

# How Florida's No-Fault Insurance System Works After a Car Accident

## A Palm Beach Gardens lawyer can protect your rights and pursue compensation

Most people who've been hurt in a Palm Beach Gardens [car accident](#) assume the driver who caused the crash is responsible for picking up the tab. That assumption is natural, and in many states it would be correct. In Florida, though, the rules work differently from the moment of impact, and misunderstanding those rules can cost you your right to full compensation.

Florida is one of a small number of no-fault states in the country. That means after a car accident, your own insurance policy is the first source of coverage for your medical bills and a portion of your lost wages, regardless of who caused the collision. The system was designed to get injured people medical care quickly and reduce the volume of minor litigation in state courts.

For drivers with minor injuries, it often works as intended. For drivers with serious injuries, it creates a maze that demands careful navigation from the very beginning. [The Law Offices of Casey D. Shomo, P.A.](#) has spent over three decades helping injured people in the Palm Beach Gardens area understand what this system actually means for their recovery and their legal rights.

### What no-fault actually means

The term "no-fault" doesn't mean nobody is responsible for the crash. It means that for purposes of your initial medical coverage, fault is legally irrelevant. Your own Personal Injury Protection insurance (PIP) is activated no matter who caused the crash.

This rule applies only to bodily injuries. Property damage, meaning the cost to repair or replace your vehicle, operates under the traditional at-fault system. The driver who caused the crash, or their insurance carrier, is responsible for your vehicle. But for your physical injuries, PIP comes first – and understanding what it covers changes everything about how you protect yourself.

### What your PIP coverage actually pays

Under [Florida Statute 627.736](#), every registered vehicle owner in Florida must carry at least \$10,000 in PIP coverage. That coverage pays a specific percentage of your losses, not a dollar-for-dollar replacement, and the distinction matters when the bills start arriving.

Here's what PIP covers after a qualifying car accident in Florida:

- 80% of reasonable and necessary medical expenses, including emergency care, diagnostic imaging, and rehabilitative services
- 60% of lost wages you're unable to earn because of your injuries

- Mileage reimbursement for travel to and from medical appointments
- Up to \$5,000 in death benefits if the accident results in a fatality
- 100% of replacement services for tasks you can no longer perform yourself due to the injury

There's a key threshold within the PIP system that many people don't learn about until it's too late. If a treating physician determines that you have an Emergency Medical Condition (EMC), you have access to the full \$10,000. Without that EMC designation, Florida law limits your PIP benefit to \$2,500, even though you're paying premiums on the full \$10,000 amount. This distinction is one that insurance carriers rarely volunteer when they're processing your claim.

### **The rule you can't afford to ignore**

One of the most consequential rules in Florida's no-fault system is the 14-day treatment deadline. To qualify for PIP benefits at all, you must seek medical treatment within 14 days of the accident. This isn't a suggestion, and there aren't exceptions for people who thought they felt fine and then got worse over the following week.

The reality of delayed injury symptoms is well established in medicine. Soft tissue damage, disc injuries, and concussions often don't produce their full symptom picture for days or even longer after a crash. Many people walk away from an accident telling themselves they'll wait and see, then find themselves facing serious injuries with no PIP coverage to pay for treatment because they missed the statutory window.

Seeing a doctor within 14 days creates the medical record that unlocks your PIP coverage and begins building the documentation your case will depend on at every stage that follows.

### **When can I step outside the no-fault system?**

The most important aspect of Florida's no-fault law isn't what PIP covers. It's what it doesn't cover and when you're legally allowed to go beyond it.

PIP pays nothing for [pain and suffering](#), emotional distress, or the full cost of future medical care. To pursue those categories of compensation, Florida law requires that your injuries meet what's known as the serious injury threshold, codified under [Florida Statute 627.737](#).

Under that statute, you can pursue the at-fault driver for full damages when your injury involves one of the following:

- Significant and permanent loss of an important bodily function
- Permanent injury within a reasonable degree of medical probability, established by a treating physician
- Significant and permanent scarring or disfigurement

- Death

This is where the stakes of a serious accident become clear. Herniated discs with documented nerve compression, traumatic brain injuries with lasting cognitive effects, spinal fractures, severe burns, and permanent nerve damage are examples of conditions that can satisfy the threshold, but each requires more than a treatment record.

You need imaging, specialist assessments, and a physician who can establish permanency to a reasonable degree of medical probability. Insurance carriers and their defense attorneys challenge threshold claims aggressively, which is why documentation from the very first medical visit matters.

### **Why the threshold matters so much in practice**

Think of PIP as a floor, not a ceiling. The \$10,000 limit can be exhausted within 24 hours of a serious crash between the ambulance, the emergency room, and initial imaging. Once it's gone, you're paying out of pocket unless you've crossed the serious injury threshold and are able to pursue the at-fault driver's bodily injury liability coverage or your own uninsured motorist coverage.

For example, consider a driver rear-ended on I-95 near Palm Beach Gardens who initially feels stiffness and gets checked out within the 14-day window. An MRI ordered two weeks later reveals a herniated disc at L4-L5 pressing on the nerve root. Conservative care fails over four months, and a spinal surgeon recommends a discectomy. That procedure alone can exceed \$40,000 before counting post-operative therapy, [lost income](#) during recovery, and any chronic symptoms that persist afterward. None of that is covered by the original \$10,000 PIP benefit. Meeting the serious injury threshold is what opens the door to the full compensation picture.

### **What happens when the at-fault driver has no coverage**

Florida doesn't require drivers to carry bodily injury liability coverage, which means many drivers on the road don't have insurance to compensate you even if you meet the serious injury threshold. This is exactly why uninsured and underinsured motorist coverage is one of the most valuable protections available to Florida drivers and one of the most frequently declined when people are trying to lower their premiums.

If the at-fault driver carries no bodily injury coverage and your injuries are serious, your own UM/UIM policy may be the only source of meaningful compensation available to you. Whether that coverage is sufficient depends entirely on the limits you chose when you set up your policy.

### **How long do you have to bring a claim?**

Florida's statute of limitations for most car accident claims is two years from the date of the accident, a deadline that was shortened from four years under a 2023 legislative change. Missing that deadline eliminates your right to pursue compensation entirely, regardless of how serious your injuries are or how clearly the other driver was at fault.

That two-year window may feel like it's far away, but between reaching Maximum Medical Improvement, assembling a full demand package, and negotiating with an insurance carrier, that window closes faster than most people expect.

### **Get the legal guidance you deserve after a Palm Beach Gardens car accident**

If you've been injured in a Palm Beach Gardens car accident and you're trying to understand what your rights are under Florida's no-fault system, the earlier you have accurate information, the better.

The Law Offices of Casey D. Shomo, P.A. can help you pursue an insurance claim, gather key evidence, calculate your full damages, and pursue fair compensation, whether through negotiation or litigation. We handle cases on a contingency fee basis, which means you pay no upfront fees and no legal fees at all unless we recover compensation for you.

When you're ready to find out how the law applies to your situation, [contact us](#) for a free consultation and a clear, honest assessment of where your case stands.