

How Do Wrongful Death Lawsuits Work In Florida?

Everything you need to know about wrongful death claims

Navigating the legal aftermath of a loved one's death due to negligence can be daunting, especially when considering the possibility of filing a [wrongful death lawsuit](#) in Florida to seek damages. The legal process can be overwhelming and confusing to navigate alone, especially for grieving families who are still mourning the loss of their loved one.

That's why having an experienced wrongful death lawyer by your side is essential. At [Armando Personal Injury Law](#) in Tampa, FL, we are here to provide the support your family needs to navigate this complex journey with confidence.

What is a wrongful death?

Wrongful death in Florida refers to a situation where someone dies due to the negligence, recklessness, or intentional actions of another party. In legal terms, a wrongful death occurs when the conduct of the responsible party would have entitled the injured person to pursue a personal injury claim had they survived.

Common examples of incidents that may lead to wrongful death claims include car accidents, medical malpractice, workplace accidents, defective products, and violent crimes. If you believe your loved one's death was the result of someone else's wrongful actions, it's crucial to seek legal guidance to understand your rights and options for pursuing justice and compensation.

The difference between wrongful death and murder

While wrongful death and murder can arise from the same fatal event, they're different types of cases. Murder and other homicide offenses are criminal matters prosecuted by the state. A wrongful death action is a civil claim that may arise when a person dies because of another party's wrongful act, negligence, default, or breach of contract or warranty. Under [Florida Statute § 768.19](#), a civil wrongful death claim may exist even when no criminal charge is filed.

What are the elements of a wrongful death lawsuit?

A wrongful death lawsuit typically involves several key elements that must be established to pursue a successful claim. These elements often include:

- **Duty of Care:** The plaintiff must demonstrate that the defendant owed a duty of care to the deceased individual. This duty typically arises from the relationship between the parties, such as the duty of motorists to operate vehicles safely or the duty of medical professionals to provide adequate care.
- **Breach of Duty:** It must be shown that the defendant breached this duty of care through negligent, reckless, or intentional actions. This breach could involve actions such as

driving under the influence, medical malpractice, or failure to maintain a safe environment.

- **Causation:** The plaintiff must establish that the defendant's breach of duty directly caused the death of the individual. This requires demonstrating that the defendant's actions were a substantial factor in bringing about the fatal injuries.
- **Damages:** Finally, the plaintiff must prove that they suffered compensable damages as a result of the wrongful death. These damages may include medical expenses, funeral costs, loss of financial support, and emotional distress.

Again, successfully navigating these elements often requires the help of a skilled wrongful death attorney who can gather evidence, build a strong case, and advocate on behalf of the deceased individual's loved ones.

Which courts handle wrongful death lawsuits in Florida?

In Florida, civil lawsuits that go to trial are often handled by two types of courts – Florida Circuit Civil Courts and Florida County Civil Courts.

Florida County Civil Courts generally handle civil lawsuits in which the plaintiff is seeking less than \$50,000 from the defendant. There are 67 county courts in Florida organized by geographic location. Each Florida County Court has jurisdiction over a specific geographic location.

Florida Circuit Civil Courts generally handle civil lawsuits involving the plaintiff seeking more than \$50,000 from the defendant. There are 20 circuit courts in the state, including [Florida's Thirteenth Circuit Court](#), which is located in Tampa and has jurisdiction over Hillsborough County.

Because most wrongful death lawsuits involve a significant amount of money, many choose to file wrongful death lawsuits in a Florida Circuit Civil Court.

How much time do I have to file a wrongful death lawsuit in Florida?

A Florida wrongful death action is generally subject to a two-year statute of limitations under [Florida Statute § 95.11](#). The lawsuit is brought by the deceased person's personal representative rather than separately by eligible family members. Because special circumstances, pre-suit requirements, or claims involving government entities can affect the legal timeline, families should have the applicable deadline reviewed as soon as possible..

Who can recover in a wrongful death case in Florida?

Florida law distinguishes between **who brings the lawsuit** and **who may receive compensation from it**. Under [Florida Statute § 768.20](#), the deceased person's personal representative brings the wrongful death action for the benefit of qualifying survivors and the estate.

Florida Statute § 768.18 defines survivors to include the deceased person's spouse, children, and parents. Blood relatives and adoptive brothers or sisters may also qualify when they were partly or wholly dependent on the deceased person for support or services. Florida's Wrongful Death Act uses a special definition of "minor children" that generally means children under age 25.

Qualifying as a survivor doesn't mean that person files a separate wrongful death lawsuit. The personal representative brings one action on behalf of the appropriate survivors and the estate.

How are wrongful death settlements calculated?

There's no fixed formula for calculating the value of a Florida wrongful death claim. The damages available depend on the deceased person's family relationships, financial contributions, age, circumstances of the death, and the losses permitted under [Florida Statute § 768.21](#). Factors may include:

- **Lost Support and Services:** Qualifying survivors may recover the value of support and services they lost because of the death.
- **Survivor Damages:** Depending on the relationship and circumstances, damages may include a surviving spouse's loss of companionship and protection, loss of parental companionship, instruction, and guidance for qualifying children, and mental pain and suffering for qualifying survivors.
- **Estate and Expense Damages:** Florida law may also permit recovery of certain medical or funeral expenses, lost earnings, and prospective net accumulations through the estate.

Building a successful wrongful death claim

In a Florida wrongful death lawsuit, evidence plays a crucial role in establishing negligence and supporting the legal claim. Here are some types of evidence commonly used to substantiate such cases:

- **Security Camera Footage:** Video evidence, particularly from security cameras, can be pivotal, especially if it captures the circumstances leading to the fatal incident. For instance, footage of a slip and fall accident in a poorly maintained area can provide compelling evidence of negligence.
- **Medical Records:** Detailed medical records of the deceased can offer insight into the cause and extent of the injuries leading to death, strengthening the case for negligence.
- **Inspection Records:** Records indicating a lack of proper inspections or maintenance, especially in cases involving hazardous conditions, can be vital evidence supporting claims of negligence.

- **Police Records:** Documentation from police reports or investigations can be instrumental, particularly in cases such as fatal car accidents, where police reports often provide crucial details about the circumstances and parties involved.
- **Eyewitness Testimonies:** Statements from individuals who witnessed the incident firsthand can provide valuable accounts of what transpired, corroborating the events leading to the wrongful death.

By presenting a comprehensive range of evidence, plaintiffs in wrongful death lawsuits can effectively demonstrate negligence and seek the justice and compensation they deserve.

Common insurance company tactics

In wrongful death claims, insurance companies often employ various tactics to minimize payouts or deny liability altogether. Some common strategies include:

- **Delaying Settlements:** Insurance companies may deliberately prolong the claims process, hoping to pressure grieving families into accepting lower settlements due to financial strain or emotional distress.
- **Disputing Liability:** Insurers may dispute liability or shift blame onto the deceased or other parties involved, casting doubt on the validity of the claim and reducing their financial responsibility.
- **Undervaluing Damages:** Insurance adjusters may downplay the extent of damages, including medical expenses, lost income, and emotional suffering, in an effort to offer inadequate settlements that fail to cover the full scope of losses.
- **Offering Quick Settlements:** In some cases, insurers may offer swift, lowball settlements soon after the incident, exploiting the vulnerability of bereaved families and hoping to avoid higher payouts that may result from further investigation or legal action.
- **Surveillance and Investigation:** Insurance companies may conduct surveillance or investigations into the claimant's activities, seeking evidence to undermine the severity of the loss or challenge the legitimacy of the claim.

How a wrongful death lawyer can help

Filing a wrongful death lawsuit in Florida can be extremely complicated because the stakes are often high. In most cases, family members only have one opportunity to obtain all the money they need for a lifetime's worth of financial losses due to their loved one's death.

Because the stakes are so high in wrongful death claims, the at-fault party and their insurance company often hire an entire legal team to defend their actions. Our law firm can level the playing field and fight for the financial compensation your family deserves.

Tampa wrongful death attorney [Armando Edmiston](#) and our dedicated legal team have years of experience handling complicated and sensitive legal cases. As a result, we can be there for you when your family truly needs our support.

Get the law firm that gets results. [Contact us](#) and schedule a [free case evaluation](#) with a Tampa wrongful death lawyer you can count on in a crisis. We can answer your questions, explain your options, and get right to work on your legal case.