

Pedestrian Accidents Caused by Distracted Drivers in Florida

A Palm Beach County pedestrian accident lawyer explains the legal process

Pedestrian accidents caused by reckless or aggressive drivers happen far too often in Florida. Each year, drivers cause more than 10,000 pedestrian accidents statewide, resulting in more than 8,000 injuries and 600 fatalities, according to data collected by the [Florida Department of Highway Safety and Motor Vehicles \(FLHSMV\)](#).

In many cases, pedestrian accidents occur due to distracted drivers. Whether it's texting while driving, using navigation apps or simply not paying attention, all it takes is one small mistake for a driver to cause a serious or fatal pedestrian accident.

When this happens, injured pedestrians need to act fast – to protect their health and their rights. That's why it's critical to consult a Florida pedestrian injury lawyer as soon as possible. At the [Law Offices of Casey D. Shomo](#), we know exactly what to do. That's because we've been doing this work for years in Palm Beach County and throughout Florida. Below, you can learn more about the legal options available to injured pedestrians and their family members.

What makes distracted drivers so dangerous for pedestrians?

When a driver is distracted, they lose the ability to process what's happening around them – including crosswalks, walk signals, and pedestrians nearby. Even a momentary lapse can mean the difference between a near miss and a serious or fatal crash.

Distracted driving creates three types of impairment:

- **Visual distraction** – The driver's eyes leave the road, such as when reading or typing a text message.
- **Manual distraction** – The driver removes one or both hands from the steering wheel to hold a phone, adjust controls, or grab an item.
- **Cognitive distraction** – The driver's mind focuses on something other than driving – like a conversation, a notification, or a GPS route.

These forms of distraction often happen simultaneously. For example, texting while driving combines all three distractions. That's why texting while driving is six times more dangerous than driving under the influence of alcohol, according to the [National Highway Traffic Safety Administration \(NHTSA\)](#).

For pedestrians, the risk is extreme. Many crashes happen in daylight, at intersections or in marked crosswalks where the pedestrian had the right of way. A distracted driver may never even brake before impact, resulting in a serious or fatal pedestrian accident.

What types of distractions cause pedestrian accidents in Florida?

In Florida's urban centers – from West Palm Beach and Fort Lauderdale to Orlando and Tampa – traffic congestion and technology create perfect conditions for driver distraction. Common causes include:

- **Texting or using a smartphone** – Despite Florida's ban on texting while driving under [Florida Statute §316.305](#), many drivers continue to send messages or scroll social media while behind the wheel.
- **Using in-vehicle screens** – Adjusting GPS systems, streaming audio, or controlling vehicle infotainment systems diverts attention for crucial seconds.
- **Talking on a handheld phone** – Even hands-free calls can be dangerously distracting, but handheld use takes the driver's eyes off the road entirely.
- **Eating or drinking while driving** – Quick meals or drinks during commutes contribute to reaction delays.
- **Talking to passengers or managing children** – Distractions inside the car often pull focus from people crossing the road.
- **Reaching for items** – Retrieving dropped phones, bags, or paperwork leads to steering errors and missed visual cues.

While these are common causes of distracted driving pedestrian accidents, they're not excuses. Drivers need to pay attention at all times. And when they don't, they should be held accountable for their actions.

What evidence can prove the driver was distracted?

Establishing that a driver was distracted requires quick action and a careful investigation. Physical evidence, digital data, and eyewitness accounts all play an important role in proving negligence. Key evidence can include:

- **Cell phone records** – Text message timestamps, call logs, and app usage can show the driver was using a phone at the time of the crash.
- **Vehicle event data recorders (EDRs)** – Many modern cars record steering, speed, and braking data that reveal whether the driver reacted to avoid the collision.
- **Traffic or surveillance video** – Cameras at intersections, nearby businesses, or residences may capture the crash or the moments leading up to it.
- **Witness statements** – Bystanders may notice a driver looking down, holding a phone, or failing to brake.
- **Police crash reports** – Officers often note signs of distraction, such as no skid marks or inconsistent statements from the driver.
- **Admissions or social media activity** – Some drivers admit to being distracted or post online before or after the crash, providing strong supporting evidence.

Because much of this information can disappear quickly, contacting an attorney immediately helps ensure it is preserved and not destroyed. A lawyer can send evidence preservation

letters, subpoena phone records, and work with accident reconstruction experts to analyze vehicle data before it's lost.

What if the at-fault driver denies being distracted?

It's common for drivers who cause pedestrian accidents to deny being distracted. They may claim they never used their phone, that the pedestrian "came out of nowhere" or that another vehicle blocked their view. But even when the driver won't admit fault, a thorough investigation can reveal the truth.

Attorneys experienced in distracted driving cases know how to uncover evidence that supports the victim's account. Key strategies include:

- **Subpoenaing phone records** – Call logs, text timestamps, and data usage can show if the driver was on their phone at the exact time of the crash.
- **Retrieving vehicle data** – Event data recorders (EDRs) and GPS logs can prove whether the driver suddenly braked, accelerated, or swerved – patterns consistent with distraction.
- **Securing video footage** – Traffic cameras, dashcams, or nearby business surveillance often capture the driver's behavior or the vehicle's path before impact.
- **Analyzing physical evidence** – Lack of skid marks, the pedestrian's position, and the vehicle's damage pattern can all indicate that the driver didn't see or react in time.
- **Interviewing witnesses** – Bystanders or other motorists may have seen the driver holding a phone or looking down before the collision.

Even without a confession, the combination of digital evidence, crash reconstruction and witness statements can build a powerful case. Courts and insurers look closely at this kind of proof, and once it's presented, denials often lose credibility quickly.

Ultimately, you don't have to rely on the at-fault driver's word. A skilled Florida pedestrian accident lawyer can piece together what really happened - and hold the distracted driver accountable for the harm they caused.

Who's responsible for paying for distracted driving accidents?

When a distracted driver injures a pedestrian, several sources of compensation may be available. Florida follows a "no-fault" insurance system, but that doesn't always limit recovery to the victim's own policy.

In most cases, the following parties may be legally responsible for paying for an injured pedestrian's financial losses:

- **The distracted driver** – Their insurance company is usually the primary source of compensation for injuries, property damage, and other losses.

- **The vehicle owner** – If the driver was operating someone else’s car with permission, the owner’s insurance policy may also apply.
- **The driver’s employer** – If the crash occurred while the driver was performing work duties, the employer may share liability under the legal doctrine of “respondeat superior.”
- **Third-party entities** – If a defective device or poorly designed roadway contributed to the crash, a separate claim might be possible.

Pedestrian injury victims often first seek compensation through their own personal injury protection (PIP) benefits, which cover limited medical expenses and lost wages regardless of fault. However, when injuries are severe – such as bone fractures, traumatic brain injuries or a permanent disability – victims can step outside the no-fault system and file a claim against the at-fault driver’s liability coverage.

An experienced attorney can review all available insurance sources of compensation. That way, there’s no money left on the table.

Should I accept a settlement offer for my distracted driving accident?

Insurance companies often move quickly after a distracted driving crash, sometimes offering a settlement before the full extent of your injuries is known. While it might seem easier to accept a check and move on, doing so can permanently limit your right to additional compensation.

Early offers are often much lower than the true value of your claim. Insurance adjusters know that medical costs, physical therapy, and lost wages can increase dramatically over time. That’s why they try to close the case before those expenses surface.

Before accepting any settlement offer, ask:

- Has my doctor fully assessed my injuries and future treatment needs?
- Does the settlement include future medical care and rehabilitation?
- Have I accounted for lost earning capacity, not just immediate lost wages?
- Does the amount reflect the pain, suffering, and emotional trauma I’ve endured?

An experienced attorney can calculate the true value of your case, negotiate with the insurer, and protect you from signing away your legal rights too soon. Because once you accept a settlement, that’s it. You cannot reopen your claim later, even if your injuries get much worse.

How much is my distracted driving accident worth?

There is no set dollar amount for a pedestrian accident case in Florida. The value often depends on many different factors, including the severity of your injuries, the extent of your financial losses and how clearly the driver’s negligence can be proven.

Factors that can influence compensation include:

- **Medical expenses** – Hospital bills, surgeries, rehabilitation, medications, and future care needs.
- **Lost wages and earning capacity** – Time missed from work and long-term income loss due to disability or limited mobility.
- **Pain and suffering** – Physical pain, emotional distress, anxiety, and loss of enjoyment of life.
- **Property damage** – Costs related to destroyed personal items, such as phones, clothing, or mobility aids.
- **Permanent disability or disfigurement** – Compensation for life-changing injuries like paralysis, limb loss, or brain injury.
- **Punitive damages** – In rare cases, courts may award additional damages (compensation) if the driver's behavior was especially reckless, such as texting at high speeds or driving through a school zone.

Your lawyer can work with medical professionals and accident reconstruction experts to document the total financial impact your crash has had on your life. The goal is to make sure that all financial losses – current and future – are reflected in your final settlement.

Can I sue the distracted driver who caused my accident?

Yes. If your injuries meet Florida's serious injury threshold – such as significant and permanent loss of a bodily function, permanent injury, scarring, or disfigurement – you have the right to file a personal injury lawsuit against the distracted driver seeking damages, the legal term for compensation for financial losses.

A civil lawsuit is separate from any traffic citation or criminal penalty the driver faces. While police can ticket or charge a driver for texting or reckless driving, the criminal process doesn't automatically compensate the victim. Only a civil claim allows you to recover damages for:

- Medical expenses (past, current, and future)
- Lost income and reduced earning capacity
- Pain and suffering
- Permanent disability or disfigurement
- Loss of enjoyment of life

Again, the outcome of any criminal case involving the distracted driver is separate from any civil lawsuit filed by an injured pedestrian. Deciding whether or not to take legal action after a pedestrian accident is challenging. An experienced attorney can answer your legal questions and help you decide if taking legal action is the right choice for you.

Why should I contact a Florida pedestrian accident lawyer?

Pedestrian accidents caused by distracted drivers demand immediate and thorough legal action. Evidence can vanish within days, witnesses can forget what they saw, and insurers may already be building a defense to minimize their payout.

The [Law Offices of Casey D. Shomo](#) has years of experience handling complex pedestrian accident cases throughout Palm Beach County and across Florida. Our team investigates every aspect of a distracted driving crash – from cellphone records and video footage to vehicle data and police reports – to build strong cases for our clients.

When you're hit by a distracted driver, you shouldn't have to fight alone. You deserve fair compensation for your medical bills, lost income and the long-term effects of your injuries. Our firm works tirelessly to hold negligent drivers accountable and help injured pedestrians rebuild their lives.

If you or a loved one was struck by a distracted driver anywhere in Florida, [contact us](#) and schedule a [free case review](#) with a Palm Beach County pedestrian accident lawyer who puts your best interests first. We can explain your rights, gather evidence in support of your case and help you pursue the justice and compensation you deserve.