

SIDEWALKS: DON'T LET THEM TRIP YOU UP

2025

YOUR PREFERRED PRESENTATION WILL BEGIN SHORTLY

SIDEWALKS: DON'T LET THEM TRIP YOU UP



YOUR TEAM



PAM HANCOCK

Director of Loss
Control



MICHELLE PROCTOR

Senior Loss Control
Consultant



MONIKA COLEMAN

Liability Claims
Supervisor

SERVICE IS THE HEART OF WHAT WE DO

CLAIMS STATISTICS

1,236

5 year trip and fall
claims

\$7,833.33

Average Cost Per Claim

\$9,681,992.62

Total Incured

316

2023-2024
trip/slip/fall

EXAMPLES OF SIDEWALK CLAIMS:

1 inch

Resident tripped on sidewalk slab lifted by tree roots over 1 inch

80K

Fractured wrist required surgery; claim exceeded 80K (medical & legal costs)

26

Percent of our current liability litigation is trip and fall claims

SAFETY TIPS

INSPECT
REGULARLY

1 WALKTHROUGHS TO
CATCH CRACKS, UNEVEN
SLABS, TREE ROOT LIFTING

REPAIR
PROMPTLY

2 FIX HAZARDS OVER ¼
INCH (GRIND, PATCH,
REPLACE)

ENSURE ADA
COMPLIANCE

3 CURB RAMPS, SLOPE,
AND WIDTH

SERVICE IS THE HEART OF WHAT WE DO



MORE SAFETY TIPS

KEEP CLEAR
& VISIBLE

4

TRIM VEGETATION,
REMOVE DEBRIS,
MAINTAIN LIGHTING

ENGAGE
THE PUBLIC

5

EASY SYSTEM FOR
HAZARD REPORTS

DOCUMENT
EVERYTHING

6

INSPECTIONS, REPAIRS,
AND RESPONSES

LEGAL STANDARD

Florida Standard Jury Instructions
for Premises Liability

Landowner or possessor's negligence toward invitee and invited licensee, whether the defendant...

N

Negligently failed to maintain the premises in a reasonably safe condition OR...

N

Negligently failed to correct a dangerous condition about which the defendant either knew or should have known by use of reasonable care OR...

N

Negligently failed to warn claimant of a dangerous condition about which the defendant had or should have had knowledge greater than the claimant.
If so, whether such negligence was the legal cause of loss/injury/damage to injured person.

*****IF THE JURY SAYS YES TO THIS QUESTION, YOU LOSE.**

LET'S
BREAK
UP

SERVICE IS THE HEART OF WHAT WE DO

POP QUIZ

Name the celebrity
sitting on the sidewalk
in the famous meme.



A

ROBERT DOWNEY JR

B

BURT REYNOLDS

C

KEANU REEVES



SERVICE IS THE HEART OF WHAT WE DO

**THANKS FOR
PLAYING**

SERVICE IS THE HEART OF WHAT WE DO

HELPFUL LEGAL RESOURCES

L

LOCAL ORDINANCES

You are still the owner and control the concrete

It is the responsibility of the property owner(s) abutting all sidewalks to clean the sidewalk and adjacent curb and gutter, including but not limited to, clearing debris, dirt, trash, vegetation, mold, mildew and other deleterious surface conditions. No vegetation shall be permitted to overhang the sidewalk to within a head room clearance of seven (7) feet. No obstruction shall be permitted within the width of the sidewalk within a head room clearance of seven (7) feet. The city shall be responsible for the repair of structurally damaged sidewalks only within city rights-of-way or public sidewalk easements. It is the responsibility of the abutting property owner to notify the city when the sidewalk is in need of repair.

K

KELLEY v SUN COMMUNITIES

2021 Case out of Middle District of Florida - Property owner prevailed on Summary Judgement

"The section of the sidewalk Kelley tripped over was an open, obvious, and otherwise harmless condition. The law imposes on a landowner the duty to mitigate unreasonable hazards on the property. It does not require the landowner to foreclose all risk that an invitee will injure himself during an inattentive moment."

R

RISK PREDICTION

Tort Reform March 24, 2023

Statute of limitation changed to 2 years for negligence
Negligence standard change to modified comparative – if plaintiff is more than 51% at fault, they are barred from recovery

CLAIMS DOCUMENTATION



Reports of hazards



Maintenance & inspection records



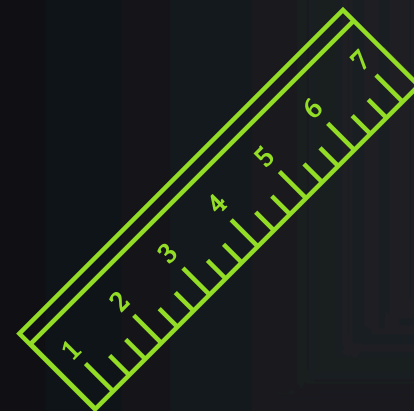
How do you identify sidewalk locations?



How far do you look around during a repair for similar issues?



Pre and post repair photos



Post loss pictures and measurements



Construction contracts and certs of insurance

MICRO MOBILITY VEHICLES

- Micromobility devices.
- Florida has no maximum power limit.
- E-Bikes - If they have pedals they are treated as bicycles

CLASS 1

A low-speed e-bike equipped with a motor that provides assistance only when the rider is pedaling. The motor stops assisting when the speed reaches 20 mph.



CLASS 2



A low-speed e-bike that can be powered exclusively by its motor, with or without pedaling. The motor stops assisting when the speed reaches 20 mph.

CLASS 3

An e-bike with a motor that provides assistance only when the rider is pedaling. The motor stops assisting when the speed reaches 28 mph.





CITY BIKES OR PRIVATELY OWNED?

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State Law says:

316.008 (7)(a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, electric bicycles, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.



CAN RISK TRANSFER
TO THE VENDOR?



SIGNAGE,
WARNINGS IN
HEAVY USE
AREAS?



LOCAL ORDINANCE?

PREFERRED MEMBER RESOURCES

- 316.130 Pedestrians; traffic regulations.**
- 316.2065 Bicycle regulations.**
- 316.20655 Electric bicycle regulations.**
- 316.2128 Micromobility devices, motorized scooters, and miniature motorcycles; requirements.**
- 316.008 Powers of local authorities.**
- 316.0085 Skateboarding; inline skating; freestyle or mountain and off-road bicycling; paintball; definitions; liability**





PREFERRED MEMBER RESOURCES

Sample Policies

**Articles on Plantscaping for
Municipalities and Effects on
Sidewalks**

**Ask you Loss Control Consultant
for additional resources**



QUESTIONS?

DON'T FORGET TO SIGN UP FOR OUR NEXT WEBINAR
1 WEEK FROM TODAY!