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Legal Bulletin - Spring 2012

New PIP Law Changes Benefits for Auto Accident Victims



A new bill recently approved by the Florida Legislature and expected to be signed by Governor Rick Scott in the upcoming days, will change the benefits automobile accident victims currently receive.

Currently, Personal Injury Protection (PIP) insurance pays up to \$10,000 in medical benefits to anyone injured in an auto accident, regardless of who is at fault. The injured victim is free to receive medical attention from any

medical provider and at any time after the accident.

As a result of the new bill, a car accident victim must receive treatment within 14 days in an ambulance or hospital, or from a physician, osteopathic physician, chiropractic physician or dentist. They can receive the \$10,000 medical benefit only if a physician, osteopathic physician, dentist, supervised physician's assistant or advanced registered nurse practitioner determines that the insured has an "emergency medical condition." If not, the PIP medical benefit is limited to \$2,500. Also, there's no reimbursement for massage therapy or acupuncture.

If an injury surfaces after the 14-day window, motorists will have to seek medical treatment through their health insurance, Medicaid or Medicare. The injured person may also present a claim for injuries against the at-fault party or through their Uninsured Motorist policy.

As a result of this new law, it's extremely important that when someone is injured in an accident to seek medical attention immediately. Waiting for the pain to subside or feel better eventually will only lead to a lack of PIP benefits.

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Personal Injury • Property Litigation • Workers' Compensation

Cecere Santana, PA Opens Workers' Compensation Department



At Cecere Santana, P.A. we are happy to announce the opening of our Workers' Compensation department, managed by attorney Diana I.

Castrillon and our experienced case managers.

In the State of Florida, work-related injuries happen every day and the process is supposed to be very simple—you are hurt so you tell your employer and they provide you with medical attention and pay your wages while you are getting better. Simple, right? Unfortunately, no. The Workers' Compensation statute was created by the Florida Legislature to be a simple process, but the insurance companies and recent changes in the law by the Legislature have made this process complicated and limiting to the injured worker.

Getting Your Benefits Paid

If you have been injured at work, or suffer from an occupational disease, your entitlement to workers' compensation benefits is clear. Notice should be given to your employer

as soon as possible following your injury or you may be foreclosed from obtaining any benefits.

Hiring an Attorney

The decision to hire an attorney in a workers' compensation claim is a very important one. An attorney experienced in workers' compensation law can provide valuable assistance to an injured worker by advising them of their specific rights and responsibilities under the law. A workers' compensation attorney will be able to effectively communicate with the employer or insurance company to make sure all of your benefits are paid. A fee will not be charged unless workers' compensation benefits are obtained on your behalf.

Lost Wage Benefits

If you have been injured at work or suffer from an occupational disease, and are off work for more than seven consecutive days, your employer or its insurance company is responsible for paying for your lost wages. Your lost wage benefits are determined by averaging the earnings you received for the 13 week period prior to your accident. The benefit rate to which you are entitled is 66 2/3 of your pre-accident wages. Your weekly wage loss benefits are payable for up to 104 weeks. However, there is no limitation on how many weeks

of benefits you could receive if you became permanently disabled. For more information, contact our office at **(800) 753-5529** for a detailed explanation of all of your rights under the law.

Cecere Santana Wins Verdict of \$873,042.00

Recently Cecere Santana secured a verdict in the amount of \$873,042 for a client who was significantly injured in an automobile accident. In November 2008 Cecere Santana's client was rear-ended by an uninsured motorist. Cecere Santana was forced to file suit against the uninsured motorist and the owner of the vehicle. The firm also sued the client's uninsured motorist carrier. Cecere Santana secured a default against the owner and driver of the at-fault vehicle. After securing a settlement for the client regarding the uninsured motorist benefits, Cecere Santana took the case to trial against the defaulted owner and driver. The jury empanelled to hear this case returned a verdict in the amount of \$873,042 in favor of Cecere Santana's client. Although the owner and driver of the at-fault vehicle did not have insurance, justice was obtained for the client in the form of a substantial verdict. Cecere Santana will pursue the uninsured driver and owner to collect on the final judgment.

Comments? Write to us at: newsletter@ceceresantana.com

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Call our office for a free consultation. No fees or costs if no recovery. Toll Free: **(800) 75 FL LAW**

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