

***“The Ultimate Guide to your
Protection from Irresponsible
Drivers in Florida”***

(From folks who don't sell insurance!)

**BUYING CAR
INSURANCE**

***Why Insurance Companies Do Not Encourage
You to Buy the Most Important Insurance
Protection in Florida***

***Florida Accident Attorney
James W. Dodson***

Disclaimer

I cannot give legal advice in this report and nothing contained in it should be considered legal advice to you. No attorney-client relationship has been formed in receiving and reading this book. Although the author is a licensed attorney in the state of Florida, Mr. Dodson is not the reader's attorney unless he has been specifically retained in a signed retainer agreement. This report discusses in general terms some basic auto insurance coverages.

There are a number of legal and factual issues involved in determining what coverage may be available to you and others in a given situation, which cannot be described in this report. Therefore, for specific legal advice, you should consult with an attorney experienced in dealing with insurance issues.

If you wish to consult with Mr. Dodson about a specific case, you may use the contact information at the end of the book.

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What You Don't Know About Auto Insurance Can Hurt You:

- Why it is legal to drive in Florida without liability insurance.
- Why, even if you file a lawsuit, your health insurance company may want to take all of the money and leave you with nothing.
- Why you won't hear the details of this report emphasized by any insurance agent.
- How you can protect yourself through your own car insurance policy even if the other driver is completely uninsured.
- Why it is so important that you read and understand your own car insurance policy—most people cannot answer simple questions about their own coverage.
- What (exactly) you must ask your agent in order to get the necessary protection.

Who is Behind This Report?

Why Should You Listen to Me?

Look, I do not sell auto insurance. But I have grown increasingly frustrated with my inability to communicate with people about their insurance needs *before* they walk into my office following a catastrophic accident. Sadly, I find some insurance agents often may be as ill-informed as their customers.

I have written this report to give you insight and to provide some valuable information to help protect you and your loved ones each time you get into your car. I constantly deal with people whose lives have been turned upside-down as a result of an auto accident. I find that very few of them have any understanding of their automobile insurance or what coverage they purchased. Most people believe they have “full coverage,” but have no idea what that means. Many are shocked and saddened to learn that their policy actually falls short of these expectations.

My name is Jim Dodson and I have been representing people against insurance companies for more than 20 years. I limit my practice to those hurt as a result of the negligence of others, including accident and injury claims. I encourage you to visit my website www.JwDodsonLaw.com. There you will find articles, blogs, videos and other consumer education and safety information you will find helpful and interesting. You will also find information about my practice, cases we handle, and how to contact us if you would like a free case evaluation.

Everyone Believes It Won't Happen To Them

The scene I am about to describe is played out so frequently throughout our state each year. One person leaves for work as though it were any other day, while somewhere else, someone far less responsible. is speeding down the highway after a full night of partying. Our working average Joe has no idea what hit him when their paths cross head-on at 60mph, severely injuring him and totaling his car. After being rushed to the hospital, injuries include a broken neck, crushed hip and fractured right leg. There is partial paralysis of the right leg and foot. Doctors confirm their worst fears: lucky to have survived, our victim faces several weeks of hospitalization followed by months of rehabilitation and therapy. Full recovery is a long shot. The costs are astonishing:

- intensive care
- surgery
- hospital stay
- rehabilitation
- out-patient therapy
- lost wages
- future medical care

If this example is too extreme for you, consider a far more common collision, which could also result in painful and costly consequences. You are stopped at a light and someone rear-ends your car. You have immediate lower back pain. After conservative care fails to relieve your back pain, an MRI reveals a herniated disk requiring surgery. You find yourself on permanent lifting restrictions, which prevent you from returning to the type of work you have done for 10-15 years. In addition to medical expenses totaling over \$100,000, you find yourself unable to perform your job and your employer lets you go. How will you cover these tremendous costs?

Do you believe this could never happen to you? Neither does every other client who is injured in any car wreck in Florida each year.

Who Should Pay?

Most accident victims assume that the at-fault driver should be responsible for all costs associated with the collision. After all, they did nothing wrong. However, it is often the case that the person who causes the accident has minimal or no insurance to cover the losses.

Most Floridians Carry Shockingly Low Car Insurance

Do you know that Florida *still* does not require the operator of a car to carry one cent in bodily injury liability coverage to pay for injury they cause? Not one cent! Someone may be “fully insured” in Florida with only the mandatory property damage coverage (which pays to repair your car) and personal injury protection coverage (which pays their medical bills). Under Florida’s No-Fault law, each vehicle owner is required to carry coverage for his or her own medical expenses. This is known as PIP or No-Fault coverage.

After all these years, Florida still does not require mandatory bodily injury liability coverage to protect and pay for injury and losses a driver causes someone else in an accident. The insurance industry continues to successfully oppose this coverage.

Be aware, you may be injured by someone who is “fully insured” but has NO coverage to pay for injures and lost wages you suffer due to their fault.

The Cold Hard Truth about Florida Drivers

You may be thinking this couldn't get any worse— but it does. We have only been discussing those who have insurance, just not the right kind or amount of coverage. What about the truly uninsured?

The Florida Department of Highway Safety & Motor Vehicles reports that in June of 2004 there were an estimated 665,000 drivers in Florida with absolutely NO insurance.

The reality is that people continue to drive after their license has been suspended for DUI and other crimes. They also continue to drive after their insurance has been canceled.

If your insurance company and your agent have failed to explain the most important insurance protection available in Florida –

I WILL.

Understanding Your Insurance Policy

When considering the protection of you and your loved ones, there are two major portions of your insurance policy you must understand: the liability coverage and the uninsured motorist coverage.¹

1. *You can also purchase coverage for collision, comprehensive, towing and rental reimbursement losses.*

Bodily Injury Liability Coverage (BI)

Bodily injury liability coverage (we'll refer to it as BI) protects you and your assets if you cause or are liable for a car wreck that injures someone else.

Your insurance policy is a contract that requires your insurance company to defend you and pay all losses you are responsible for causing, up to the limits of liability coverage you bought.

You want to have this coverage to protect yourself and your assets if you are at fault, you also hope the person who hit you has enough of this coverage to pay for your bodily injuries. Unfortunately, all too many irresponsible drivers have very low limits of BI coverage, or worse, none at all.

How Much Liability Coverage Do You Need?

While I can't give anyone specific advice about coverage limits in this report, here are some considerations:

- You should purchase the absolute most coverage you feel will protect you and your assets.
- If you lease a car, the minimum most leasing companies require is \$100,000 in bodily injury liability coverage.
- In Florida, you cannot purchase more uninsured motorist coverage than the bodily injury coverage on your policy. In other words, if you buy \$25,000 in bodily injury liability coverage, you cannot buy \$100,000 in uninsured motorist coverage on that policy. You will be limited to \$25,000 in uninsured motorist coverage.
- This means you need to decide how much uninsured motorist protection you want, then purchase the amount of bodily injury coverage which matches up with your uninsured motorist coverage.

What about Suing the Other Driver?

Suing the at-fault party can work to your advantage when the at-fault driver actually has the means to cover your losses. The sad reality is that most people who carry no bodily injury liability coverage, or very low limits of coverage, have no personal assets available to pay any judgment you may receive against them. Simply put, most of them just don't have much money. Even if they own the home where they live, Florida law generally protects it against being sold to pay a judgment you might get against them.

Uninsured Motorist Coverage (UM)

There is one simple question almost none of our clients can answer:

How much uninsured motorist coverage did you purchase when you got your insurance policy?

Most people have no idea.

They were never explained the importance of buying uninsured motorist coverage.

This valuable coverage protects you and your loved ones in a number of ways:

- If you are hurt in an auto accident caused by someone with no BI insurance, your UM coverage will pay for your damages and losses up to the limits of the UM you purchased.
- If you are hurt by someone with low BI limits, your UM will pay your losses and damages over and above the at-fault party's BI coverage, up to the limits of the UM you purchased. For example, if your injury claim was worth \$300,000 and that at-fault party had only \$10,000 in BI coverage, your UM would pay \$290,000 to you if you had at least \$300,000 in UM coverage.
- If you are injured by a "hit and run" driver, your UM will pay your losses up to the limits of the coverage you purchased (subject to the terms of your policy).
- Your UM covers you if you are injured while a passenger in someone else's car.
- Your UM covers you if you are struck and injured as a pedestrian.
- Finally, your UM also provides coverage for resident relatives in your household, if certain conditions are met.

Bonus UM Coverage Very Few Understand (Stacked UM)

In addition to all the advantages of UM that I have pointed out above, there are more. In Florida, you can elect stacked UM coverage. For a minimal additional premium, stacked UM actually multiplies the UM coverage you purchase for every vehicle listed on your policy. For example, if you purchase \$100,000 UM and elect stacked coverage and have two cars on your policy, it effectively becomes \$200,000 UM...and \$300,000 with three cars and so on. Even if you have only one car on a policy, stacked UM may give additional UM coverage to you if you are injured as a passenger in someone else's car. Check your policy language.

It is unlikely that your agent has ever told you this before, because stacked UM coverage offers a lot more protection to you at a very low increase in premium. Although it's a great deal for you, it's far less advantageous to your insurance company.

How Much Uninsured Motorist Coverage Should You Buy?

How much protection do you want or need? You should buy as much as you can afford—assuming your insurance company will sell it to you.

Do I Need all that UM if I Have Health Insurance or Medicare?

I have had insurance agents recommend to our clients that they can have lower UM if they have good health insurance or Medicare. This is very short-sighted. Health insurance or Medicare only cover medical costs, and will seek reimbursement in the event that you receive a settlement.

Serious injuries routinely cause people to spend a significant amount of time out of work. As mentioned in our example above, we regularly deal with clients who are totally unable to return to their pre-accident work or career. In these cases, the client's primary concern becomes how he or she will continue to earn a living. Your health insurance or Medicare won't pay you a penny for loss of wages or your ability to earn money, BUT uninsured motorist coverage will. Often, it is the only insurance available to cover these losses.

In addition, health insurance and Medicare will not provide you with one penny of compensation for your pain, suffering and loss of the enjoyment of life. On the one hand, no one believes he or she will ever be the victim of an accident or suffer such losses. But, obviously, unfortunate accidents occur every day on our streets and highways causing death and injury to people who also believed it would never happen to them.

What Your Agent Does Not Understand: The ERISA Problem

When an insurance agent advises you can buy lower UM limits if you have a good health insurance policy, you need to ask him this question:

Do you understand that if my employer-sponsored health insurance plan pays out for my medical costs in an auto accident, Federal law gives them the right to claim full reimbursement from any settlement I obtain, even if it means I get nothing?

You see, years ago, Congress devised a way to make it easier for employer-sponsored health plans to get reimbursement for what they pay out in claims when the insured receives compensation for his or her injuries. This law is named The Employee Retirement Income Security Act of 1974, or ERISA. It specifically overrides state laws that regulate or prevent such complete reimbursement. It gives the health insurance plan the right to include a right of full and complete reimbursement in the plan's insurance policy documents. Plans covered by ERISA may give them the right to full and complete reimbursement for what they may have paid, even if it means you get nothing.

Further, virtually all health plans not covered by ERISA still contain reimbursement rights. Although those rights are limited by Florida law, it does not eliminate their recovery. Even Medicare and Medicaid have statutory reimbursement rights from most settlements.

This simply means you will have to repay some, or all, of the medical expenses paid by your health insurance company (even Medicare and Medicaid) from any settlement you obtain. The only way to fully protect your recovery is having enough UM coverage so that you will be left with a sufficient net recovery after their expenses are reimbursed.

Just What Does \$100,000/\$300,000 Mean, Anyway?

Policy declarations written this way mean that you have \$100,000 of coverage per person, but no more than \$300,000 per accident. It is expressed this way for both BI and UM coverage on most insurance declaration pages. If five people were injured in an accident, any one person could receive up to \$100,000, but the total of \$300,000 would have to be shared by all five people. If this was bodily injury coverage for an accident caused by you and you had \$100,000/\$300,000 BI coverage, if any one person's damages were greater than \$100,000 you would remain personally liable for their damages over the available \$100,000.

Understanding Your “Insurance Declarations Page”

Depending upon the agreed policy period, your insurance company will send you a “declarations page” once or twice a year. It shows the coverage you have for each category of coverage and the cost. Get it out. Compare yours to the example provided below.

The “dec sheet” will typically list the effective dates of the policy (i.e. June 1 through December 1), the named insured(s), listed vehicle operators, and the insured vehicles. Check the information to be sure it is accurate.

The “dec sheet” then lists the “coverages” and “limits of liability” for each coverage. In other words, the maximum the insurance company will be compelled to pay for each type of coverage.

FLORIDA AUTO POLICY
RENEWAL DECLARATIONS

State	22 24	Veh		POLICY NUMBER
FL		Terr		
POLICY PERIOD:		(12:01 A.M. standard time)		
EFFECTIVE DEC 01 2007 TO JUN 01 2008		OPERATORS		

Named Insured and Address	01 02
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Description of Vehicle(s)						VEH USE*	WORK/SCHOOL		
VEH	YEAR	TRADE NAME	MODEL	BODY TYPE	ANNUAL MILEAGE	IDENTIFICATION NUMBER	SYM	Miles Per Week	Days Per Week
22	02	VOLVO			14000				
24	07	AUDI			15000		P		

The Vehicle(s) described herein is principally garaged at the above address unless otherwise stated. * W-C=Work/School, B=Business, P=Farm/Pleasure
VEH 22
VEH 24

This policy provides ONLY those coverages where a premium is shown below. The limits shown may be reduced by policy provisions and may not be combined regardless of the number of vehicles for which a premium is listed unless specifically authorized elsewhere in this policy.

COVERAGES LIMITS OF LIABILITY (*ACV* MEANS ACTUAL CASH VALUE)	VEH 22		VEH 24		VEH		VEH	
	D=DED AMOUNT	PREMIUM \$	D=DED AMOUNT	PREMIUM \$	D=DED AMOUNT	PREMIUM \$	D=DED AMOUNT	PREMIUM \$
PART A - LIABILITY								
BODILY INJURY EA PER \$								
EA ACC \$								
PROPERTY DAMAGE EA ACC \$								
PART B - MEDICAL PAYMENTS								
EA PER \$								
PART B - PERSONAL INJURY PROTECTION								
MAXIMUM BENEFITS \$								
PART C - UNINSURED MOTORISTS								
STACKED								
BODILY INJURY EA PER \$								
EA ACC \$								
PART D - PHYSICAL DAMAGE COVERAGE								
COMPREHENSIVE LOSS ACV LESS								
COLLISION LOSS ACV LESS								
INCREASED RENTAL REIMBURSEMENT								
TOWING AND LABOR								
TOTAL PREMIUM -	SEE FOLLOWING PAGE(S)							

Using the attached example, we know Part A describes liability with two categories. The first is bodily injury: the maximum your insurance will pay if you are responsible for causing bodily injury to someone else. Coverage amounts are listed as the maximum per person and per accident. The second is property damage to pay for the damage you are responsible for causing to someone else's property, including repair or replacement of their car.

Part B describes optional medical payments your insurance will provide you for medical expenses related to your auto accident over and above what your personal injury protection (PIP) will pay. The personal injury protection is the coverage you are required by Florida law to carry. It pays a portion of your accident-related medical expenses.

Part C is what I have focused on in this report – uninsured motorist coverage. This covers your bodily injury and financial losses when some other driver is responsible for injuring you. Your coverage is listed as per person and per accident. Note, the line beneath labeled stacked. With two cars on this policy, stacking doubles the effective amount of UM coverage to \$600,000 per person and \$1,000,000 per accident.

Part D shows the physical damage coverage for your insured vehicles under comprehensive and collision. Note also the increased rental reimbursement providing rental coverage expense for you if you need a rental vehicle after an accident, as well as towing and labor.

If you've learned nothing else...

You should look over your "dec sheet" today to make sure you have UM coverage included in your policy. If you don't, call your agent and make the proper arrangements.

If you've read this book and are still unsure of whether your policy should include uninsured motorist coverage, you must keep in mind that many people who have walked into my office after a catastrophic accident felt the same way.

Oddly, insurance is one of the only things we purchase hoping never to use. It is rare that I get the opportunity to explain to someone *before* they are injured all of the precautions they should take to avoid further frustrating what is an already painful experience. I do hope you will take my advice today and protect yourself and your family from the dangers of underinsured reckless drivers.

**Examine your policy TODAY and get
the additional uninsured motorist coverage you need.**

Just in Case you Need a Lawyer, Here's Information about my Practice

Each year, we accept a limited number of injury and accident cases from the many people who ask us to represent them. We are not a **“TV advertising personal injury mill.”** We do not allow paralegals or assistants to negotiate your case with the insurance company. Fewer cases means more time devoted to you and the attention you deserve.

We have been representing accident and injury clients throughout Florida for more than 20 years. The vast majority of our cases are referred to us by other attorneys and by satisfied clients. If we accept your case, we will be happy to come to you if you need us.

Sometimes, the best advice you can be given when you are thinking about a lawsuit is that you do not have a claim that can be won. If this is the case, we will tell you. We will also tell you when we think you are better off handling a claim yourself without an attorney. But if we are hired as your lawyer, you can be assured that you will receive personal attention. We will aggressively represent you, keep you up to date about what is happening in your case, and advise you whether you should settle your case or go to trial.

We fully explain all fees and costs to you before we start working on your case. Of course, you will never pay a fee unless you recover. Together as a team, we will decide on the best strategy for your case.

If you have questions about hiring a lawyer due to a car accident, call us for a free copy of **“Five Mistakes That Can Wreck Your Florida Accident Case.”**

Visit our website at www.JWDodsonLaw.com, where you will find information about consumer guides I have written. While they are available at Amazon.com, I offer them without cost if you have been injured in a Florida accident:

- Five Mistakes That Can Wreck Your Florida Accident Case
- Dangerous Trips to Avoid in Your Fall Case
- Survivor's Guide to Florida Wrongful Death Claims

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NO Obligation, NO Cost online Contact Form

Extensive Accident and injury information
for Florida Consumers
Including articles, videos, blogs, and other resources

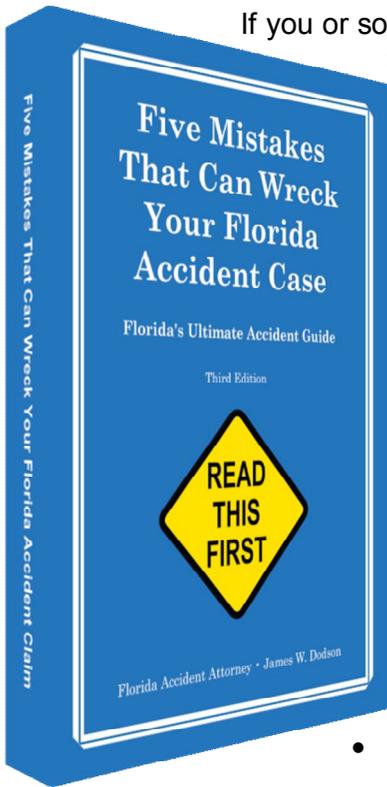
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For Additional Complementary copies of this book:

www.FloridaInsuranceBook.com

Five Mistakes That Can Wreck Your Florida Accident Case



If you or someone you know has been injured in a car wreck, do yourself a favor and read this book before you talk to an adjuster, sign any forms or walk into a lawyers office.

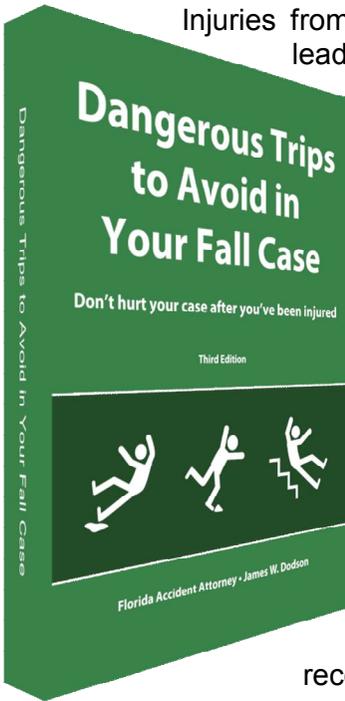
Florida's Ultimate Accident Guide will explain:

- Who pays your medical bills and lost wages
- Do you even need a lawyer, many cases don't require one
- What adjusters do to keep from paying a claim
- Four things your claim must have to be successful
- How injury claims are valued

Although this book sells on Amazon for \$13.95, you may obtain your copy at **NO COST** by doing one of the following below:

- ✓ **Visiting: www.FloridaAutoAccidentBook.com**
- ✓ **Visiting my website: www.JWDodsonLaw.com**
- ✓ **Faxing your name, address & email to 727-446-0850**
- ✓ **Calling toll free: 1-888-340-0840**

Dangerous Trips to Avoid in Your Fall Case



Injuries from slips, trips and falls are the second leading cause of injury in the United States. Yet, most people have no idea what they need to do after they have been badly injured in a fall.

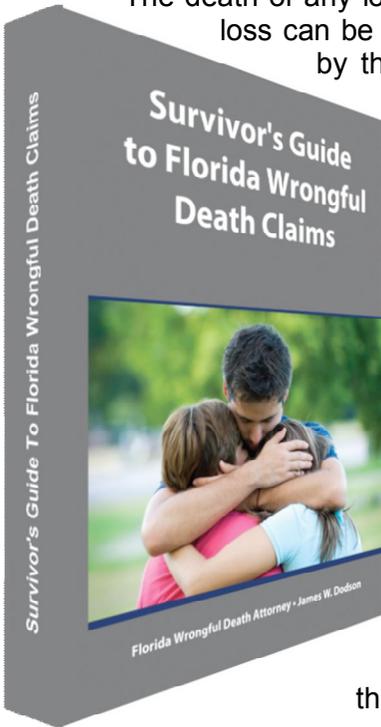
The Ultimate Guide to Injuries From a Fall explains:

- What proof is required
- Why the insurance adjuster will argue you are at fault
- Why you don't want to give a recorded statement
- Should you settle your claim without a lawyer?

This book is available on Amazon.com for \$13.95; however, you can obtain a copy at **NO-COST** by doing one of the following below:

- ✓ **Visiting: www.FloridaFallBook.com**
- ✓ **Visiting my website: www.JWDodsonLaw.com**
- ✓ **Faxing your name, address & email to 727-446-0850**
- ✓ **Calling toll free: 1-888-340-0840**

Survivor's Guide to Florida Wrongful Death Claims



The death of any loved one is tragic, but the sense of loss can be almost unimaginable when caused by the negligence and carelessness of another. Yet when tragedy strikes, most families have no idea what compensation may be available for the survivors or whether a claim may be brought at all. This easy to read consumer's guide will answer these and many other questions.

Florida's Ultimate Survivor's Guide will explain:

- There is a limited time to bring a claim
- Why Florida uses a Personal Representative and what they do
- Which survivors may recover – children, spouse, parents, siblings
- What damages may be awarded to a survivor
- How to recover for funeral and other expenses

Although this book is available on Amazon for \$13.95, you may obtain your copy at **NO COST** by doing one of the following below:

- ✓ Visiting: www.FloridaWrongfulDeathBook.com
- ✓ Visiting my website: www.JWDodsonLaw.com
- ✓ Faxing your name, address & email to 727-446-0850
- ✓ Calling toll free: 1-888-340-0840

