

Florida Crosswalk Accidents and the Truth About Pedestrian Right-of-Way

What injured pedestrians in Palm Beach Gardens need to know about fault and compensation

Pedestrians are often taught that crosswalks mean safety – that if you are within the lines, you are protected. But in Palm Beach Gardens and throughout Florida, that assumption does not always hold up.

Every year, people crossing at intersections, school zones, and shopping centers are struck by vehicles despite doing what they thought was right. High-traffic roads like PGA Boulevard and Military Trail are common locations for [car accidents](#) involving pedestrians due to fast speeds, confusing intersections, and limited visibility. Shopping centers and entertainment zones, such as Downtown at the Gardens or Legacy Place, add to the risk with busy driveways, impatient drivers, and poor signage.

Under Florida law, pedestrian right-of-way is more complicated than it appears. Misunderstandings like these not only contribute to accidents – they also give insurers ammunition to shift blame onto the injured. Victims of crosswalk accidents often face blame, legal confusion, and resistance from [insurance companies](#) – especially if they try to pursue compensation without help.

Florida law on pedestrian right-of-way is not as simple as it sounds

[Florida Statute § 316.130](#) outlines the basic rules for pedestrians and drivers at crosswalks. Pedestrians generally have the right-of-way at marked crosswalks, especially at intersections controlled by traffic signals or stop signs. However, they are also prohibited from suddenly stepping into the path of an oncoming vehicle when it is too close to stop safely.

This shared responsibility creates room for legal disputes. A driver might claim they did not have time to stop. The injured pedestrian may have entered the crosswalk with a green light or walk signal. Liability often hinges on small details, like what signals were displayed, how fast the driver was going, and whether the pedestrian was distracted.

Several Florida laws and local ordinances affect how fault is determined:

- **Drivers must yield in crosswalks:** Under §316.130(7)(a–c), drivers are required to stop and remain stopped for pedestrians who are in a crosswalk or approaching close enough to be in danger. This applies whether the crosswalk is at a signalized intersection or simply marked with signs. Failure to yield in these situations is a clear violation of law and often a central factor in assigning liability to the driver.

- **It is illegal to pass a stopped car at a crosswalk:** According to §316.130(9), when a vehicle stops to let a pedestrian cross, other drivers cannot overtake and pass that stopped vehicle. This law helps prevent multi-lane crashes that often occur when one car stops and another does not.
- **Drivers are always required to exercise due care:** Section §316.130(15) places the duty on drivers to avoid hitting pedestrians at all times. This includes giving warnings when necessary and exercising extra caution around children, elderly individuals, or anyone who appears confused or incapacitated. This duty applies even if the pedestrian is not in a crosswalk.
- **Sidewalk and shoulder rules do not excuse negligence:** While §316.130(3) and (4) say pedestrians should use sidewalks or walk facing traffic on the shoulder when no sidewalk is available, these provisions do not absolve drivers of liability. A pedestrian walking along the road is still protected by law and deserves safe passage.
- **Crossing outside a crosswalk does not void liability:** Sections §316.130(10) and (11) outline that pedestrians should yield to vehicles when crossing mid-block. However, drivers still have a duty to be aware of pedestrians and to avoid collisions. These statutes do not allow drivers to hit someone simply because they were not in a marked crosswalk.
- **“Darting out” is not a catch-all defense:** Section §316.130(8) is often cited by insurers to claim the pedestrian “suddenly entered traffic.” In practice, this is rarely the case. Most drivers who strike pedestrians were not paying attention or were driving too fast. Thorough investigation usually reveals the crash could have been prevented.
- **Jaywalking is not a crime:** Per §316.130(19), violations of pedestrian rules are noncriminal infractions. They are not grounds for denying compensation. Crossing outside a crosswalk might carry a fine, but it does not mean a driver is free to strike a pedestrian without consequence.

Understanding how these rules interact is essential to determining liability. Even when a pedestrian is in a marked crosswalk, fault is not automatic. Legal outcomes depend on how these statutes apply to the specifics of the crash and how well those details are documented.

Why liability in crosswalk accidents is often disputed

Florida’s modified comparative fault law, updated in 2023, plays a major role in pedestrian cases. Under this rule, an injured person who is found more than [50 percent at fault](#) cannot recover any compensation. If they are partially at fault but below that threshold, their compensation is reduced by their percentage of fault.

This creates a high-stakes environment for pedestrian claims. Drivers and their insurers may argue the pedestrian:

- Was using a phone while crossing
- Crossed against a light or outside the crosswalk
- Was wearing dark clothing at night
- Moved unpredictably into traffic

These arguments can sway liability in favor of the driver unless evidence is gathered quickly. Surveillance footage, crash scene photos, eyewitness accounts, and police reports all play a crucial role in proving what actually happened.

Who may be liable after a crosswalk accident in Florida

When a pedestrian is struck in a crosswalk, the driver is often the first person blamed, but they may not be the only party responsible. In many Florida pedestrian accidents, liability is shared or falls on third parties whose negligence contributed to unsafe conditions. Identifying all potential sources of liability is key to building a strong case and pursuing full compensation.

Some of the parties who may be held legally responsible include:

- **Negligent drivers:** Motorists who speed, fail to yield, ignore signals, or drive distracted often bear the brunt of responsibility for pedestrian injuries.
- **Commercial vehicle operators and employers:** Delivery drivers, rideshare drivers, and company vehicles involved in crosswalk accidents can create added layers of liability for the businesses that employ them.
- **Property owners or managers:** Shopping centers, apartment complexes, and office parks may be liable if poorly marked crosswalks, bad lighting, or obstructed views contributed to the crash.
- **Construction companies or contractors:** When temporary traffic setups or work zones eliminate safe crossings or block pedestrian paths, the companies responsible for those conditions can be held accountable.
- **Government entities:** Cities, counties, or transportation departments may be liable for poor infrastructure, missing signage, malfunctioning pedestrian signals, or failure to fix known hazards.

Determining liability requires a thorough investigation and that is not something most people can or should try to do alone. A lawyer with experience in Florida pedestrian cases can identify all responsible parties and hold them accountable, which often leads to a better outcome and stronger financial recovery.

What evidence helps prove liability in a crosswalk or intersection pedestrian accident?

After a pedestrian is hit in a crosswalk or at a sidewalk intersection, the burden often falls on the injured person to prove what happened and who was at fault. Insurance companies rarely accept blame without a fight. They may claim the pedestrian was distracted, not fully in the

crosswalk, or stepped into traffic too suddenly. Solid evidence is the key to countering these claims and building a strong case.

The most effective cases rely on multiple sources of evidence, such as:

- **Surveillance and traffic camera footage:** Video from nearby businesses, traffic lights, or dashcams can show exactly how the crash occurred, including whether the driver failed to yield or ran a light.
- **Police crash reports:** Officers typically document the scene, statements, and any citations issued. These reports help establish initial facts and may include a preliminary assessment of fault.
- **Eyewitness testimony:** Bystanders who saw the crash can provide details about how fast the driver was going, whether the pedestrian had the signal, and how the vehicles behaved before impact.
- **Photographs of the scene:** Images showing skid marks, vehicle damage, traffic signals, and injuries can help recreate the scene and highlight unsafe conditions.
- **Medical records:** Documentation of treatment can help connect the crash to the injuries if the insurance company tries to argue the harm was pre-existing or unrelated.
- **Expert analysis:** In complex cases, accident reconstruction experts may be needed to interpret vehicle dynamics, sight lines, or visibility based on road design and lighting.

Without this kind of evidence, pedestrian victims often face an uphill battle if the driver denies responsibility or there is confusion about who had the right-of-way. Gathering and preserving this material early can make the difference between a denied claim and a successful one. It is one more reason why having the right legal support is critical.

The severity of injuries and what is really at stake

Pedestrians hit by vehicles rarely walk away unscathed. These are some of the most devastating accident cases, often resulting in:

- **Traumatic brain injuries:** Even with helmets or hats, head trauma is common when a pedestrian hits pavement or a windshield.
- **Fractures and crush injuries:** Legs, hips, pelvis, and arms are frequently broken in collisions.
- **Spinal injuries and internal bleeding:** These life-threatening injuries may not be immediately obvious but can have lasting effects.
- **Emotional trauma and psychological impact:** Many victims face anxiety, depression, or PTSD after being hit.

A pedestrian accident claim goes far beyond covering hospital bills. Victims may be owed compensation for long-term medical care, lost income, pain and suffering, and the impact the

injury has on daily life. Calculating these damages requires skill and experience. Insurance companies often offer far less than what a case is truly worth, and without strong documentation and a skilled attorney, many victims are pressured into unfair settlements.

Why the right legal help makes the process easier

Despite all the challenges, getting full compensation after a pedestrian accident is possible. The difference often comes down to having the right legal support – a legal professional who knows how to prove fault through fast, thorough evidence collection and who understands the nuances of Florida law, including the complexities of comparative negligence and statutory duties that apply in crosswalk cases.

An experienced attorney will also know where to look for additional liability, whether it is a negligent property owner who failed to maintain signage, a commercial driver who violated company policy, or even a municipality that allowed unsafe road conditions to persist. They will also know how to calculate the true value of a case and push for maximum compensation – refusing to accept lowball offers designed to close a file quickly rather than serve the victim's best interests.

With the right legal strategy in place, a process that can feel overwhelming becomes more manageable. Victims gain clarity, support, and a real opportunity to move forward, not just a frustrating battle with an insurance company.

Get an experienced pedestrian accident attorney on your side

Walking in a crosswalk should mean you are safe. When that trust is broken, you deserve accountability and the compensation needed to move forward. But the system does not work automatically. Someone has to make it work for you.

[The Law Offices of Casey D. Shomo, P.A.](#) helps injured pedestrians who are unfairly blamed, dismissed, or overwhelmed after serious accidents. We build strong cases, pursue full compensation, and fight to make sure your story is heard. Our [case results](#) include \$3.33 million for a Florida pedestrian crash.

Learn more about how we can help. [Contact us](#) for a free consultation today. You pay nothing unless we win.