

How Insurance Companies Try to Reduce Liability in Florida Pedestrian Accidents

Contact an experienced Tampa attorney who will help you fight back

[Pedestrian accidents](#) in Florida are, unfortunately, all too common. When a pedestrian suffers injuries from a vehicle collision, they depend on insurance to cover medical costs and lost wages.

However, insurance companies often seek to reduce their liability, limiting what they pay out to victims. Understanding the tactics they use and knowing how to counter them is key for anyone injured in a pedestrian accident.

Why do insurance companies work to reduce liability?

Insurance companies put profits first, so they often aim to reduce their liability in pedestrian accident claims. By doing so, they limit the amount they pay in claims and settlements, which directly protects their bottom line. Their tactics affect pedestrians who need fair compensation to cover medical bills, rehabilitation, lost wages, and other damages.

What tactics do insurance companies use to minimize liability?

Insurance companies are skilled at employing strategies that minimize the value of pedestrian accident claims. Knowing their methods can help you respond effectively and strengthen your case. Here are the common insurance company tactics to watch out for:

Shifting blame to the pedestrian

One of the most common tactics insurance companies use is to place some or all of the blame on the pedestrian. If they argue that you were responsible – even partially – for your pedestrian accident, they may reduce your settlement. These tactics include:

- **Alleging jaywalking or distracted walking:** Insurance adjusters might claim that you were crossing the street outside of a designated crosswalk or weren't paying attention. By suggesting you were at fault, they attempt to reduce their client's responsibility.
- **Questioning the pedestrian's behavior:** Insurers may argue you were distracted by a phone, listening to music, or ignoring traffic signals. Any action that could be perceived as reckless gives them a basis to reduce your compensation.

Questioning the severity of your injuries

Insurance companies commonly dispute the severity of injuries reported after a pedestrian accident. Here's how they might minimize the extent of your injuries to pay less in compensation:

- **Hiring medical examiners:** Insurance adjusters sometimes enlist their own medical professionals to evaluate your injuries, hoping they'll downplay the extent of harm.
- **Claiming pre-existing conditions:** They may argue that your injuries are due to prior health issues rather than the pedestrian accident itself. Pre-existing conditions allow insurance companies to dispute whether the accident caused your current medical problems.

Minimizing the impact of your pedestrian accident

Another approach insurance companies use is to claim that your pedestrian accident wasn't severe enough to cause serious injuries. These tactics often involve dismissing the physical and emotional toll the pedestrian accident had on you:

- **Using "low-impact" arguments:** Insurance companies may argue that because the vehicle wasn't severely damaged, your pedestrian accident was low-impact and unlikely to cause serious injuries. However, this is often misleading, as even minor accidents can cause long-term harm.
- **Pointing to vehicle damage as evidence:** They may use photos of the vehicle's minor damage to argue that your injuries couldn't be severe, disregarding the fact that pedestrians are more vulnerable than car occupants.

Offering quick, low settlement offers

Insurance companies may also try to settle claims quickly by offering low initial settlements. Here's how they may try to close the case before you fully understand the extent of your injuries:

- **Tempting you with fast cash:** After a pedestrian accident, you might be worried about medical bills and lost wages, which could make a quick payout appealing. However, these initial offers often don't cover all your long-term costs.
- **Avoiding future medical costs:** A quick settlement offer usually doesn't account for ongoing treatment. Once you accept, you can't request further compensation if your medical needs grow over time.

How do insurers use Florida's comparative negligence law to reduce pedestrian accident claims?

Florida follows a [modified comparative negligence law](#). That means if you are found to be more than 50% at fault for the accident, you can't recover any compensation. If you are found to be 50% or less at fault, you can recover – but your compensation will be reduced by your percentage of fault. For example, if your total awarded damages are \$10,000 and you're found 30% responsible, you'll only receive \$7,000.

Insurance companies are well aware of this law and often try to assign as much fault as possible to pedestrians to reduce their liability. If they can argue you were 20%, 30%, or even 50% responsible, it can impact the amount of compensation you receive.

What can I do to strengthen my pedestrian accident claim?

It's important to be proactive if you're in a pedestrian accident. Start by gathering evidence to make it harder for insurance companies to dispute your claim. Here's how:

Document the pedestrian accident scene

Taking time to gather evidence can help protect your claim. Photos, videos, and witness information can all strengthen your case. Take pictures of the vehicle, the location, and any visible injuries. This visual record can counter insurance claims that minimize the accident's impact.

Also, collect names and contact information from anyone who saw your pedestrian accident. Witnesses can provide an unbiased account of what happened, which can help your attorney counter any false claims from the insurance adjusters.

Seek medical attention and maintain records

After a pedestrian accident, always see a doctor, even if you feel fine initially. Insurance companies may argue that delayed treatment means your injuries weren't severe. Medical documentation can create a clear link between your pedestrian accident and the resulting injuries.

Also, keep track of how your injuries affect your daily life. This record can support claims for pain, suffering, and other non-economic damages.

Consult an experienced Tampa personal injury attorney

A skilled Tampa pedestrian accident attorney at [Armando Personal Injury Law](#) can make a difference by knowing the tactics insurance companies use and how to counter them

effectively. We know how to negotiate on your behalf and help you maximize the compensation you deserve.

While many pedestrian accident cases settle out of court, our attorneys can file a lawsuit and represent you in court if the driver's insurance company refuses to offer a fair settlement.

What are the leading causes of pedestrian accidents in Florida?

Drivers' negligence often contributes to pedestrian accidents, with various types of careless behavior significantly increasing risk. Here are some of the most common forms of driver negligence that lead to pedestrian injuries and fatalities:

- **Distracted driving:** Texting, talking on the phone, adjusting the radio, or using in-car technology can take drivers' attention away from the road and makes them less likely to notice pedestrians.
- **Speeding:** Excessive speed reduces reaction time and increases the severity of impact in an accident. Speeding drivers often can't stop in time when a pedestrian crosses unexpectedly.
- **Failure to yield:** Drivers sometimes fail to yield the right of way to pedestrians, especially at crosswalks and intersections.
- **Running red lights or stop signs:** Ignoring traffic signals is a frequent cause of pedestrian accidents, particularly at busy intersections or crosswalks where pedestrians assume drivers will stop.
- **Driving under the influence:** Alcohol or drugs impair judgment, reaction time, and motor skills. This makes drivers more likely to miss pedestrians or make erratic driving decisions.
- **Aggressive driving:** Behaviors like tailgating, cutting off other drivers, or making unsafe lane changes put everyone at risk. This includes pedestrians who may be nearby or crossing streets.
- **Ignoring school zone rules:** Failing to slow down or stop for school buses or in school zones endangers children and other pedestrians who rely on drivers to follow safety guidelines.

Can I file a product liability claim if a defective part caused my accident?

If a defective part contributed to your pedestrian accident, you may have grounds for a product liability claim. This type of claim holds manufacturers accountable if their product caused your pedestrian accident due to a defect.

Product liability claims require proof that the part was defective at the time it left the manufacturer and that the defect directly caused or contributed to the accident. For example, a vehicle's braking system may fail, causing it to strike a pedestrian.

Protect your rights after a Florida pedestrian accident

If you've been injured in a pedestrian accident, Armando Personal Injury Law is here to help you build a strong case. During your free consultation, we'll answer your questions, discuss potential case strategies, and give you a clear view of what to expect in the process ahead.

With a track record of successful case results, Attorney Armando Edmiston is committed to fighting for maximum compensation for our clients, whether through negotiation or litigation. Some of our notable pedestrian accident [case results](#) include:

- A multi-million-dollar settlement for a pedestrian who suffered a traumatic brain injury at a dangerous construction site.
- A \$41,000 settlement for a pedestrian who suffered neck injuries after being backed into by a trailer.

Our firm operates on a contingency fee basis, so you won't owe any fees unless we win your case. [Contact us](#) today to set up your no-obligation consultation and let us start working on your behalf.