

**The Ultimate Guide  
to Protecting Your Family From  
Irresponsible Drivers in Florida**

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**Bradley Winston, Esq.**

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## F O R E W O R D

### **Read Inside to See How to Protect Your Family Against Uninsured Drivers and Learn:**

- Why it is legal to drive in Florida without car insurance.
- How you can protect yourself through your own car insurance policy even if the other driver has no insurance.
- Why, if you file an injury liability lawsuit, your health insurance company may want to take all of the money and leave you with nothing.
- Why it is so important that you read and understand your car insurance policy. (Most people cannot answer five simple questions about their own policy.)
- Why you won't hear the details of this report emphasized by any insurance agent.
- What (exactly) you must ask your agent for to get this protection.





## INTRODUCTION

# **WHO Is Behind This Report? and Why Should I Listen to Him?**

Thank you for requesting this report. I think that the information I give you here will help you in your quest to understand the basics of an automobile insurance policy.

I have written this book so that consumers could have good, solid information that will help protect them against irresponsible drivers. After meeting with hundreds of potential clients and asking them what they knew about their own car insurance policies, I discovered that the insurance industry had done a very poor job of educating its own consumers. As you will see, it is my opinion that this is not a mistake or an oversight on the part of the insurance industry. Rather, there appears to be a deliberate attempt to keep consumers “in the dark” about the most important car insurance they could buy.

Look—we don’t sell insurance, so we don’t have a dog in this fight! We challenge any car insurance agents who disagree with this report to sit down and explain their disagreement with us.

We'll buy the lunch on the condition that we can write about your disagreement for the public. Deal?

My name is Brad Winston, and I have been representing individuals against insurance companies since 1988. I limit my practice to accident, injury, and disability cases, so if you want a divorce or a will or have a traffic ticket, I can't help you. You can find out more about me at my web site at *www.WinstonLaw.com*.

Throughout my career, I have fought hard to protect the rights of clients and to ensure that they receive all that they are entitled to under the law.

I am Board Certified in Civil Trials by The Florida Bar and active in the following legal organizations:

- Former director, Academy of the Florida Justice Association
- Past president, Broward County Justice Association
- Associate, American Board of Trial Advocates
- Member, Million Dollar Advocates Forum
- Member, American Bar Association
- Listed in *Super Lawyers*®, 2006 to 2011
- Author of numerous consumer books and reports
- AV® rated by Martindale-Hubbell

**BUYING  
CAR  
INSURANCE**



## CHAPTER 1

# Most Floridians Carry Shockingly Low Car Insurance

You get that terrible phone call—your husband has been seriously injured in a car wreck. He has been hit head-on by a teenage drunk driver.

You go to the hospital and find your husband is in a coma and has a brain injury and a grotesquely broken arm. The doctors want to amputate. The nights at the hospital are long and tense, but he eventually comes out of the coma.

Now the real work begins. He's sent to a rehabilitation center to relearn skills he lost because of his brain injury and amputation. It will be years before he can become employed. The costs are astounding:

- \$18,527 for every day in intensive care
- \$8,252 for the rest of the days in the hospital
- \$2,784 for every day spent in the rehabilitation center

- \$???? for the lost ability to work
- \$???? for future medical care

## **Community Hospital Report of Admission**

**History:** This forty-five-year-old man, the father of three young children, was in a car that was hit head on by a teen-age drunk driver. The patient was thrown through the windshield of the car. The patient was unconscious and was intubated. This occurred about twenty-five minutes ago. The patient had an obvious open radius and ulnar fracture of the right arm with bone sticking out.

**Examination:** The patient has a *traumatic brain injury* with a frontal lobe contusion. He intermittently follows a command. He also has a grade III horrible open fracture of his right radius and ulna that needs to be amputated tonight. Because of his frontal contusion and the fact that he is going under anesthesia, neurosurgery has been consulted, and they will put a monitor in his head so we can monitor his intracranial pressure during his procedure. He is aware of the risk of further brain injury. The patient also has a laceration to his head and other contusions on his back and arm.

There's one thing this family didn't think it needed to worry about—how to pay the astronomical medical bills. Surely they could sue the drunk driver. He is required to have auto insurance—isn't he? The medical bills and lost wages would be paid out of a claim made against the teenager's car insurance policy, right?

**WRONG!**

This nightmare was just beginning for our client when he and his wife came into our office. We told them that Florida, unlike many states, does not require that every driver buy auto insurance for bodily injury liability. Many people come in to our offices and tell us they are assured that they have “full coverage,” but Florida requires a driver to have only no-fault personal injury protection that pays the insured’s own medical bills at 80 percent and lost wages at 60 percent, up to \$10,000, after the deductible (that can be as high as \$2,500). The only other car insurance required in Florida is \$10,000 in property damage liability. This fixes your car, if it’s enough.

This is Florida’s way of telling you that it’s perfectly legal to drive without *any* bodily injury (BI) liability insurance. “We’ll need to check on how much insurance the drunk driver had before we can help you with your case,” we advised.

We did some checking and found out that the drunk driver did not have BI insurance. “Perfectly legal under Florida law,” we told them. In fact, it is estimated that 12 percent of all Florida drivers are uninsured. Not bad, considering our weak insurance laws.

### **More Bad News was Coming!**

This family’s medical bills were paid by an insurance plan from the husband’s employer. This was a relatively new type of plan. This plan says, “If we pay your medical bills for an accident and the accident was someone else’s fault, we want to be repaid for every penny we spent before you collect a dime for yourself.”



In other words, even if we get any money out of the drunk driver, the health insurance company wants it all!

### **What about Suing the Drunk Driver?**

“Sure, we can do that,” we told them. “But what does he have? He’s only a teenager. He’s not employed, and we learned that he’s now in jail. If we sue and win, he can file for bankruptcy protection and never have to pay you.”

### **Then We Asked Them the Question That Almost None of Our Clients Can Answer:**

“How much Uninsured Motorist Insurance Coverage did you buy from your own car insurance company?”

“I have no idea what you’re talking about,” they said.

We told them to bring their own car insurance policy in and let us look at it. They did that but, unfortunately for the family...

No one ever explained to them the importance of buying lots of uninsured motorist coverage.

We blame the insurance companies and their agents for not thoroughly explaining—and urging you to buy—the most important insurance protection available in Florida.

They won’t tell you, so we will!

## CHAPTER 2

# What is Insurance?

When you buy insurance, you have a contract between the insurance company and you. You pay the premiums, and the company will protect you—even from uninsured drunk drivers.

## Why is My Automobile Policy So Long and Complicated?

We can't blame the companies for producing policies that no one understands. Most of the wording of a car insurance policy is required by law. Insurance policies in Florida do not vary much from company to company.

There are two major parts of your policy that you must understand: The *liability* coverage and the *uninsured motorist (UM)* coverage.<sup>1</sup>

*Liability* insurance protects your assets if you cause a car wreck and hurt someone. The *liability* coverage you have will protect your assets from the person you injured. The insurance company will defend you (including hiring an attorney for you if you are sued) and pay the injured person up to the limits of the *liability* coverage you bought.

---

1. Of course, there are lots of other coverage available, such as towing, rental car and wage loss. None are anywhere near as important as liability and uninsured motorist.

## CHAPTER 4

# Uninsured Motorist Insurance

If you buy *Uninsured Motorist* insurance (*UM*) and a driver who has no insurance hurts you, then your insurance company will pay you damages up to the limits of *UM* coverage you bought. Since the other driver is uninsured, your company pays you. (Don't feel bad—you paid for this protection.)

*UM* coverage is also very important for another reason. If you are the victim of a “hit and run” and the other driver is never caught, your *UM* coverage will protect you.<sup>2</sup>

Finally, your *UM* coverage will also protect you if the other party has *less insurance* than you do. If you get hit by someone who bought a low amount of insurance (for instance, \$100,000 or less), your own policy will provide you protection up to the amount that you bought for yourself.

Why don't they tell you that?

---

2. We estimate that up to 50 percent of all Florida drivers are uninsured or carry minimal insurance.

## CHAPTER 5

# Just What Does “\$50,000/\$100,000” Mean, Anyway?

Whenever auto insurance coverage is expressed as \$50,000/\$100,000 or \$300,000/\$500,000, the policy is telling you what coverage is available “per person” injured in the accident and what total coverage is available for any one accident. So, if you have \$50,000/\$100,000 coverage, each injured person would be covered up to \$50,000, but the total coverage available for the accident is only \$100,000. If five people are hurt in the accident, the *most* any one person would be paid is \$50,000, but all five people would have to *share* the total of \$100,000. In this situation, if any one person’s damages exceeded \$50,000 or if the entire claim of all people in the accident exceeds \$100,000, you would be personally responsible for what the policy did not pay.

*Do you see why we recommend a review of your policy?*

## CHAPTER 6

# Just How Much Uninsured Motorist Coverage Should You Buy?

Buy as much UM coverage as your insurance company will sell you, plain and simple.

*A Sample Insurance Policy “Declarations Page” is at the back of this book.*

Your insurance company must offer UM coverage to you in the same amount as they sold you BI coverage, and you can even “stack” those coverages and multiply them for a separate and additional limit for each and every covered vehicle on the policy! However, they may not tell you how *important* this is. Since they don’t explain the reason why, you may have thought the agent was just trying to sell you something you didn’t need.

Quite simply, buy the highest limits you can afford.

## CHAPTER 7

# Won't Ten Times as Much Insurance Cost Ten Times as Much?

Maybe you think if you have \$25,000 in liability coverage and you want \$250,000, your premiums will be ten times as much.

### **WRONG!**

It can be confusing to get all the information you need to make informed decisions about how much insurance coverage you can afford, so we did a cost comparison of premiums charged by five large insurance companies. If you call your own insurance company about buying more coverage, you may find that the increase in your premium is not the same as those our research showed; however, you will be surprised that the increase is nowhere near five or ten times what you presently pay.

### **Here's what we found:**

**GEICO**—The difference between \$25,000 and \$250,000 was about \$350 annually.

**Allstate**—The difference between \$25,000 and \$100,000 was about \$500 annually.

**Progressive**—The difference between \$25,000 and \$250,000 was about \$400 annually.

**State Farm**—The difference between \$25,000 and \$500,000 was about \$400 annually.

**Nationwide**—The difference between \$50,000 and \$500,000 was, astonishingly, about \$100 annually (\$8.33 per month!).

And now the big question...



## CHAPTER 8

# Why Doesn't the Insurance Company Issue a Report and Recommendation Just Like This?

**Answer:** Because it's a great deal for you and a rotten deal for them!

Just do the math!

You pay a little more money for a lot more protection

And...

While the insurance company can find out a lot about you and price your liability coverage correctly, (i.e., it can refuse to sell to you if you have a bad driving history)...

It can't do anything about the drunks driving around without insurance!

Insurance companies like security and certainty, and they get neither when they sell you high amounts of UM coverage.

## **What should you do now?**

Take out your policy and review the Declarations Page, the one that shows what coverage you have and what you pay for it. (If you can't figure it out, fax it to us at 954-475-2279.)

If it's anything less than \$1,000,000 (yes, \$1 million) then call your agent and ask this question: What would it cost me to upgrade my insurance to \$1,000,000 of liability and \$1,000,000 of UM/UIM (uninsured and underinsured) coverage?<sup>3</sup>

The agent will probably suggest you don't need that much or suggest you buy an "umbrella policy."<sup>4</sup> Don't accept these suggestions; just get them to price the coverage. Then get them to price the coverage downward. For example, get them to price \$500,000, and then \$250,000, etc.

Make a choice and buy the additional coverage.

If you have any questions, please call us.

We feel that this information is so important that we will waive our \$350 fee to sit down and explain this to you and walk you through, step by step, the process of increasing protection for you and your family.

---

3. By law, the UM cannot exceed the liability coverage.

4. Very few umbrella policies provide UM coverage. When we bought coverage from GEICO, three different sales representatives told us over the phone that the umbrella policy was the best choice because it provided UM coverage. It did not!

## CHAPTER 9

# Fewer Cases — More Time FOR YOU

We are “different.”

We don't rely on a high volume of cases. We don't claim to handle every type of law under the sun. We don't want to. We don't need to.

Each year, we accept a limited number of serious injury, accident, and disability cases from the hundreds of people who ask us to represent them. We are not a “TV advertising personal injury mill.” Paralegals and assistants do not negotiate our cases with the insurance company. Fewer cases means more time for you and, we believe, better results overall.

Since 1988 I have represented accident, injury, and disability claimants throughout all of Florida. Most of the cases are referred to us by former satisfied clients and by other attorneys. If we accept your case and you are not local to us, we will come to you.

Sometimes the best advice you can get when you are thinking about a lawsuit is that you do not have a claim that can be won. If that is true, we will tell you. We'll also tell when we think you are better off handling a claim yourself—without an attorney. But if your case passes our test and we accept it, you can be assured that you will receive my personal attention. I will aggressively represent you, keep you up to date on what is happening in your case, and give you my advice as to whether you should settle your case or go to trial.

We will fully explain all fees and costs to you before we start working on your case. Together, as a team, we will decide on the best tactics for your case.

—Brad Winston

**SAMPLE DECLARATIONS PAGE**

**OCEAN HARBOR CASUALTY INS. CO.**  
 P.O. BOX 451119  
 Sunrise, FL 33345-1119

PAGE # OF #

IT AGREES TO BE CLASSIFIED AS  
 STANDARD AUTOMOBILE INSURANCE  
 BY COMMERCE

**DUPLICATE**

**POLICY NUMBER**  
**JAJ-2637951-02**

2010 50000

Date of Issue: **07/11/11**  
**PRODUCER CODE**  
**6391**

**DECLARATIONS  
 AT DATE OF LOSS**

<b>1. NAMED INSURED AND MAILING ADDRESS</b> INSURANCE COMPANY 115 W WOOLBRIGHT RD SUITE 1 BOYNTON BEACH FL 33435 (561) 734-4006	<b>2. PRODUCER</b> BASIC INTEGRITY INSURANCE 115 W WOOLBRIGHT RD SUITE 1 BOYNTON BEACH FL 33435 (561) 734-4006
---	--

(Insured's Automobile(s) will be primarily garaged in the state designated in item 7, unless otherwise stated herein. (Cir No. 14838))

**POLICY PERIOD:** FROM: **11/12/2010** TO: **11/12/2011 12:01 AM STANDARD TIME** Effective Date of Transaction: **11/12/2010**

3. DESCRIPTION OF INSURED VEHICLES				RATING CLASSIFICATION				
VEH	MODEL YEAR	MAKE / MODEL	IDENTIFICATION NUMBER	CLASS	PHY	LIAB	AGE / SYM	FERR
1	1993	TOYOTA CAMRY LE	199343109000000000000			14		20F

THIS POLICY DOES NOT PROVIDE AUTO BODILY DAMAGE LIABILITY INSURANCE ON ANY OTHER COVERABLE VEHICLES WHICH ARE BEING ANNUALLY RENEWED OR CHANGED TO ANY MAKE AND MODEL THAT COMPLY WITH ANY FURNISHED RESPONSIBILITY LAW. YOU MAY BE SUBJECT TO A FINED OR OTHER PENALTY IF YOU CHANGE TO A NEW MAKE AND MODEL.

COVERAGES	LIMITS/DEDUCTIBLES				ANNUALIZED PREMIUMS		
	Same Limits of Liability apply for all vehicles.				Veh.1	Veh.2	
PROPERTY DAMAGE	\$	10,000	/Accident		691		
PERSONAL INJURY PROTECTION \$10,000/Person	DIED INS & RESIDENT RELATIVES WOLF LOSS COVERAGE INCLUDED. \$1000 Deductible				1516		
MEDICAL PAYMENTS	\$	NONE	/Individual		N/A		
COLLISION	ADV	1 \$	2 \$	3 \$	4 \$	N/A	
OTHER THAN COLLISION	ADV	1 \$	2 \$	3 \$	4 \$	N/A	
<b>MSA POLICY FEE: \$ 25 (SETUP FEE: \$ 10 NC SR22 FEE: \$ 0 (TOW: \$0) FHCIF FEE: 20.39</b>					<b>POLICY TOTAL: \$ 2877.39</b>		
REASON FOR DECLARATION NEW OWNERS					EFFECTIVE DATE 11/12/2010	RISK FACTOR 0.000	PREMIUMS AND FHCIF 0.00
					ANNUAL PREMIUM 2877.39	NET PREMIUM 2877.39	

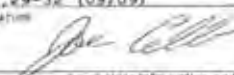
**SURCHARGES** Veh 1

PD TOTAL POINTS / TOTAL POINTS SURCHARGE	3 / 25%	/	/	/	/
PIP TOTAL POINTS / TOTAL POINTS SURCHARGE	3 / 25%	/	/	/	/
COMM/COLL POINTS / TOTAL POINTS SURCHARGE	/	/	/	/	/

DISCOUNTS	MULTI CAR		RENEWAL		SAFE DRIVER		ABS		SRS	THEFT HOMEOWNERS		SAPC		
VEHICLE #	Liab	Phys	Liab	Phys	Liab	Phys	Liab	Phys	Liab	Phys	Liab	Phys	Liab	Phys
1	-	-	-	-	-	-	-	-	10%	-	-	-	-	-

**FORMS**

OHC 004 (12/99) OHC 001 (12/99)-A / OHC 001 (06/02)-A / OHC 001A (06/02)-A  
 OHC 001 ADD (09/09) / OHC FL 23-28 (08/08) / OHC FL 22, 29-32 (09/09)

INSURANCE COMPANY: 

FREE NEWSLETTER FROM

## **Winston, Clark & Wigand, P.A.**

Want to know how to best deal with insurance company denials? Want to find out specific steps you can take to find the best lawyer for your case? Want to read the “inside story” about frivolous lawsuits? Would you like some practical advice about buying insurance from someone who does not sell insurance?

These are some of the topics that are covered several times a year in a free newsletter sent to you by Fort Lauderdale attorney Brad Winston.

Mr. Winston strongly believes that most legal disputes could be avoided if people had a better general knowledge about the legal system, insurance coverage, and the insurance claim process.

There is absolutely no cost or obligation, and from time to time we run contests to give away free stuff!

If you subscribe and later feel that we are wasting your time, there is an 800 number in every issue that you can call to “unsubscribe.”

Don't worry—this is not the boring, “canned” newsletter that most firms buy and slap their names onto. We write it, and we aim to encourage people to pay more attention to their legal affairs.

There is no need to destroy this book. Just photocopy this form, fill it out, and mail or fax it to us at 954-475-2279 or mail to Brad Winston, 8211 West Broward Blvd., #420, Plantation, FL 33324.

**Please start my subscription to your free legal newsletter:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

F R E E B O O K

## **Five Deadly Sins That Can Wreck Your Accident Case**

Now a free book is available for car accident victims that they should read before they talk to the insurance company or hire an attorney. Thousands have benefited from reading this book.

Copy and fill out this form and mail or fax it to us to learn:

- What are five specific ways you can ruin your valid injury claim?
- What “service” provided by some lawyers can actually be the “kiss of death” to your claim?
- Can your health insurance company force you to repay it if you win?
- What is one document you should never sign for an insurance company?
- Is the “standard” “one-third attorney fee” really standard?



Just photocopy this form, fill it out, and fax it to 954-475-2279 or mail to Brad Winston, 8211 West Broward Blvd., #420, Plantation, FL 33324.

**Please send me *Five Deadly Sins That Can Wreck Your Accident Case:***

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

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[www.WinstonLaw.com](http://www.WinstonLaw.com)

WA

# BUYING CAR INSURANCE

Car insurance is expensive, and it can be difficult to get all the information you need to make an informed purchasing decision.

You will learn how to protect yourself with your own car insurance policy, even if the other driver has no insurance. We will help you to understand the fine print, including the provisions that your insurance agent doesn't want you to know about!

Contact Bradley Winston at [www.WinstonLaw.com](http://www.WinstonLaw.com) if you have questions about your car insurance or need help following an accident.

Learn more about the Winston Law Series. Our other books include: *The Truth about Lawyer Advertising*; *Five Deadly Sins*; *Robbery Without a Gun*; *Medical Malpractice*; and *Making the Right Choice*.



Bradley Winston is a South Florida personal injury attorney who is Board Certified in Civil Trial. He has over two decades of legal experience handling a wide variety of personal injury matters. Throughout his career, Mr. Winston has fought hard to protect the rights of his clients and to ensure that they receive all the financial compensation they are entitled to under the law.

Mr. Winston is recognized by and active in many leading legal organizations, including: Super Lawyers®, 2006-2011; Million Dollar Advocates Forum; American Board of Trial Advocates; American Bar Association; and the American Association for Justice.

Martindale-Hubbell®, a leading U.S. legal publisher, recognizes Mr. Winston with a Preeminent 5.0 out of 5 Peer Review Rating. You may contact Bradley Winston at 954-475-9666.

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