

What to Do If You Lost a Loved One in a Florida Car Accident

Wrongful death lawyers serving Palm Beach County and beyond

Losing someone you love in a fatal [car accident](#) is the kind of heartbreak that shatters the world you knew. In the quiet that follows, you're left grieving and wondering what to do next. Amid the emotional fog, legal questions might start to surface. Can you hold someone accountable? Will there be help with funeral costs, lost income, or just the burden of trying to move forward?

In Florida, the law does provide a way forward for grieving families through something called a [wrongful death claim](#). Read on to find out what that means, who can file, what compensation might be available, and what steps you can take in the days and weeks after a fatal crash.

Who can file a wrongful death lawsuit in Florida?

Only one person can file a wrongful death lawsuit in Florida: the personal representative of the deceased's estate. This is typically someone named in a will (for example, a spouse or adult child), but if no will exists, the court can appoint someone, often the closest living relative. The personal representative files the claim on behalf of all surviving family members and the estate.

Under Florida law, the survivors who may be entitled to compensation include the deceased person's spouse, children, parents, and any blood relatives or adoptive siblings who were financially dependent on them. It's not about who was closest to the deceased person most; it's about who the law recognizes as eligible to claim certain types of damages.

Before anything else, you'll need to open a probate estate for your loved one if one doesn't already exist. This legal step is what gives the personal representative authority to file the lawsuit and make decisions about settlement or trial on behalf of everyone affected.

What types of compensation are available in a Florida wrongful death claim?

No sum of money can fill the void left by a tragic loss, but wrongful death claims aim to ease the financial and emotional burdens that often follow. Florida allows two broad types of damages in wrongful death cases: compensation for survivors and compensation for the estate.

Survivors' damages may include:

- Loss of financial support and services the deceased would have provided
- Loss of companionship and protection, particularly for a surviving spouse
- Mental pain and suffering for the spouse, children, or parents
- Loss of parental guidance for minor children
- Reimbursement for funeral and medical expenses if the survivors paid out of pocket

Estate damages can include:

- Lost earnings between the accident and death (if death wasn't immediate)
- Loss of future earnings the deceased would've saved over their lifetime
- Medical and funeral costs paid by the estate
- Survival damages for the conscious pain and suffering the deceased experienced before death (in some cases)

What if my loved one was partly at fault?

This is one of the more complicated and emotional aspects of Florida law. Florida follows a modified comparative negligence rule, so if your loved one was more than 50% responsible for the crash, your family may be barred from recovering any damages. But if they were 50% or less at fault, you can still pursue compensation. It's just reduced by their percentage of fault.

Say your loved one was 20% at fault for speeding, and the other driver ran a red light and caused the crash. If the total damages awarded were \$1 million, your family would receive \$800,000. That reduction can sting, but it still holds the at-fault driver accountable and helps your family recover financially.

Insurance companies might try to argue that the deceased was partly to blame, whether it's failing to wear a seatbelt, texting while driving, or even walking across the street outside a crosswalk. That's why it's important to have an experienced attorney investigate the crash thoroughly and counter any unfair claims.

How does insurance affect wrongful death claims?

In most cases, the money recovered in a wrongful death case comes from insurance, not the personal bank account of the at-fault driver. But Florida's insurance requirements are minimal, and not every driver carries enough coverage (or any at all).

Here are a few key insurance sources that might apply:

- **At-fault driver's liability insurance:** This is the most common source, but it's not guaranteed. It typically covers medical expenses, lost wages, and other damages up to the policy limit.
- **Uninsured/underinsured motorist (UM) coverage:** If your loved one had this on their policy, it may help cover losses when the at-fault driver doesn't have enough insurance. UM coverage can also apply in hit-and-run cases where the other driver can't be identified.

- **Personal Injury Protection (PIP):** Florida's no-fault insurance includes a \$5,000 death benefit, which can be used for funeral expenses, even if your loved one was at fault. PIP benefits are paid quickly, regardless of fault, but may not fully cover all losses.
- **Multiple policies:** In multi-vehicle crashes or cases involving commercial drivers, there may be several insurers and higher coverage limits available. An experienced attorney can help identify all available policies and maximize the total compensation.

What steps should you take after the accident?

In the days and weeks after a fatal crash, you may feel emotionally paralyzed, but there are a few steps that can help secure your family's future:

- **Get the crash report:** The police report contains critical details about the fatal car accident, including witness names, fault findings, and insurance information.
- **Preserve evidence:** Save photos, videos, and any records related to the crash. If the vehicle was towed or repaired, tell your lawyer right away so they can inspect it or retrieve black box data.
- **Keep all documents:** Funeral receipts, medical bills, emails from insurers, and therapy records can all support your claim.
- **Avoid speaking with insurance adjusters:** You may receive a quick settlement offer or requests for statements. Don't sign anything or give detailed statements without an attorney's advice.
- **Open a probate estate:** As mentioned earlier, you'll need to have a personal representative appointed to move forward with the case.
- **Speak with a wrongful death attorney:** The sooner you get legal representation, the better. An experienced Palm Beach County car accident lawyer can handle every aspect of your wrongful death claim, so you don't risk jeopardizing your case.

What should I expect from the legal process?

Here's a general overview of what the wrongful death case may look like:

- **Investigation:** Your attorney will gather crash reports, photos, witness statements, expert analyses, and insurance information.
- **Settlement talks:** If liability is clear and insurance coverage is limited, the insurer may offer policy limits early. But if the value of your case exceeds that, or if fault is disputed, negotiations may continue or move toward litigation.

- **Lawsuit:** If no settlement is reached, your lawyer will file a wrongful death lawsuit. Both sides will exchange information (called “discovery”) and may participate in depositions or mediation.
- **Mediation:** Many cases resolve here. A neutral third party tries to help both sides reach a fair settlement.
- **Trial:** If mediation fails, the case may go before a jury, which will decide fault and damages. Trials are emotionally taxing but sometimes necessary.
- **Resolution:** If you win at trial or reach a settlement, the funds are typically distributed among survivors based on their losses. The court may approve the allocation to ensure fairness.

From start to finish, these cases can take one to three years, depending on the severity of injuries and whether liability is contested. Most resolve through settlement long before trial, especially when the evidence is strong and both sides are motivated to avoid the cost and uncertainty of court.

However, if the insurance company refuses to offer a fair amount or delays the process, your lawyer may recommend moving forward with litigation to protect your rights and secure full compensation.

Let our Palm Beach County law firm fight for your family’s justice

If you’ve lost a loved one in a car accident, we know there are no words that can ease the pain. But there is a path forward. [The Law Offices of Casey D. Shomo](#) is committed to helping grieving families get the justice, answers, and financial recovery they deserve. Wrongful death claims are never just about the money; they’re about accountability, closure, and making sure no other family has to endure the same tragedy.

During your free consultation, we’ll take the time to listen to your story, explain your legal rights, and provide honest insight into your options without pressure or obligation. You’ll get a clear picture of what comes next and how we can take the burden off your shoulders. Since we work on a contingency fee basis, you won’t owe us anything unless we recover compensation for you.

We proudly serve families throughout Palm Beach Gardens and across Palm Beach County, including West Palm Beach, Delray Beach, Boynton Beach, and beyond. If you’re too overwhelmed to come to us, we’ll come to you. [Contact us](#) today and let us help you sort things out with care, clarity, and the commitment your family deserves.

“Casey and his staff were upfront, honest, and easy to work with. He truly cares for his clients and their families. I would highly recommend him to anyone else that requires his services!” –

D.B., ★★★★★