

LAW OFFICES OF KIM MICHAEL CULLEN, P.A.

LIFE, LIBERTY,
AND THE LAW

Insurers Handcuffed

Find out about limits placed on insurance companies that want to raise your rates or cancel your coverage.

Page 2

Upset Stomach?

Learn about new research that suggests Nexium and Prilosec may be hazardous to your health.

Page 2

Cell Phone Safety Apps

Discover several new cell phone apps developed to make driving more safe -- particularly for teens.

Page 3

Summer \$\$ Savings

Check out six tips for saving money on your energy bills this summer.

Page 3



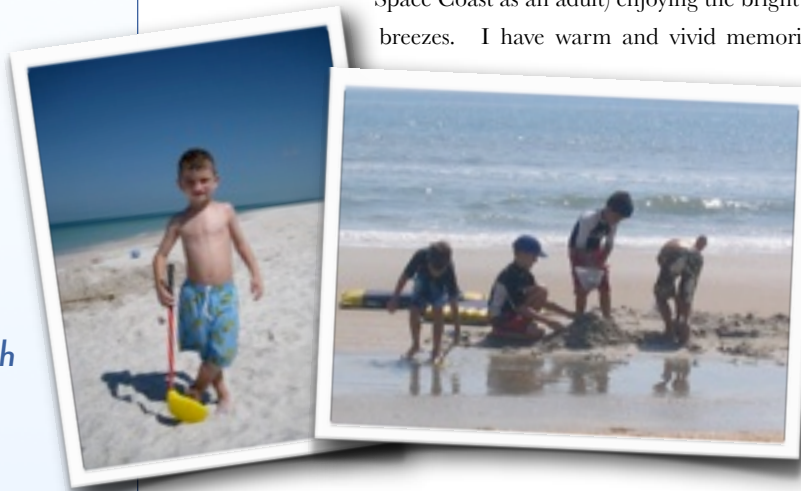
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Be sure to check out the Cullenlawfirm Channel on YouTube. We add multiple videos each month on such topics as automobile insurance, the proliferation of child sexual abuse cases in Central Florida, and recent developments in Florida law. The videos are short, packed with information, and user-friendly.

IS FLORIDA’S FUTURE A FAIR TRADE?

Gulf Oil Disaster Forces Floridians To Consider Priorities

Each year when summertime approaches, and the weather becomes warmer and more humid, I tend to get nostalgic and sentimental. I reach back in my memory to hours and hours spent on Florida’s beaches (in the Florida panhandle as a small child, on Clearwater Beach as a teenager, and more recently on Florida’s Space Coast as an adult) enjoying the bright sun, beautiful sand, warm water, and cool breezes. I have warm and vivid memories of playing in the water, boating, and strolling along the water’s edge at sunset.



As adults, my wife and I have regularly trekked our family to the beach and have enjoyed watching our children grow up playing on the same beautiful beaches that we did.

Until very recently, I never took even one second to think, “What if all of this rich, natural bounty was suddenly taken away from us in a flash?”. I never considered that there could possibly be a Florida where our

children could not play in the sand or swim in the ocean water. Unfortunately recent events in the Gulf Of Mexico have made this kind of nightmare all too possible and real.

Terry’s piece this month deals more with the question of “how did we get here.” I can tell you that I am a lot less concerned about that, than “where are we going?”

I don’t believe that this is a political issue. I believe that this is moral and ethical (and maybe even spiritual) issue. We have been blessed to be stewards of this unbelievably beautiful place. It is a good, right, and necessary thing for us to protect the beauty of this place even if it is difficult, inconvenient, and expensive. We owe it to ourselves, our children, and their children. We should avoid any practice (such as off short oil drilling) that places that future at substantial risk.

LIFE, LIBERTY, AND THE LAW

Protection Against Rising Auto Insurance Rates and Cancellations

Many people that we talk to after being involved in car wrecks are hesitant to assert insurance claims for their injuries or property damage for fear that they may either lose their insurance coverage through cancellation or nonrenewal, or see their premiums increased. Fortunately, Section 626.9541 of the Florida Statutes provides consumers with some protection against insurance companies canceling coverage or raising rates for the wrong reasons.

Under Florida law, it is an unfair or deceptive act for an insurance company to drop a policy holder or raise premiums without a valid reason. If an insurance company is found to have committed an unfair or deceptive act, the company can be exposed to civil liability of up to \$10,000.00 for each such act, as well as administrative penalties.

Here are some of the protections that Florida automobile insurance policyholders enjoy:

- An insurance company cannot increase a premium or drop a customer for first-party coverages like Personal Injury Protection (PIP), Medical Payments, or Collision coverage after an accident unless the insurance company has information that the customer was substantially at fault for the accident.
- An insurance company cannot increase the cost of your Uninsured Motorist coverage solely because you were involved in a crash, or because you were adjudicated guilty for a moving violation.
- An insurance company cannot drop you – even if you were at fault for an accident – if it was your only accident in the last three (3) years.



- However, an insurance company can drop you if you have had three or more accidents – regardless of fault – over the last three (3) years. (Really, can you blame them? Three accidents in three years?)
- An insurance company cannot increase your premium or cancel your coverage over a traffic ticket as long as: (1) it does not involve speed more than 15mph over the limit, and (2) it is not your section ticket within 18 months, or third ticket within 36 months.

• If an insurance company does raise your premiums or drop you, you can get your money back or get your coverage back if you can demonstrate that (1) you were lawfully parked at the time of the accident, or (2) you have been paid by the other driver for the crash, or (3) you were struck in the rear and were not found guilty of a moving violation, or (4) you were struck by a hit-and-run driver and reported the crash within 24 hours, or (5) the other driver was convicted of a moving violation, or (6) you beat any ticket issued to you.

• If you ask, the insurance company has to tell you exactly why your rates were raised, or you were dropped, and has to provide the proof that it relied upon.

Obviously, this material is a lot to wade through. The most simple way to think about it is that, if you were not at fault for an accident, the insurance company generally has no business raising your rates or dropping you from coverage. That being said, insurance companies apply to the state of Florida all the time for permission to raise rates on all or some of their customers for reasons completely outside of your control. So just because you have a clean driving record doesn't mean that your rates can't be increased. Please call us if you have any questions.

Nexium/Prilosec Takers - Beware

If you regularly take popular stomach acid medications such as Prilosec and Nexium, you may want to read a new medical study published in the Archives of Internal Medicine. According to the report, people who regularly take these acid-reducing drugs (also called proton pump inhibitors) face increased risk for bone fractures and significantly increased risk for problems with bacteria in the stomach.

The problem is not the drug itself – which is considered safe. However the drug is so effective at reducing acid that it actually makes the organs in the digestive tract more susceptible to attack by infectious bacteria such as *c. diff*. The drastically reduced acid levels also impair the body's ability to absorb and process calcium – leading to weakened bones.

Dr. Mitchell Katz of the San Francisco Department of Public Health indicates that while risk of serious problems from taking these medications is relatively slight, the risk to public health is still significant due to the large number of people taking these drugs. 113.4 million prescriptions for these drugs are written each year.

In the most serious stomach acid or ulcer cases, these drugs -- which also include the brand names Protonix, Losec, Zegerid, and Prevacid – are necessary to take. However, many people are prescribed and take these drugs for the symptoms of simple heartburn. When it comes to simple heartburn, this new study suggests that the health risks created by the drugs greatly outweigh any benefit these drugs might have. If you are taking Prilosec, Nexium, or any of these other brand names, it would probably be a good idea to **discuss this new study with your doctor.**

LIFE, LIBERTY, AND THE LAW

Cell Phone Apps Make Driving Safer

I've been writing a lot about the dangers of texting while driving lately -- both on my firm's internet blog and also in my new book, *Asleep At The Wheel: 13 Mistakes The Insurance Company Desperately Hopes You'll Make After Your Florida Car Accident*. Recently I've come across several cell phone apps designed to keep cell phone users from getting distracted while driving. There may be others available, but these look particularly useful to me:

- **Textecution** – for Droid, Motorola, Samsung, and others. Completely disables texting (sending and receiving) once the phone begins moving 10 mph or greater.
- **TXTBlocker** – for Blackberry. Allows the owner to create Safe Zones to limit use of texting (and calling) in certain

geographic areas. Allows the owner to set the speed at which texting function will be turned off. Allows the owner to track the location of the phone on-line in real time.

- **Drive Safe.ly** – for Blackberry. Reads texts and e-mails out loud over the phone's speakerphone. It has customizable text auto-response.
- **Auto TextBak** – for Blackberry. When turned on, this app automatically responds to every incoming text with a pre-selected text response. Similar to an out-of-office e-mail auto-responder.
- **CellSafety** – for Blackberry, Droid, and others. Allows parents to turn texting on and off remotely, and also based upon location. Parents can track the location of the phone in real time, and will receive alerts when the phone leaves or enters a particular location. Parents can monitor incoming and outgoing texts and e-mails. Alerts parent if the phone travels faster than speed limit.



6 Tips For Saving On Your Summer Energy Bill

A local television station (WKMG) had a short piece a few weeks ago on easy ways to reduce your power bill in the summer months. I thought I would pass their tips along, along with a couple of others I found on the U.S. Department of Energy website:

1. Use **compact fluorescent light bulbs** instead of traditional incandescent. You'll save \$30.00 in light bulb expense over the life of the bulb, and will be creating 75% less heat.
2. Allow the dishes in your **dishwasher to air dry**. (Or, better yet, have one of the children in your house hand dry them.) The vast majority of the energy used by dishwashers is for the drying cycle.
3. Regularly **change the filter** in your air conditioning unit. Depending upon the quality of the filters you use, you may need to replace the filter monthly or every few months to maximize energy efficiency.
4. Utilize ceiling and oscillating **fans**. They use roughly the same energy as an old-fashioned light bulb, but allow homeowner to lower their thermostats approximately 4 degrees with the same "feels like" temperature.
5. Install a **door sweep** (weather stripping) along the bottom of exterior doors. A surprising amount of cool air escapes under doors.
6. **Raise your thermostat** during hours when you are not home. According to the U.S. Department of Energy, homeowners who set their thermostats to 75 degrees while at home, and raise it to 80 degrees while away, can save up to 30% off of their power bills by doing this.



LIFE, LIBERTY, AND THE LAW

TERRY'S TECH NEWS & VIEWS

Stop the drilling!

I'm going off the board this month for an issue that has really troubled me lately.

Like most folks, I read and hear about coastal oil exploration and drilling and take it all in stride. It really doesn't effect my life, does it? Well offshore drilling seems to be taking a lot of my time and attention ever since our recent Gulf oil rig disaster.

Do we need independence from foreign oil sources? Of course we do. We definitely need to find new oil resources for the near term, but at what cost?

We all like pulling up to the pump and having a ready supply of gas for the gas-guzzling machines that most of us still drive. 35 mpg seems a long way off just yet. But, it seems that our politicians have been at the service of the oil companies they were suppose to be regulating for too long. They seem a bit TOO cozy for comfort.

I don't want to turn this into an attack on any party, or any person for that matter. But I have come across a couple of very well written articles that I hope you will read, and then judge for yourself.



The first is titled, "Sex, Lies, and Oil Spills", by Robert Kennedy, Jr., and can be easily found on-line by doing a Google search of the title.

The other is an article by Greg Palast titled, "Slick Operator: The

BP I've Known Too Well", which can be found at www.truthout.org.

I give you all credit for being bright, intelligent folks, so read the articles on their own merits and judge the information for yourself. Whether you agree or disagree with these authors, let me hear from you. I'm interested in any response or other information you may have that we can share with all the readers.

Terry McCamie is our Case Manager. Terry loves cars and writes a monthly column on automotive and transportation issues.

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