

Florida Personal Injury Definitions



TORT

The technical term for an act that infringes on someone else's rights, resulting in loss or harm. Personal injury lawsuits are always "tort law" civil cases. The terms personal injury law and tort law can be used interchangeably. The goal of a tort action is to force the person who commits the tort to compensate the injured party that suffered the loss and/or harm.

NEGLIGENCE

The failure of a person, business or organization to act with the implicit or legally explicit care required in a given circumstance. Running a red light or texting while driving is negligent. If a person's negligent action results in an injury they have committed a tort.



STATUTE OF LIMITATIONS

A law that sets the maximum amount of time after an injury that legal action can be initiated. Florida has a four-year statute of limitations on personal injury law. There are exceptions that may pause the statute of limitations clock:

- 🕒 The injured person was incapacitated (can extend the timeline to seven years maximum)
- 🕒 The negligent part left the state of Florida before a lawsuit could be filed
- 🕒 The defendant tried to hide to avoid the lawsuit

DEFENDANT

The person, business or organization that acted negligently and caused someone else's injury.



PLAINTIFF

The person who was injured by the defendant's negligent actions and filed a personal injury lawsuit/tort claim.

COMPLAINT

The initial legal document that lays out the plaintiff's grievances and begins the formal process of a personal injury lawsuit.



ANSWER

The defendant's formal legal acknowledgement of the plaintiff's complaint. The answer establishes the defendant's position on the allegations.

INTENTIONAL TORT

Actions like assault or other criminal infractions that are done with the intent to cause harm. Most regular torts arise from negligent actions that weren't intended to cause injury. People who are texting and driving aren't doing so with the explicit intent to cause an injury.

BURDEN OF PROOF

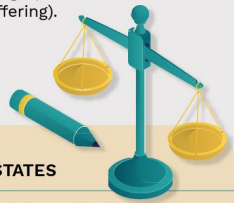
Similar to criminal law where the state (plaintiff) must prove the defendant is guilty, tort law requires the wronged party (plaintiff) to prove the party who committed the tort (defendant) caused their injuries and damages.

STRICT LIABILITY

A legal theory that holds certain parties liable for damages even if there's no initial evidence of that party's fault or negligence. In product liability cases, a manufacturer may be liable for injuries a defective product causes, even if someone else was using their product at the time.

DAMAGES

The compensation the plaintiff seeks to recover from the defendant. Damages can be economic (medical costs, lost wages) or non-economic (pain and suffering).



COMPARATIVE NEGLIGENCE

A doctrine and defense strategy in which the injured person shares some of the blame for their injury. The plaintiff can still recover reduced damages from the defendant even if they are partially at fault for their own injuries. For example, if you are hit by someone who ran a red light, but you were speeding at the time of the accident, the defendant may use a comparative negligence defense to reduce the damages they owe.

NO-FAULT STATES

In a no-fault state, each driver's own insurance pays for their injuries and property damage. Every Florida driver is required to carry personal injury protection (PIP) coverage to pay for their own injuries after an accident. However, if your medical costs exceed your own PIP coverage you may be able to seek additional damages from the responsible driver. Florida is one of the few no-fault states in the country.