjusters, police officers, and potentially a jury.

After a crash, police officers file a report that includes statements from everyone involved. Insurance companies review that report, along with vehicle damage, traffic footage, witness statements, and even phone records, to determine who caused the crash and how much each party contributed.

Here's what they typically consider:

- Skid marks and property damage
- Dashcam or traffic camera footage

- The timing of traffic signals
- Driver statements and body camera footage
- Witness testimony
- Whether either driver was cited for a traffic violation

Even something minor, such as failing to use a turn signal or driving a few miles over the speed limit, can lead to partial blame. Never speculate or admit any fault at the scene. What you say can become part of the official record and may come back to hurt your claim later.

What happens if I'm found partially at fault?

If you're found partially at fault but still under the 51% threshold, your compensation will be reduced based on your percentage of responsibility.

Let's say you are awarded \$100,000 for your damages (such as medical bills, lost wages, and pain and suffering). If you're 20% at fault, you would only receive \$80,000. If you're found to be 51% at fault, you're no longer eligible to collect anything.

That 1% difference can cost you your entire claim. It's one of the biggest reasons you need someone fighting for your side from the start. An experienced attorney can gather the right evidence, frame your case properly, and push back if the insurance company tries to assign you more fault than you deserve.

What damages can I recover if I'm partially at fault?

As long as you're found to be no more than 50% at fault, you can still recover compensation for different types of damages.

Economic damages include:

- Emergency room bills, surgeries, medications, and long-term rehabilitation
- Lost wages during your recovery period
- Reduced future earning capacity if you can no longer do the same job
- Vehicle repair or replacement
- Mileage, home healthcare, and out-of-pocket expenses

Non-economic damages include:

- Pain and physical suffering
- Emotional distress or trauma

- Loss of enjoyment of life, including hobbies and daily activities
- Loss of companionship or support in serious or fatal injury cases

Should I admit fault after the accident?

Even if you feel responsible, don't say anything that could be interpreted as admitting fault. At the scene, you should exchange information, speak with law enforcement, and make sure you receive medical attention. But when it comes to describing the crash, keep it brief and stick to facts.

Statements such as "I didn't see them" or "I might have been going a little fast" can be used against you. Even a casual "I'm sorry" could end up in the crash report or be repeated by a witness.

Insurance adjusters are trained to listen closely. If they hear anything that suggests you contributed to the crash, they'll use that to justify reducing or denying your claim. If the other driver's insurance company contacts you, politely decline to provide a recorded statement and refer them to your attorney.

What if the insurance company already blamed me?

If the other driver's insurance company already placed the blame on you, you don't have to accept their word as final. Insurance companies are not neutral parties. They want to protect their bottom line and one of the easiest ways to do that is to blame you.

Even if they've already assigned fault, a Palm Beach County car accident lawyer can reopen the investigation, bring in new evidence, and present a more accurate account of what happened. Many injury victims accept partial fault without realizing how much it can reduce (or eliminate) their settlement.

If you've already received a denial or lowball offer, don't sign anything until you speak with an attorney. Once you accept a settlement, you waive your right to seek additional compensation later.

Being partially at fault in a car accident can feel like the end of the road. But in Florida, it doesn't have to be. As long as you're no more than 50% responsible, you still have the right to pursue compensation for your injuries, your medical costs, and the way your life has been disrupted.

What matters now is what you do next. Protect your rights. Don't talk yourself out of a claim. And don't let an insurance company decide what your recovery is worth.

How can a Palm Beach County car accident lawyer help if I was partially at fault?

If you were hurt in a car accident in Palm Beach County and the other driver's insurance company is already trying to shift the blame onto you, don't wait to protect yourself. Insurance adjusters won't waste any time twisting the facts to fit their narrative. They're not on your side, but attorney Casey D. Shomo is. With over 30 years of experience and a reputation built on winning tough cases, Mr. Shomo knows exactly how to counter these tactics and fight for what you deserve.

When you work with [The Law Offices of Casey D. Shomo](#), you get a dedicated advocate who handles every part of your claim, from start to finish. Whether you're dealing with rising medical bills, lost income, or long-term injuries, we'll take the legal pressure off your shoulders so you can focus on healing. We've recovered millions for clients in car accident cases and we're ready to do the same for you.

Don't let the insurance company control the story or the outcome. Take back your power by speaking with an attorney who has your best interests at heart. [Contact us](#) today for a free consultation. There's no fee unless we win your case. Let us stand up for you and make sure you get every dollar you're entitled to.

"Casey & Joanne were great help throughout my first car accident. Thankfully, I was okay but the car not so much. They jumped into action right away and I'm very fortunate to have them by my side. Thank you again! Definitely recommend!" – C.M., ★★★★★