

Bursting Bubble

PRESUMPTION OF NEGLIGENCE IN REAR END COLLISIONS IN FLORIDA



Florida has a bursting bubble presumption of negligence in rear end collisions. That means a person who rear ends you is presumed negligent unless they can present some evidence that bursts that presumption. The problem with this bursting bubble presumption is, if the defendant shows any evidence to burst the bubble, the question of negligence must go to the jury.

There are **three well-established** ways defendants can burst the bubble of presumption in rear end collisions in Florida:



01

Present some evidence that suggests that there was a mechanical defect that caused the rear end collision



02

Presents some evidence that the vehicle rear-ended was illegally parked in the public roadway



03

Present some evidence that there was a sudden and unexpected stop in front of them, or a sudden and unexpected lane change

The most common excuse given by at-fault drivers is the **sudden and unexpected stop or lane change defense**.

At-fault drivers often overlook the "unexpected" requirement. Even if a stop was sudden, in order for an at-fault driver to burst the presumption of negligence, they must show the stop was in a place where frequent stops would not be expected. Florida courts have recognized that in some places, reasonable drivers should expect frequent stops or even lane changes. Some examples include:

- Turning into businesses in commercial areas
- Stopping for pedestrians
- Stopping for emergency vehicles



Drivers on the public roadway must keep a safe lookout and maintain a safe distance between themselves and the vehicles in front of them. Even if the at-fault driver presents evidence that bursts the presumption of negligence, the jury may still find them **100% at fault** for the traffic crash. Most jurors understand that if you rear end someone, you could have done more to prevent the traffic crash.

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