PART I. AUTO INSURANCE

CHAPTER 1. COMMON AVAILABLE COVERAGES

- § 1:1 Introduction
- § 1:2 No-fault coverage (Personal Injury Protection (P.I.P.))
- § 1:3 Property damage/physical damage
- § 1:4 Bodily injury/liability coverage
- § 1:5 Uninsured/underinsured motorist coverage
- § 1:6 Medical payments coverage
- § 1:7 Other available options (crime victim compensation)

CHAPTER 2. INTRODUCTION TO NO-FAULT AND DEFINITIONS—FLA. STAT. § 627.736(1)

- § 2:1 Introduction to Florida no-fault principles
- § 2:2 P.I.P. is primary
- § 2:3 P.I.P.—Who needs it? Required security under Fla. Stat. § 627.733
- § 2:4 Required security (insurance); proof of security; operation of motor vehicle illegal without security
- § 2:5 Proof of security; requirements; penalties
- § 2:6 Survey of key provisions of P.I.P. law and recent changes
- § 2:7 Personal injury protection (P.I.P.) deductibles
- § 2:8 Required benefits
- § 2:9 Benefits; when due
- § 2:10 Written notice of loss to an insurer may be required
- § 2:11 Thirty days to pay P.I.P. benefits
- § 2:12 Thirty days to pay upon receipt of written notice of loss and loss amount
- § 2:13 Insurer required to provide explanation of benefits
- § 2:14 Demand letter required prior to filing P.I.P. suits
- § 2:15 Interest
- § 2:16 What P.I.P. is required to cover
- § 2:17 Each insurer to pay pro rata share of total payment
- § 2:18 Exposure for payment above policy limits (exhaustion of benefits)
- § 2:19 Violation of code to fail to timely pay P.I.P. as a business practice

- § 2:20 Any insurance fraud voids all coverage
- § 2:21 Mandatory binding P.I.P. arbitration unconstitutional

CHAPTER 3. ATTORNEY'S FEES—FLA. STAT. § 627.736(8)

- § 3:1 Applicability of provision regulating attorney's fees
- § 3:2 Suit must be filed to recover fees
- § 3:3 Attorney's fees in suits against insurers
- § 3:4 Entitlement to attorney's fees and costs
- § 3:5 Who is the prevailing party?
- § 3:6 Attorney's fees multipliers
- § 3:7 Necessity of showing difficulty obtaining counsel to establish need for a multiplier
- § 3:8 Multiplier may be applied to services done by paralegal
- § 3:9 Multiplier should not apply to recovery of fees under proposal for settlement
- § 3:10 Attorney's fees against an insured or assignee in favor of an insurer

CHAPTER 4. CANCELLATION OF COVERAGE UNDER FLA. STAT. § 324.0221

- § 4:1 Insurer cancellation
- § 4:2 Cancellation; renewal
- § 4:3 Key statutes governing insurer cancellation and non-renewal
- § 4:4 Refund of premium required
- § 4:5 Premium finance companies
- § 4:6 Statutes governing premium finance companies

CHAPTER 5. P.I.P. CLAIMS DISPUTES AND LITIGATION

- § 5:1 Introduction—Standing to assert the claim or suit
- § 5:2 Assignments of benefits
- § 5:3 Policy prohibition against assignment/non-assignment clause in policy
- § 5:4 Required elements of an assignment
- § 5:5 When can an insurer be deemed to waive its challenge to standing?
- § 5:6 Can a medical billing company obtain an assignment of benefits and sue?
- § 5:7 So, does the obligation to sit for an Examination Under Oath ("EUO") transfer to the party accepting assignment?

§ 5:8	Can an assignment to an unregistered fictitious be valid?
§ 5:9	Can an assignee intervene in a lawsuit between the insurer and the insured?
§ 5:10	Disputing claims decisions—The process
§ 5:11	—Demand letters and declaratory actions
§ 5:12	Settlement of P.I.P. and other insurance claims
§ 5:13	Interpreting the policy (policy construction generally)
§ 5:14	Declaratory judgment
§ 5:15	Effective date of insurance policy
§ 5:16	Priority of coverages during "gap period" between
	October 1, 2007, and January 1, 2008
§ 5:17	Effective date of 2012 P.I.P. law
§ 5:18	Effective date of 2023 P.I.P./Tort Reforms
§ 5:19	Jurisdictional changes impacting P.I.P. litigation

CHAPTER 6. LIMITATION OF INSURED'S RIGHT TO RECOVER SPECIAL DAMAGES IN TORT CLAIMS; COLLATERAL SOURCES AND PROPERTY DAMAGE—FLA. STAT. § 627.736(3)

0	
§ 6:	Collateral sources generally
§ 6:	2 Consideration of collateral sources in breach of contract actions
§ 6:	Collateral sources in injury actions: Florida Statute § 768.76
§ 6:	Other benefits not considered a collateral source
§ 6:	Are payments made to settle a bad faith claim against an uninsured motorist insurer considered a collateral source?
§ 6:	Effect of Florida's 2012 PIP Law on Set-off Calculations
§ 6:	Property damage
§ 6:	Comprehensive coverage not to apply deductible to windshield
§ 6:	Motor Vehicle Repair Act
§ 6:	10 Remedies for violation of Motor Vehicle Repair Act
§ 6:	11 Cases construing remedies under Motor Vehicle Repair Act
§ 6:	Insurer to determine ownership of vehicle prior to paying property damage claim in excess of \$2,000
§ 6:	13 Tort claims against persons not subject to Act
§ 6:	14 Joinder of derivative claims
§ 6:	P.I.P. insurer's subrogation (reimbursement) against owner of commercial vehicle

PART II. HEALTH INSURANCE

CHAPTER 7. FLORIDA HEALTH INSURANCE LAW

- § 7:1 Introduction
- § 7:2 Managed competition

CHAPTER 8. STATE HEALTH PLANS

- § 8:1 MedAccess
- § 8:2 Health flex plans
- § 8:3 Cover Florida Health Care Access Program
- § 8:4 Florida Health Choices Program
- § 8:5 Florida Kidcare
- § 8:6 Employee Health Care Access Act

CHAPTER 9. HEALTH INSURANCE POLICIES OTHER THAN MOST GROUP OR BLANKET POLICIES

- § 9:1 Overview
- § 9:2 Contract provisions
- § 9:3 Preexisting condition exclusions
- § 9:4 Payment of claims
- § 9:5 Request for estimate
- § 9:6 Cancellation, nonrenewal, and rate changes
- § 9:7 Emergency services
- § 9:8 Required coverage
- § 9:9 Outline of coverage

CHAPTER 10. GROUP HEALTH INSURANCE POLICIES

- § 10:1 Overview
- § 10:2 Preexisting conditions
- § 10:3 Discrimination prohibited
- § 10:4 Contract provisions
- § 10:5 Required coverage
- § 10:6 Cancellation, nonrenewal, and rate changes
- § 10:7 Payment of claims

CHAPTER 11. HEALTH MAINTENANCE CONTRACTS

§ 11:1 Health Maintenance Organization Act

- § 11:2 Preexisting conditions
- § 11:3 Cancellation, nonrenewal, rate changes
- § 11:4 Required contract provisions
- § 11:5 Required coverage

CHAPTER 12. FLORIDA HEALTH INSURANCE COVERAGE CONTINUATION ACT

§ 12:1 Florida Health Insurance Coverage Continuation Act

CHAPTER 13. CAUSES OF ACTION IN HEALTH INSURANCE

- § 13:1 Introduction
- § 13:2 Breach of contract
- § 13:3 Intentional or negligent misrepresentation
- § 13:4 Intentional infliction of emotional distress
- § 13:5 Bad faith
- § 13:6 Breach of fiduciary duty
- § 13:7 Vicarious liability
- § 13:8 Other statutory actions
- § 13:9 Medicaid
- § 13:10 ERISA preemption
- § 13:11 FEHBA preemption
- § 13:12 PPACA Premption

PART III. HOMEOWNERS INSURANCE

CHAPTER 14. HOMEOWNERS INSURANCE

- § 14:1 Introduction
- § 14:2 Coinsurance
- § 14:3 Deductibles
- § 14:4 Coverage Limits and Sub-Limits
- § 14:5 Ordinance and law coverage
- § 14:6 Replacement cost
- § 14:7 Lienholder interests
- § 14:8 Appraisal of homeowners insurance claims
- § 14:9 Waiver of the right to appraisal
- § 14:10 Mediation of homeowners insurance claims
- § 14:11 Accord and satisfaction

CHAPTER 15. VALUED POLICY LAW

§ 15:1 Introduction

- § 15:2 Applicability of Valued Policy Law
- § 15:3 Amendment to the Valued Policy Law

CHAPTER 16. SINKHOLE COVERAGE

- § 16:1 Introduction
- § 16:2 Definition
- § 16:3 Requirements for coverage
- § 16:4 Sinkhole reports, Fla. Stat. § 627.7073
- § 16:5 Sinkhole dispute resolution, Fla. Stat. § 627.7074
- § 16:6 Sinkhole case law

CHAPTER 17. FAMILY DAY CARE INSURANCE

- § 17:1 Introduction
- § 17:2 Availability of coverage
- § 17:3 Valid bases of denial, cancellation or non-renewal of coverage

CHAPTER 18. STATUTE OF LIMITATIONS

- § 18:1 Introduction
- § 18:2 Exceptions

CHAPTER 19. INSURED'S RESPONSIBILITIES

- § 19:1 Protect property from damage
- § 19:2 Notification and proof of loss
- § 19:3 Examinations under oath
- § 19:4 Option to Repair

CHAPTER 20. MATERIAL MISREPRESENTATIONS AND FRAUD

- § 20:1 Definition
- § 20:2 Burden of proof
- § 20:3 Was the misrepresentation "material"?
- § 20:4 Return of premium required on voided policy
- § 20:5 Fraud defined

CHAPTER 21. INTENTIONAL ACTS

- § 21:1 Introduction
- § 21:2 Intent v. accident
- § 21:3 Determination of intent
- § 21:4 Drafting around exclusions

- § 21:5 Innocent co-insured
- § 21:6 Mortgagee rights
- § 21:7 Miscellaneous Issues

CHAPTER 22. RULES OF JUDICIAL CONSTRUCTION REGARDING COVERAGE

- § 22:1 Introduction
- § 22:2 Resolving ambiguities
- § 22:3 Conflicting clauses
- § 22:4 Exclusionary language narrowly construed
- § 22:5 Reasonable person standard

CHAPTER 23. FIRE

- § 23:1 Introduction
- § 23:2 Damage coverage
- § 23:3 Exclusions
- § 23:4 Total loss

CHAPTER 24. THEFT

- § 24:1 Definitions
- § 24:2 Criminal act not required
- § 24:3 "Giving" v. "taking"
- § 24:4 Exclusions
- § 24:5 Other cases

CHAPTER 25. EARTH MOVEMENT

- § 25:1 Definitions
- § 25:2 Burden of proof

CHAPTER 26. BUSINESS EXCLUSIONS

- § 26:1 Introduction
- § 26:2 Definitions
- § 26:3 Injury required to "arise out of" business activity
- § 26:4 Significance of location where injury occurred

CHAPTER 27. INSURABLE INTEREST

- § 27:1 Introduction
- § 27:2 Definition
- § 27:3 Assignees

CHAPTER 28. RESIDENTS, COVERAGE

§ 28:1 Required nexus between party and covered property

-	Visiting relatives Residents living outside of covered property
CHA	PTER 29. ATTORNEYS' FEES
§ 29:1	Statutory definition
§ 29:2	Appraisal and arbitration requirements
§ 29:3	Required to "prevail"
§ 29:4	Denial of coverage

- § 29:5 Filing suit alone insufficient § 29:6 Flood policies
- § 29:7 Carriers
- § 29:8 Calculation of fees

CHAPTER 30. WINDSTORM INSURANCE

§ 30:1	Introduction
§ 30:2	Requirements of a wind-created opening in the structure
§ 30:3	Type of loss paid
§ 30.3 § 30:4	Hurricane, defined
§ 30:5	Purpose of windstorm coverage
§ 30:6	Personal property coverage
§ 30:7	Association loss assessments
§ 30:8	Loss of use and fair rental value
§ 30:9	Windstorm policy exclusions
§ 30:10	Flood/groundwater/storm surge
§ 30:11	Multiple perils and concurrent cause doctrine
§ 30:12	Water damage

PART IV. WORKERS' COMPENSATION INSURANCE

CHAPTER 31. OVERVIEW OF WORKERS' COMPENSATION IN FLORIDA

- § 31:1 What is "workers' compensation" in Florida?
- § 31:2 What employers provide workers' compensation coverage in Florida?

CHAPTER 32. WHO IS COVERED BY FLORIDA'S WORKERS' COMPENSATION?

- § 32:1 Which workers are covered by Florida workers' compensation?
- § 32:2 Are independent contractors covered under Florida workers' compensation?

- § 32:3 Are volunteers covered under Florida workers' compensation?
- § 32:4 Are officers and directors of corporations covered by Florida workers' compensation?
- § 32:5 Can the employer charge the employees for providing Florida workers' compensation coverage?

CHAPTER 33. WORKERS' COMPENSATION "IMMUNITY" OR "EXCLUSIVE REMEDY"

- § 33:1 What does workers' compensation immunity mean as applied to an employer?
- § 33:2 What does workers' compensation "immunity" (exclusivity of liability) mean as applied to a coworker or fellow employee?
- § 33:3 What does worker's compensation "immunity" (exclusivity of liability) mean as applied to managers, officers or directors?
- § 33:4 What does workers' compensation "immunity" (exclusivity of liability) mean as applied to an employee leasing company, a professional employer organization (PEO), a help supply services company, or any organization providing safety inspections?

CHAPTER 34. ACCIDENTS AND INJURIES; TYPES AND CAUSES

- § 34:1 What qualifies as a compensable accident and injury under Florida workers' compensation?
- § 34:2 What if the workplace caused injury but there was no accident?
- § 34:3 Does workers' compensation cover internal failures such as heart attacks, strokes, hernias and cardiovascular problems?
- § 34:4 What if the worker caused his own accident?
- § 34:5 What if a third party tortfeasor caused the employee's workplace accident?
- § 34:6 What if the worker was drunk on alcohol or high on drugs when he had his accident?
- § 34:7 What if more than one employer (or more than one insurance company) is liable for the employee's workplace accident?
- § 34:8 What causation requirements apply in workers' compensation?
- § 34:9 Where must the accident take place in order to be compensable?
- § 34:10 Who must the worker inform in order to preserve his rights under workers' compensation?

§ 34:11 What does workers' compensation cover when the employee has a pre-existing condition or the workplace injury is the employee's second or subsequent injury?

CHAPTER 35. BENEFITS PROVIDED UNDER FLORIDA WORKERS' COMPENSATION

COMPENSATION	
§ 35:1	What injuries, conditions and ailments are covered under Florida workers' compensation?
§ 35:2	What medical benefits are provided under workers' compensation?
§ 35:3	What benefits are provided under workers' compensation when the accident results in the death of the employee?
§ 35:4	What lost wages and indemnity benefits are provided under workers' compensation?
§ 35:5	Will the worker still receive money from workers' compensation if he receives or is entitled to receive unemployment compensation?
§ 35:6	Will the worker still receive money from workers' compensation if he refuses to return to work, is fired, or quits?
§ 35:7	Can the employer recover workers' compensation payments made to an employee who was not entitled to receive that compensation?
§ 35:8	What benefits other than medicals and lost wages are provided by workers' compensation?
§ 35:9	What about the worker's pain and suffering, mental anguish, loss of consortium, loss of enjoyment of life and similar non-economic damages under workers' compensation?
§ 35:10	What if other insurance also covers the workers' compensation injury?

CHAPTER 36. ATTORNEYS AND ATTORNEY FEES IN WORKERS' COMPENSATION

§ 36:1 Does an employee who is injured on the job have a right to an attorney?

§ 35:11 Is workers' compensation subject to creditor liens?

- § 36:2 How is the worker's attorney paid and how much is he paid?
- § 36:3 How is the employer's attorney paid and how much is he paid?
- § 36:4 How can I get advice from a lawyer specializing in Florida workers' compensation?

§ 36:5 Where can I find a book covering all of Florida's worker's compensation statutes, administrative rules, litigation procedures and case law decisions?

PART V. DISABILITY INSURANCE: ERISA AND NON-ERISA DISABILITY POLICIES

CHAPTER 37. INTRODUCTION

§ 37:1 Introduction

CHAPTER 38. CONTRACT PROVISIONS OF A DISABILITY INSURANCE POLICY

ADIO	ADILITI INSCITATOLI I OLICI
§ 38:1	Overview
§ 38:2	What does "disability" mean?
§ 38:3	Own-occupation definition of total disability
§ 38:4	Regular occupation at the time of disability
§ 38:5	What are substantial and material duties?
§ 38:6	Any occupation definition of total disability
§ 38:7	Hybrid policies
§ 38:8	Presumptive total disability
§ 38:9	Residual disability and partial disability
§ 38:10	Elimination periods
§ 38:11	Riders: Additional provisions in a disability policy
§ 38:12	Waiver of premium
§ 38:13	Cost of Living Adjustment (COLA) rider
§ 38:14	Social Security Disability Income (SSDI) rider
§ 38:15	Future purchase/increase option (guaranteed insurability rider)
§ 38:16	Lifetime rider
§ 38:17	Exclusionary/exclusion rider
§ 38:18	Injury v. sickness definitions
§ 38:19	—Sickness
§ 38:20	—Injury/accident
§ 38:21	Is an insured required to submit to surgery?
§ 38:22	Pre-existing conditions and incontestability clauses

CHAPTER 39. MISREPRESENTATION: RESCISSION OF A POLICY

§ 39:1 Misrepresentation: Rescission of a policy

CHAPTER 40. CAUSES OF ACTION AGAINST AN INSURER

§ 40:1	Introduction
§ 40:2	Jurisdiction
§ 40:3	Breach of contract
§ 40:4	Breach of implied covenant of good faith and fair dealing
§ 40:5	Fraud: Intentional or negligent misrepresentation
§ 40:6	Intentional infliction of emotional distress
§ 40:7	Breach of fiduciary duty: Misrepresentations by insurance brokers
§ 40:8	Declaratory judgment: Clarifying policy terms
§ 40:9	Ambiguous policy language
§ 40:10	Bad faith cause of action pursuant to Fla. Stat. § 624.155
§ 40:11	Common disability insurance litigation issues [Reserved]
§ 40:12	—Statute of limitations
§ 40:13	—Burden of proof at trial
§ 40:14	—Reservation of rights
§ 40:15	—Videotaping or recording of independent medical exams
§ 40:16	—Which state's substantive law applies to the interpretation of a disability contract?
§ 40:17	—Damages
§ 40:18	—Attorney fees

CHAPTER 41. BUSINESS OVERHEAD EXPENSE POLICY

§ 41:1 Business overhead expense policy

CHAPTER 42. ERISA GOVERNED DISABILITY INSURANCE

§ 42:1	Introduction
$\S 42:2$	Exhaustion of administrative remedies
§ 42:3	ERISA appeal rules and the "Chinese wall"
§ 42:4	ERISA lawsuits, discretionary clauses and the standard of review
§ 42:5	Standard of review in ERISA cases in 11th Circuit
§ 42:6	Attorney's fees in ERISA Case and "Some Success on
	the Merits"

APPENDIX

Appendix A

Table of Laws and Rules
Table of Cases
Index