

Slip & Fall Accident Guide: Tips, Checklist & FAQs

BY THE LEGAL TEAM AT PANTER, PANTER & SAMPEDRO
A Top South Florida Personal Injury Law Firm

PANTER, PANTER & SAMPEDRO

Panter, Panter & Sampedro is a leading personal injury law firm dedicated to protecting Florida's families. For over 30 years, our experienced trial attorneys have worked one-on-one with clients to successfully get the justice, recovery and compensation they deserve.

If you or someone you love has been injured due to the wrongful or negligent acts of another, contact us for a **FREE case review**.

FREE CASE REVIEW

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1. Introduction

Falls at home and work are the second leading cause of preventable injury-related death and the leading cause of non-fatal injuries in the United States, according to the [National Safety Council](#). Because slip and fall accidents often happen on the property or business of another individual, slip and fall accidents fall under the legal category of premise liability.

2. How to Avoid a Slip & Fall Accident

To prevent slip and fall accidents, individuals should always be aware of their surroundings, especially when visiting new locations. A person should look out for damaged walkways and driveways, and areas that are under repair. Wet or uneven floors may also be a hazard, as are improperly maintained stairways, including missing or broken handrails.

Florida is considered a comparative negligence state. According to [FindLaw.com](#), “if a plaintiff is partially at fault for an accident in which they suffer harm, that person’s recovery of damages will be reduced.” When an individual files a premises liability claim or lawsuit, the property owner will argue that the individual is responsible for at least some part of the accident. Even if the claim never makes it to court, finding [shared fault](#) will reduce the amount of compensation an injured individual is able to recover.

A property owner can push some of the blame onto an individual by arguing that the injured person accessed a portion of the property that is off-limits, or in an area where they should not be. Other arguments may include: using a cell phone or being otherwise distracted; ignoring safety cones, signage, or other objects used to signal a dangerous space or obstacle; and wearing inappropriate footwear.

3. Steps to Take After a Slip & Fall Accident

Knowing that falls are a serious and prevalent risk factor for injury or death, it is essential to understand what to do after a slip and fall accident. The steps you take immediately following an accident can have a significant impact on a victim’s health along with the outcome of a negligence claim.

- **Make a report.** Contact the premises owner or person in charge of the location and report the accident as soon as possible.
- **Talk to witnesses.** Gather contact information from anyone present at the time of the accident.
- **Document evidence.** Use your phone to take pictures of the scene of the accident and document injuries. Take multiple photos from different angles to help create a clear picture. A friend or family member may also handle this if the injured person is unable to do so.
- **Seek medical care and report injuries accurately.** Obtain medical attention for slip and fall injuries within 72 hours of the accident. Injuries reported to medical professionals should be consistent with accident reports included in legal claims.
- **Attend follow-up medical care.** It is necessary that anyone seeking a slip and fall claim follow medical recommendations and attend all follow-up appointments. Missing an appointment could signal to an insurance company or jury that an injury was not as severe as originally stated.
- **Refuse recorded statements.** There is no legal requirement for an individual to give a recorded statement to any representative of an insurance company. Information shared in a recording could be detrimental to a case later on.

Get a FREE Consultation at Panter, Panter & Sampedro

When you or someone you love has suffered injuries after a slip and fall accident caused by the negligence of an organization or individual, it is crucial to speak with an experienced personal injury attorney. The team at Panter, Panter & Sampedro has extensive experience across all areas of personal injury. We offer free consultations to help determine if your best option is moving forward with legal action for compensation. Please call our office today at **(305) 662-6178** for a **FREE consultation** with one of our experienced South Florida slip and fall lawyers.

4. FAQs

What are some common causes of slip and fall accidents?

Many slip and fall accidents occur because a property owner did not properly maintain the area. Some examples include:

- Damaged driveways, paths or walkways leading to the business. Including sidewalks that have shifted and potholes in any of these areas.
- Unmarked danger zones, such as a failure to post wet floor signs, notifying the public of uneven flooring or payment and potholes.
- Improperly maintained stairways, including missing or broken handrails. A failure to install slip-resistant coverings on stairs would also qualify.
- Missing or inadequate lighting in walking areas and stairwells.
- Failure to keep walkways free of clutter or debris that make maneuvering difficult.

How long do I have to file a slip and fall accident claim?

The statute of limitations in Florida to file a lawsuit for a slip and fall accident is four years. Under Florida law 95.11(3)(a), the victim of a slip and fall in Florida has four years from the date of the accident to file their claim. If one were to miss the four-year deadline, the case would be subject to dismissal leaving the victim with no chance of recovery.

How long do I have to go to the doctor after a slip and fall accident?

Although some injuries are obvious, like a broken bone or bruised hip, some are not so apparent. Concussions and sprains are some of the unseen injuries that may not be immediately apparent, some taking days or weeks to be made known. This is why medical attention should be obtained immediately following a slip and fall accident.

From a legal standpoint, an individual should seek medical attention within 72 hours of a slip and fall accident. Injuries reported to medical professionals should be consistent with accident reports included in legal claims.

What do I need to prove in a slip and fall accident?

In order for an individual to prove a property owner is responsible for their injuries and property losses, certain factors must be present.

- **Premises Liability:** In order to prove the property owner was liable, it must be found that the injury was caused due to a location's unsafe or defective conditions.
- **Negligence:** An individual must then prove that the property owner knew or should have known of the unsafe condition.

- **Fault:** A property owner is found to be at fault when it is proven that they knew or should have known about the unsafe condition, and then failed to remedy the situation.

How long can a slip and fall claim take to settle?

Each slip and fall case is different. Due to the numerous variety of different variables that can occur, it is often impossible to know how long a slip and fall claim can take to settle. Factors include the extent of injuries, the circumstances of the accident, insurance policies, as well as the attitude each party has toward reaching a settlement. If either party is determined not to settle, then both parties must prepare for a civil lawsuit. In the case of a lawsuit, the process can take much longer. However, most slip and fall cases do settle out of court. This is contributed to the fact that most property owners know that the law will generally hold them responsible for any injuries sustained on their property. Property owners are also aware that it is more expensive to go to court than to agree on a settlement.

Who is liable after a slip and fall accident?

To prove a property owner is liable for injuries sustained by another on their property, the injured party would have to prove negligence. It must be shown that the proprietor failed in their duty to reasonably care for the safety of their patrons and that their negligence resulted in damage to another.

The average compensation for slip and fall accidents recovered by injured parties can vary depending on the percentage of liability attributed to each party. In Florida, this is known as "comparative negligence."

When an individual files a premises liability claim or lawsuit, the property owner will argue that the individual is responsible for at least some part of the accident. Even if the claim never makes it to court, finding shared fault will reduce the amount of compensation an injured individual is able to recover.

A property owner can push some of the blame onto an individual by arguing that the injured person accessed a portion of the property that is off-limits, or in an area where they should not be. Other arguments may include: using a cell phone or being otherwise distracted; ignoring safety cones, signage, or other objects used to signal a dangerous space or obstacle; and wearing inappropriate footwear.

No Recovery, No Fee. Call (305) 662-6178.

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5. Slip & Fall Accident Checklist

- **Report the accident:** An individual should report the accident to the premises' owner or the highest-ranking person responsible for the location, as soon as possible. A delay, especially if the accident was unwitnessed, can seriously damage the integrity of a claim.
- **Record information of witness(es):** If the accident was witnessed by another individual, the injured party should get the name and contact information of each witness present at the scene.
- **Gather evidence:** As soon as an individual is physically able, they should take pictures of the accident scene, and any injuries, from multiple angles. If the injured person is unable to move due to the accident, they should recruit the help of family, friends, or bystanders to help them take pictures.
- **Report injuries accurately to a health care provider:** What an individual reports to a doctor should be consistent with what they are describing in a claim or lawsuit. Inconsistency can seriously derail an insurance claim or premises lawsuit. Individuals should report the accident accurately and consistently to all of their health care providers.
- **Do not give a recorded statement:** Some individuals may receive a phone call from an insurance adjuster asking them to give a recorded statement about the slip and fall accident. There is no law requiring an individual to comply with this request, and in fact, a recorded statement may be used against an individual during negotiations or in a proceeding lawsuit.
- **Attend all medical appointments:** When an individual misses scheduled medical appointments it signals to the insurance company or jury that the individual's injuries are not as severe as they were reported.

6. FREE Case Review

Serving the South Florida community for more than 30 years, the legal team at Panter, Panter & Sampedro has obtained verdicts and settlements in excess of \$100 million for our clients to recover the costs of medical bills, lost wages, and damages for pain and suffering.

If you've been injured in a slip and fall accident, do not let the statute of limitations expire. Take action now by calling us at **(305) 662-6178** for a **FREE consultation**.

“We take pride in knowing
that with every case we win, a
client is afforded the
opportunity and means to
recover and improve their
lives.”

Mitchell J. Panter

FOUNDING & MANAGING PARTNER
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6950 N. Kendall Drive Miami, FL 33156
(305) 662-6178 | info@panterlaw.com

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