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SPRING 2023

Welcome to the Fisher's Law Office Newsletter.

Providing you with legal information you can use in your everyday life.

In this Newsletter, I discuss issues involved with driving in Florida and other legal matters.

CRASH! STATISTICS

FLORIDA IS ONE OF THE MORE DANGEROUS PLACES TO DRIVE IN THE UNITED STATES. OVER 3000 PEOPLE WERE KILLED AS A RESULT OF DRIVING IN FLORIDA IN 2022, AND THERE WERE 340,000 CRASHES IN FLORIDA LAST YEAR. THAT IS ALMOST 1,000 CRASHES PER DAY! IN HILLSBOROUGH COUNTY, THERE WERE OVER 27,000 CRASHES AND 25% OF THOSE WERE "HIT AND RUN". IN FACT, 11 PEOPLE WERE KILLED IN HILLSBOROUGH COUNTY IN HIT AND RUN COLLISIONS LAST YEAR. THERE ARE OVER 17.9 MILLION VEHICLES IN FLORIDA AND APPROXIMATELY 17.7 MILLION PEOPLE IN FLORIDA HAVE A DRIVER'S LICENSE. IT IS ESTIMATED THAT OF THE 22 MILLION PEOPLE IN FLORIDA, OVER A MILLION ARE DRIVING WITHOUT A LICENSE. SPEEDING AND DRIVING UNDER THE INFLUENCE CAUSE 67% OF CRASHES IN FLORIDA.

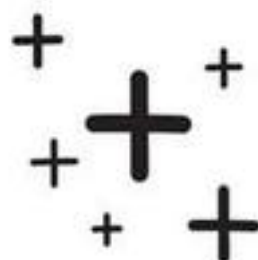


DRIVER'S LICENSE SUSPENSIONS

FLORIDA UTILIZES A PROGRESSIVE POINTS SYSTEM FOR TICKETS THAT CAN RESULT IN YOUR LICENSE BEING SUSPENDED. EACH TICKET YOU RECEIVE RESULTS IN A CERTAIN NUMBER OF POINTS BEING ASSESSED AGAINST YOUR DRIVING RECORD AND WHEN YOU HAVE ACCUMULATED A CERTAIN NUMBER OF POINTS, YOUR LICENSE IS SUSPENDED.

FOR EXAMPLE, IF YOU ACCUMULATE 12 POINTS WITHIN 12 MONTHS, YOUR LICENSE WILL BE SUSPENDED FOR 30 DAYS. IF YOU ACCUMULATE 18 POINTS IN 18 MONTHS, THERE IS A 3 MONTH SUSPENSION OF YOUR DRIVING PRIVILEGES AND FOR 24 POINTS IN 36 MONTHS THERE IS A ONE YEAR SUSPENSION OF YOUR DRIVING PRIVILEGES.

COMMON POINT VIOLATIONS INCLUDE:



- RECKLESS DRIVING +4 POINTS
- LEAVING THE SCENE OF A CRASH +6 POINTS
- CARELESS DRIVING +3 POINTS
- SPEEDING +3 POINTS
- SPEEDING IN EXCESS OF 50 MPH +4 POINTS
- PASSING A SCHOOL BUS WHEN STOPPED +4 POINTS
- REDLIGHT VIOLATION +4 POINTS
- FAILURE TO USE A CARSEAT FOR A CHILD +3 POINTS





INSURANCE REQUIREMENTS

FLORIDA REQUIRES ALL DRIVERS TO HAVE MINIMUM CAR INSURANCE IN ORDER TO DRIVE IN FLORIDA. IT IS SHOCKING TO MOST PEOPLE THAT IN ORDER TO DRIVE, YOU ONLY NEED PERSONAL INJURY PROTECTION INSURANCE (PIP) FOR YOUR OWN MEDICAL BILLS AND PROPERTY DAMAGE LIABILITY INSURANCE OF \$10,000. INCREDIBLY, IT IS NOT REQUIRED IN FLORIDA TO HAVE BODILY INJURY LIABILITY INSURANCE.* AUTOMOBILE INSURANCE CAN BE VERY EXPENSIVE IN FLORIDA AND THE COST OF THE INSURANCE IS MUCH MORE FOR PEOPLE WHO HAVE SPEEDING TICKETS OR OTHER MOVING VIOLATIONS AND FOR PEOPLE WITH BAD CREDIT SCORES. IN ADDITION, HAVING A DRIVER'S LICENSE SUSPENSION CAN GREATLY INCREASE THE COST OF CAR INSURANCE.

*IF YOU FINANCE AN AUTO, THE LOAN COMPANY MAY REQUIRE BODILY INJURY LIABILITY INSURANCE.



DRIVER'S LICENSE REQUIREMENTS

Because Florida has such limited public transportation, most people in Florida find it necessary to drive an automobile. Florida requires that all drivers have a driver's license (see Florida Statute 322.03) and that they have the driver's license with them at all times while driving (Florida Statute 322.15).

Clients often ask when a person can get a driver's license. The earliest a driver's license can be issued in Florida is at age 15 when a learner's permit can be issued for drivers that pass a written test, and a vision and hearing test. There are many restrictions on driving for underage drivers (Florida Statute 322.1615) including the requirement that they only drive during the daytime for the first three months and a learner's permit driver must drive with a licensed driver over age 21 at all times. Lastly, the parent must sign a document agreeing to be fully responsible for any damages or crashes caused by the minor driver (Florida Statute 322.09).

New residents who work in Florida must obtain a Florida driver's license within 30 days (Florida Statute 322.031)

What is the most important type of automobile insurance to have in Florida?

Although the state of Florida only requires so-called personal injury protection and property damage liability insurance, I recommend that all of my clients have liability insurance of at least \$200,000 and underinsured motorist (UM) protection in the same amount. Liability insurance pays the other driver if you are at fault in a collision and UM protection pays you if the other driver does not have sufficient coverage to pay for your injuries in a crash. Over the years, I am continually amazed at otherwise responsible clients who do not have sufficient UM protection. Since over one million people driving in Florida have no insurance of any kind, this insurance is very important.



A Word to the Wise: Homebuilding Edition



A friend signed a contract with a major home builder to have their home constructed. Incredibly, the contract that he signed did not have a project completion date.

Major home builders are reluctant to commit to a completion date because of the difficulty in obtaining labor and materials to complete homes on a timely basis. The problem for homeowners is that it is difficult to plan when they can move into their new house and many lenders will increase the interest rate if the home is not completed in a certain period of time. I

recommend that a completion date be put in all construction contracts and that a "liquidated damages" clause be added for every day that the home is not complete. Liquidated damages are an agreed upon amount to be paid on a daily basis for each day the job is not done.

Generally, under Florida law, once the home is "substantially completed", the contractor is entitled to be paid. For minor items that are not required in order for the homeowner to take possession and live in the home, a "retainage clause" holding back funds until the "punch list items" are finished will suffice. In this case, my friend has already signed the contract and is simply hoping that at some point his house is finished.

What are you avoiding?

One of the top contributing factors of the mental health crisis in 2023 lies in "substitution behavior." This is a form of avoidance, where otherwise successful people can get bogged down by doing trivial things instead of the urgent business at hand!

In 2023 – avoid substitution behavior! Instead, make a list and get things done instead of procrastinating by wasting time on frivolous pursuits.



New Laws in 2023

1. If you drive on a toll road more than 35 times a month you will get a 50% discount.
2. Former government officials will now have to wait 6 years instead of 2 years before becoming lobbyists after leaving government employment as a lawmaker, agency head, or judge.
3. If your home is destroyed in a storm and cannot be lived in for 30 days or more, you can receive a rebate on your property taxes.
4. As of January 1st, you cannot assign the right to a contractor to make a homeowner's insurance claim for you. (called "assignment of benefits") Also your lawyer cannot get attorney's fees from the insurance company if you are forced to sue to enforce your insurance contract to repair your house after it is damaged.
5. Apartment landlords must now conduct background checks on all employees.



For 2023, make sure you do the following:

1. Update your will.
2. Make an inventory of assets, liabilities, passwords, and account information that is kept with your will. (Tell your spouse or significant other where your original will is kept.)
3. Tell your children that you love them.
4. Call your mother!



RALPH B. FISHER, ESQ.

Education:

- 1977
Degree in Accounting,
University of Florida,
Gainesville, Florida
- 1978
License Issued
Certified Public Accountant
(currently inactive)
- 1983
Juris Doctorate Degree in Law,
University of Florida,
Gainesville, Florida,
Attorney, State of Florida

Memberships:

- Florida Bar Association www.floridabar.org
- BV rated by Martindale Hubbell
- Gaucho Association www.gauchoassn.com

PRICE LIST FOR 2023

- Consultation- \$200
- Deeds- \$300 and up
- Simple Will- \$350
- Probate- \$350/hr plus costs
- Living Will- \$125
- Healthcare Surrogate- \$125
- Litigation- \$400/hr plus costs

**Call me today at 813-949-2749,
I'm here ready to serve!**

Please give me a call or schedule an appointment to come into the office today! I look forward to meeting with you and assisting you with your legal needs.

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Ralph Fisher



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