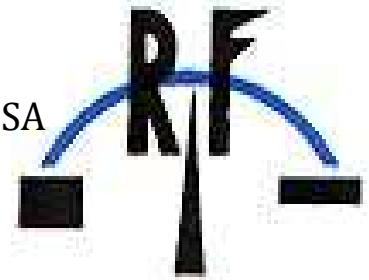


FISHER'S LAW OFFICE, P.A.
575 Cypress Lane Lutz, Florida 33548 USA
Telephone: 1 (813) 949-2749
E-mail: ralphfisher@yahoo.com
www.fisherslawoffice.com



Summer 2021

Welcome to the Fisher's Law Office Newsletter, providing you with legal information you can use in your everyday life.

BIG CHANGES IN FLORIDA CAR INSURANCE

Big changes may be coming to Florida's car insurance laws. If signed into law, S.B. 54 will fundamentally change car insurance in Florida by eliminating the "no fault" personal injury protection (PIP) coverage system and replace it with mandatory bodily injury coverage of \$25,000 per person and \$50,000 per accident, as well as \$5,000 of medical payment or med pay coverage.

This new law has been passed by the Florida legislature and is awaiting the Governor's signature. Florida is one of only two states that do not require bodily injury coverage in order to drive.

The problem with the law is that if you currently have minimum insurance (PIP and property damage liability), your cost of insurance may increase. On the other hand, if you already carry bodily injury insurance, your premium will most likely decrease.



WHAT IS THE MOST IMPORTANT CAR INSURANCE THAT YOU CAN CARRY?

***Answer:** Uninsured motorist also known as "UM". This important insurance provides coverage if the other driver has no insurance- or not enough. It is estimated that as many as 2-3 million people in Florida are driving without any car insurance at all. Therefore if there is a crash caused by the other driver, and you are injured, UM coverage steps in and pays for your injuries and loss of earnings. If you don't have UM coverage, call your insurance agent and ask to add it to your policy.*



WHAT IS THE BIGGEST COST IN RETIREMENT?

***Answer:** The biggest cost for Floridians in retirement is medical bills. This is often a surprise for many because they believe that Medicare will cover all medical expenses.*

Although Medicare does cover many expenses, it does not cover everything. Many retirees purchase a supplemental insurance plan to cover the portion not covered by Medicare, but even if you have the supplemental insurance, you must still pay for "Part B" doctor visits, "Part D" prescriptions, and things that may not be covered. If you are saving for retirement, be aware that you will use most of the money saved for medical expenses.

CRAZY LAWS YOU'VE NEVER HEARD OF...



- If you have a problem with a contractor for work done on your house, you cannot simply sue the contractor. Instead, under little known Chapter 558, passed in 2003, you must first give the contractor a “notice of claim” and give the contractor 45 days to cure any defect in the construction work. The notice must give reasonable detail about what is wrong with the work.
- Florida Statute 790.09 makes it legal to carry a concealed weapon if you have a license to do so. To get a license you must meet many requirements, including being a resident of the U.S., being over 21 years old, having a clean criminal record, including no history of abuse of drugs and alcohol or multiple arrests for the same. You must also complete a firearms course. The fee for the license is \$55, and it is good for seven years. Even if you have a concealed weapons permit, you cannot bring your gun into a police station, jail, courthouse, voting booth, the legislature, an airport terminal, school, or bar.



One of the most shocking things for my clients to find out about is Florida's “dangerous instrumentality doctrine”. This doctrine states that if you have wild tigers, dynamite, guns, automobiles, or an airplane, you are strictly liable for any injury caused by the dangerous instrument. We had a client loan his vehicle to a person, and his friend crashed his car. Unfortunately, the client was responsible for the damage caused by his friend, even though he was not any place near the car when the crash occurred. If you have a dangerous item, be very cautious before you loan it to someone because you will be fully liable if something happens, even if you did nothing wrong.

****CASE OF THE MONTH****

Our client owed over \$27,000 plus interest on a long overdue credit card. The bank that issued the credit card sold the account to a well known debt collector in another state, and this debt collector sued our client. Attached to the complaint was a bill of sale showing that the debt had been purchased by the debt collector from the bank, but strangely enough, a sales agreement referred to in the bill of sale was not attached to the complaint. In addition, no notice informing our client that the debt had been sold to the debt collector was attached to the complaint (which is required under Florida Statute 559.715). Also, our client denied ever receiving a notice that the debt had been purchased from the bank. I asked for “discovery” prior to the case coming to trial. Two of the discovery items requested were the notice that the debt had been purchased and the sales agreement referenced in the bill of sale showing the details of the transaction for the purchase of the debt. The debt collector refused to produce the items requested, and before the judge could rule, the debt collector agreed to drop the entire case in exchange for a promise not to seek attorney's fees.

Moral to this story? If you are sued on an old credit card by a debt collector, contact an attorney right away. You may have defenses for failure to give notice of the purchase of the debt, and you may be able to pressure the debt collector into settling the case for much less than you owe in exchange for not requiring that they produce the secret documents that detail the transaction between the debt collector and the bank that issued that credit card.

THE BIGGEST REASONS FOR CANCELLING REAL ESTATE SALES

1. The seller is not ready to close on time.
2. There is not a clear title.
3. The seller failed to disclose flooding issues and flood zones.
4. The money did not arrive on time, or the buyer needs more time to get financing.
5. The inspection shows problems.
6. There is no title insurance commitment fifteen days prior to closing.

Moral? See an attorney before you sign a contract to make the biggest purchase of your life!



Ralph B. Fisher, Esquire

WHAT PEOPLE ARE THE MOST HAPPY?

Studies have shown that people who are grateful tend to be happier than those that are not. People that are grateful think about how important their family, friendships, and work relationships are even when things do not go according to plan. Grateful people tend to live much longer, and lead happier day to day lives. No matter how bad your situation, if you are grateful for the good things in your life, it will help your attitude and increase your life expectancy.



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. 813-949-2749

Ralph Fisher

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.flabar.org
- BV rated by Martindale Hubbell
- Gaucho Association www.gauchoassn.com