1. Intake, deadlines and fault

PROCESS / ISSUE	NEW YORK	FLORIDA
Ordinary negligence deadline	Generally 3 years for auto and premises injury claims. Special defendants and claim types can shorten the period. CPLR 214	Generally 2 years for negligence accruing after March 24, 2023. Earlier claims require the prior-law analysis. Fla. Stat. 95.11; Ch. 2023-15
Premises: plaintiff fault	Pure comparative fault. A plaintiff can ordinarily recover the share caused by others even when the plaintiff is mostly at fault. CPLR 1411(a)	Modified comparative fault. More than 50% fault for the plaintiff's own harm bars recovery in covered negligence actions. At 50%, damages are reduced. Chapter 766 medical negligence is excepted. Fla. Stat. 768.81(6)
Auto: plaintiff fault	2026 change: In personal injury cases subject to Insurance Law Article 51, recovery is barred when claimant fault exceeds the fault of the person, or combined persons, against whom recovery is sought. CPLR 1411(b)	The same more-than-50% bar generally applies to covered auto negligence claims. At or below 50%, reduce damages for plaintiff fault. Fla. Stat. 768.81
Preserve the evidence	Obtain photographs, video, witness details, police/incident reports and records. Send targeted preservation notices. Use disclosure tools after filing. CPLR Article 31	Do the same. Preserve vehicles, electronic data and surveillance before repair, sale or routine deletion. Build proof of liability, causation and damages. Rules 1.280 and 1.350
Simple fault example	With $100,000 damages and 60% plaintiff fault: an ordinary premises claim may yield $40,000. A covered auto claim under the new rule, against one defendant 40% at fault, is barred. CPLR 1411	With $100,000 damages and 60% plaintiff fault: an ordinary covered premises or auto negligence claim is barred. At 40% plaintiff fault, the starting recovery is $60,000. Fla. Stat. 768.81

Effective-date alert: New York's May 26, 2026 auto reforms apply to actions and proceedings commenced on or after that date. Florida's 2023 reforms have provision-specific applicability rules. Check both the incident date and filing date.

2. Auto insurance and injury thresholds

PROCESS / ISSUE	NEW YORK	FLORIDA
First-party benefits	Basic no-fault covers up to $50,000 in combined basic economic loss per person, subject to statutory categories and limits. Coverage and exclusions must be checked. Insurance Law 5102-5103	PIP generally provides up to $10,000, with statutory payment percentages, deductibles and limits. Medical benefits may be limited to $2,500 without the required emergency-medical-condition determination. Fla. Stat. 627.736
Early claim action	Give the no-fault insurer written notice as soon as reasonably practicable, generally within 30 days, subject to a clear and reasonable justification for delay. Calendar separate bill and wage submissions. NY DFS no-fault guidance	For PIP, initial qualifying medical services must generally occur within 14 days after the accident. This is a treatment requirement, not the negligence lawsuit deadline. Fla. Stat. 627.736(1)
Pain and suffering	Covered-person auto actions generally require a statutory serious injury for noneconomic loss. Categories include fracture, significant disfigurement and qualifying permanent or significant limitations. Insurance Law 5102(d), 5104(a)	In covered auto tort cases, the threshold includes significant permanent loss of an important bodily function, qualifying permanent injury, significant permanent scarring/disfigurement, or death. Fla. Stat. 627.737(2)
Important threshold difference	A fracture is an express serious-injury category. The former nonpermanent 90/180-day category was removed for actions covered by the May 2026 change. Current Insurance Law 5102(d)	A fracture alone does not automatically establish one of the listed thresholds. Obtain medical proof addressing the actual statutory category. Fla. Stat. 627.737
Additional 2026 NY restrictions	Current law requires fault to be decided before serious injury. Section 5104(d) also imposes a $100,000 noneconomic cap on certain at-fault claimants involving uninsured operation or specified criminal convictions, with exceptions. Insurance Law 5104(a), (d)	The NY-specific sequencing and cap do not supply Florida's rule. Analyze Florida fault, threshold and available coverage separately; do not assume every bill or pain claim is recoverable. Fla. Stat. 768.81; 627.737

Practical rule: Keep the first-party benefits claim and the liability claim on separate tracks. PIP/no-fault deadlines do not replace the lawsuit deadline. Motorcycle, coverage and territorial issues can change the analysis.

3. Filing, service and case management

PROCESS / ISSUE	NEW YORK	FLORIDA
Starting the action	File a summons and complaint or summons with notice; obtain an index number. Use NYSCEF where authorized or required. Supreme Court is the usual general trial court for substantial PI cases. CPLR 304; Uniform Rule 202	File a complaint in the proper county or circuit court. Use the Florida Courts E-Filing Portal; include the civil cover sheet and other required filings. Arrange issuance and service of summons. Rules 1.050, 1.100 and 1.997
Pleading damages	Do not put a specific damages demand in a personal injury complaint. A supplemental demand for the amount triggers a separate response obligation. CPLR 3017(c)	In circuit court, generally do not state the amount of general damages, but plead facts establishing jurisdiction. Special damages may be stated. Fla. Stat. 768.042
Service deadline	Generally 120 days after commencement. Exceptions and good-cause/interest-of-justice extensions exist. Track when each method becomes complete. CPLR 306-b	Generally 120 days after filing. Rule 1.070(j) governs extensions and remedies. E-filing the complaint does not itself serve original process. Rule 1.070
Defendant response	Usually 20 days after personal delivery within New York, or 30 days after service is complete for specified other methods. A summons with notice creates additional complaint-demand steps. CPLR 3012	Ordinarily 20 days after service of original process and the initial pleading. Motions, waivers and special defendants can change the response date. Rule 1.140
Move the case forward	Use a Request for Judicial Intervention (RJI) and the applicable conference procedure. Preliminary and compliance conferences set the discovery schedule. Follow the county and assigned judge's rules. Uniform Rules 202.6 and 202.12	Follow the court's case-management track and order under Rule 1.200. Check local requirements to serve that order with process, including applicable Hillsborough orders. Rule 1.200; local orders

Filing checklist: Confirm the correct defendant, court, venue, limitation period, filing documents, service method, return of service, response date and assigned judge's orders. Federal court follows a different procedural system.

4. Discovery, resolution and appeal

PROCESS / ISSUE	NEW YORK	FLORIDA
Early disclosures	Use document demands, authorizations, interrogatories where permitted and depositions. Liability-insurance information generally must be disclosed within 90 days after the answer. CPLR 3101(f)	Initial disclosures are generally due 60 days after service or joinder, subject to rule exceptions and court order. A party generally must make its own disclosures before seeking discovery. Rule 1.280
Details of the injury claim	A bill of particulars gives detail about the pleaded claim and injuries. The ordinary response period to a proper demand is 30 days. It is distinct from general discovery. CPLR 3042-3043	There is no routine NY-style bill-of-particulars step. Develop the injury and damages record through the pleadings, disclosures, written discovery and depositions. Rules 1.110 and 1.280-1.350
Experts and medical exams	Exchange expert information under CPLR 3101(d). Expert depositions are not routine as in Florida; further disclosure generally requires special circumstances and an order. Physical exams follow CPLR 3121. CPLR 3101(d); 3121	Disclose experts under the case schedule. Discovery depositions of expected trial experts are permitted under Rule 1.280. Compulsory medical examinations follow Rule 1.360. Rules 1.280 and 1.360
Trial readiness	File a note of issue and certificate of readiness under Rule 202.21 to place the case on the trial calendar. Observe outstanding-discovery and local requirements. Uniform Rule 202.21	Trial setting and readiness follow Rule 1.440 and the case-management/trial order. Do not import the NY note-of-issue procedure. Rules 1.200 and 1.440
Appeal clock	An appeal as of right is generally due 30 days after service of the order/judgment with written notice of entry. Method-of-service and other statutory provisions matter. CPLR 5513	A notice of appeal of a final order is generally due 30 days after rendition, subject to authorized tolling motions and other appellate provisions. Service with notice of entry is not the Florida trigger. Appellate Rules 9.020 and 9.110

Settlement in both states: Confirm client authority, policy limits, liens, reimbursement claims, release terms and net proceeds. Obtain court approval when required. In Florida, separately evaluate proposal-for-settlement fee exposure under section 768.79 and Rule 1.442.

5. Medical malpractice and government claims

PROCESS / ISSUE	NEW YORK	FLORIDA
Medical malpractice deadline	Generally 2 years and 6 months from the act/omission or last continuous treatment for the same condition. Foreign-object, cancer-diagnosis and other exceptions require separate analysis. CPLR 214-a	Generally 2 years from the incident or discovery/when it should have been discovered with due diligence, with a general 4-year repose period and statutory exceptions. Fla. Stat. 95.11(5)(c)
Medical malpractice screening	The attorney generally files a certificate of merit with the complaint based on consultation with a qualified professional. Statutory exceptions apply. This is not Florida's presuit system. CPLR 3012-a	Investigate and obtain the required corroborating expert opinion before notice of intent. Serve compliant notice and authorization; observe the 90-day presuit screening process and calculate tolling precisely. Fla. Stat. 766.106, .1065, .203
Municipal negligence claims	Generally serve a notice of claim within 90 days. Under GML 50-i, suit is ordinarily due within 1 year and 90 days, after the required waiting period. A demanded 50-h examination can affect when suit may proceed. GML 50-e, 50-h and 50-i	Under section 768.28, generally give written notice within 3 years to the proper agency and, when required, DFS. Generally wait for denial or the statutory period. Suit is generally due within 4 years; special claims differ. Fla. Stat. 768.28(6), (14)
Claims against the state	Use the Court of Claims where applicable. For ordinary state negligence, generally file and serve the claim within 90 days, or timely serve a notice of intention that permits a later claim within 2 years. Strict service rules apply. Court of Claims Act 10-11	Identify the correct state agency and notice recipients. Section 768.28 governs waiver, notice and limitations; do not use New York's Court of Claims procedure. Fla. Stat. 768.28
Wrongful death	The estate's personal representative generally has 2 years from death to bring the action. Government notices and other exceptions require separate review. EPTL 5-4.1	Generally 2 years; the personal representative brings the action for the estate and statutory survivors. Government notice and medical-negligence issues need separate deadline analysis. Fla. Stat. 95.11; 768.20

Use this chart as a comparison, not a universal deadline calculator. It addresses ordinary state-court cases. Federal claims, minors, incapacity, intentional torts, public authorities, special statutes and court orders can change the process. Verify the controlling rule for the particular claim.