Fasig Brooks
LAW OFFICES

THE FASIG BROOKS RIDER SERIES

THE FLORIDA PANHANDLE RIDER'S GUIDE TO MOTORCYCLE INJURY COMPENSATION

Presented by Dana Brooks, Attorney at Law · Fasig Brooks · Pensacola & Tallahassee, Florida

NAMIL PREMIER

Member, National Academy of Motorcycle Injury Lawyers

WHAT'S INSIDE

15. Your Next Step: Free Case Review

CHAPTER 1

A MESSAGE TO PANHANDLE RIDERS

The only thing worse than being seriously hurt in a motorcycle crash is not getting the compensation you deserve, or finding out later that an insurance company took advantage of you.

Insurance companies have every advantage. They aren't worried about your medical bills, your lost wages, or how you're going to put food on the table while you heal. Their adjusters are trained to diminish, devalue, and deny motorcycle claims, and behind them stands an army of lawyers whose only job is to pay you as little as possible.

Here's the truth: you don't have to face them alone. **Dana Brooks** and the team at **Fasig Brooks** have spent over three decades fighting for injured Floridians, and through our membership in the **National Academy of Motorcycle Injury Lawyers (NAMIL)**, we stand up for riders across Pensacola, Tallahassee, and the Florida Panhandle. We know how insurers operate, and we don't back down.

If you've been hurt, don't wait. Florida law now gives you far less time to act than it used to (more on that in Chapter 9), and every day that passes is another day the insurance company is working against you. Call **(850) 427-2722** for straight answers.

CHAPTER 2

THE FIRM IN YOUR CORNER

Dana Brooks

Dana Brooks earned her Bachelor of Science in Social Work, cum laude, from Florida State University, followed by a Master of Social Work from FSU in 2003. She went on to earn her Juris Doctor from the **Florida State University College of Law** in December 2007, graduating magna cum laude and earning membership in the **Order of the Coif**, reserved for the top 10% of her class. Before becoming a lawyer, she worked for years as a paralegal, law firm administrator, mental health counselor, and Florida Supreme Court certified family law mediator, including more than a decade specializing in medical malpractice. The day she was sworn in to the Florida Bar in 2008, she was named a partner at Fasig Brooks, a plaintiff's firm that has represented injured Floridians for over 30 years.

WHY RIDERS CAN TRUST THIS FIRM

- Named a **Top 100 Trial Lawyer** by the National Trial Lawyers (2015).
- Named to **Florida Legal Elite** by Florida Trend (2015).
- Recognized as a **Million Dollar Advocate** by the Million Dollar Advocates Forum (2015).
- Holds a **10.0 rating on Avvo**, the highest attainable.
- Active in the Florida Justice Association's Medical Malpractice Committee and a past president of the Capital City Justice Association.

FIRM COORDINATES

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CHAPTER 3

DON'T GET PLAYED BY THE ADJUSTER

The first thing the other driver's insurer wants is a recorded statement and a signed release. Don't give either. Once they have your words on tape, they will twist them to deny or minimize your claim. If you think you can handle an adjuster alone, test them with these questions and watch the red flags appear.

11 QUESTIONS EVERY RIDER SHOULD ASK AN ADJUSTER

1. Will you put in writing that the crash was not my fault?
2. What are your insured's policy limits? Show me the declaration page.
3. Can I have a copy of your insured's recorded statement?
4. If you want my medical records, will you give me copies of everything you collect?
5. Will you share statements from other witnesses?
6. Does your insured have umbrella or secondary coverage? Put it in writing.
7. What personal or medical information have you gathered on me from databases?
8. Have you pulled my credit report or debt information?
9. Have you canvassed my neighbors or people I know?
10. Have you conducted surveillance on me? Show me the photos or video.
11. What reserve amount have you set on my case?

If the adjuster says "no" to any of these, that's a flashing warning sign they don't intend to treat you fairly.

CHAPTER 4

FIVE STRATEGIES THAT CAN GROW YOUR SETTLEMENT

These aren't tricks. They're proven habits that can significantly increase the value of your case if you start them early.

1. TAKE PHOTOS, LOTS OF THEM.

The scene, your injuries, your bike, the other vehicles, your recovery. Pictures tell a story words can't.

2. GET DIAGNOSED FOR EVERY INJURY.

Don't shrug off "minor" pain. If it isn't in your medical record, insurers will argue it came from something else.

3. FOLLOW DOCTOR'S ORDERS.

Every appointment, every therapy session. Skipping care is the easiest way to tank a claim.

4. BRING IN THE RIGHT EXPERTS.

Accident reconstructionists, medical life-care planners, and economists make your damages undeniable.

5. NEGOTIATE THE MEDICAL BILLS.
Even after you win, reducing outstanding bills keeps more money in your pocket. A good firm does this for you every day.

CHAPTER 5

FIVE MISTAKES THAT CAN RUIN YOUR CLAIM

- **Giving a recorded statement.** Never let the other driver's adjuster record you.
- **Believing the adjuster.** If they say you don't have a case or you're at fault, get a lawyer's opinion first, especially now that Florida bars recovery entirely once you're found more than half at fault (Chapter 8).
- **Failing to capture evidence.** Skipping photos of the scene, vehicles, or injuries is a mistake you can't undo.
- **Missing medical appointments.** Every gap in treatment becomes ammunition that you "weren't really hurt."
- **Representing yourself.** You're too close and too untrained in the maneuvering. Your words can be used against you. A lawyer's can't.

CHAPTER 6

FLORIDA MOTORCYCLE INSURANCE ESSENTIALS

Most riders assume their bike is covered the same way their car is. It isn't, and the gap catches injured riders by surprise every year.

MOTORCYCLES ARE EXCLUDED FROM FLORIDA'S NO-FAULT PIP SYSTEM

Florida's Personal Injury Protection law (Fla. Stat. § 627.736) only applies to a "motor vehicle" as defined in Fla. Stat. § 627.732(3), and that definition requires **four or more wheels**. A motorcycle doesn't qualify. That means the $10,000 in PIP coverage that protects car occupants after any crash, regardless of fault, simply does not exist for a motorcycle wreck. If you're hurt on your bike, your medical bills are not paid by no-fault PIP. They depend on the **at-fault driver's**

bodily injury liability insurance, your own health insurance, and any optional coverage you added yourself. This is the single most misunderstood part of Florida motorcycle law, and it's exactly why the driver who hit you, and what they're insured for, matters so much.

FLORIDA'S MINIMUM FINANCIAL RESPONSIBILITY FOR MOTORCYCLISTS (FLA. STAT. § 324.021)

10 / 20 / 10

$10,000 bodily injury liability per person · $20,000 per crash · $10,000 property damage. That's the legal floor, not a real-world number. A single ER visit and surgery can blow past $100,000. If the driver who hits you carries only Florida's minimum, you can be left with a fraction of what you actually need unless you protected yourself in advance.

FLORIDA'S HELMET LAW (FLA. STAT. § 316.211)

- **Under 21:** a DOT-compliant (FMVSS 218) helmet, chin strap fastened, is mandatory. No exceptions.
- **21 and older:** you may ride without a helmet only if you carry at least **$10,000 in medical benefits coverage** specifically for injuries from a motorcycle crash.
- Eye protection is separately required for every rider, regardless of age.

WHAT RIDERS SHOULD CARRY

- **Liability:** well above Florida's 10/20/10 minimum if you can afford it.
- **UM/UIM (Uninsured/Underinsured Motorist):** Florida doesn't require it, but since PIP doesn't apply to motorcycles either, this is often the single most important coverage a rider can buy.
- **Medical Payments (MedPay):** optional, but valuable precisely because there's no PIP safety net for your bike.
- **The $10,000 medical-benefits policy** required if you plan to ride without a helmet at 21 or older, at minimum.

CHAPTER 7

THE LIABILITY LIFESAVER: A REAL-NUMBERS STORY

Picture a rider hit by a distracted driver who ran a stop sign on Scenic Highway overlooking Pensacola Bay. Medical bills from surgery and rehab top $180,000. The problem: the at-fault driver carried only Florida's minimum, $10,000 in bodily injury liability, and because it's a motorcycle crash, there's no PIP to fill the gap.

Without protection, that rider is left owing well over $150,000 out of pocket. But say the rider had added **Underinsured Motorist coverage of $200,000** to their own auto policy. When the at-fault driver's insurance runs out, the rider's own UIM picks up the rest.

THE MATH

At-fault driver's liability insurance: $10,000
Rider's own UIM coverage: $200,000
Total available: $210,000

Riders skip UM/UIM to save a few dollars a month, especially since Florida doesn't require it for motorcycles and PIP doesn't apply to them at all. Don't. In the Panhandle, where minimum-limits drivers are common, it can be the difference between recovery and ruin.

CHAPTER 8

WHAT IS MY CASE WORTH IN FLORIDA?

There's no magic calculator, but three factors drive most of it: **liability** (how clearly the other driver is at fault), **available insurance** (policy limits set the ceiling), and **your lawyer** (insurers track which firms actually try cases, and know Dana's trial background).

FLORIDA'S MODIFIED COMPARATIVE NEGLIGENCE RULE (FLA. STAT. § 768.81)

Effective March 24, 2023, under House Bill 837, Florida moved away from pure comparative negligence to **modified comparative negligence with a 51% bar**. If you are found **50% or less at fault**, you can still recover damages, reduced by your percentage of responsibility. But if you are found **more than 50% at fault**, you recover **nothing at all**. That's a major change from the old rule, and it's

> exactly why insurers now fight even harder to push blame onto the rider, since crossing that 51% line wipes out the entire claim.

Other factors adjusters weigh: the severity and permanence of your injuries, current and future medical bills, lost wages and earning capacity, your credibility, and the at-fault driver's conduct (impaired? distracted? speeding?).

CHAPTER 9

TIMELINE: HOW LONG UNTIL IT SETTLES?

- **Never settle too soon.** Insurers dangle quick low offers before you know the full extent of your injuries.
- **Wait for Maximum Medical Improvement (MMI).** Settle before you've healed as much as you will, and you're gambling with your future care.
- **After treatment, expect 3–6 months** to gather bills, build a demand, and negotiate.

> **FLORIDA'S DEADLINE JUST GOT SHORTER**
>
> Under Fla. Stat. § 95.11, as amended by House Bill 837, the statute of limitations for a personal injury lawsuit in Florida dropped from **four years to two years** for causes of action accruing on or after **March 24, 2023**. If your crash happened before that date, the old four-year deadline may still apply. If it happened on or after that date, you generally have just **two years from the date of the crash** to file suit. Miss it and your claim is gone for good. Don't wait to get advice.

CHAPTER 10

DO I HAVE TO GO TO COURT?

"I'm not the suing type." We hear that a lot. The truth: **you're the boss**, and most cases settle before trial. But filing suit is sometimes how you make a stubborn insurer pay full value. It opens access to records, statements, and depositions, and it tells the insurer you're serious. Having a firm willing to try the case is often what makes the difference, even if you never see a courtroom.

CHAPTER 11

EVIDENCE WINS CASES: YOUR POST-CRASH PLAYBOOK

IMMEDIATELY AFTER A CRASH

- Photograph the scene, vehicles, your bike, your gear, and your injuries.
- Get witness names and numbers.
- Call police and get the crash report.
- Save your gear, don't toss the helmet, jacket, or gloves. They prove impact.

MEDICAL EVIDENCE IS EVERYTHING

- Report every symptom, even "small" ones. Undocumented means denied.
- Follow treatment. Keep a simple pain journal (pain, sleep, mobility).
- Helmet-cam or dash-cam footage can be a game-changer.

CHAPTER 12

PENSACOLA, TALLAHASSEE & PANHANDLE RIDING RISKS

- **Scenic Highway (US-90), Pensacola.** Beautiful bluff-top views along Escambia Bay, but blind curves, driveway cut-throughs, and drivers looking at the water instead of the road.
- **Blackwater River State Forest.** Long, winding forest roads north of Pensacola are a rider favorite, but expect deer crossings, gravel-strewn shoulders, and long stretches with no cell service.
- **Highway 87, Santa Rosa County.** A popular north-south riding route between Milton and the Alabama line, with rural intersections where drivers pulling out often misjudge a bike's speed.
- **Perdido Key & the Gulf stretch.** Coastal winds and sudden gusts off the Gulf can push a bike sideways on the bridges and open causeway sections, especially in a crosswind.
- **Tallahassee's canopy roads (Miccosukee, Centerville, and others).** Gorgeous century-old oak canopies, but narrow lanes, no shoulders, exposed tree roots, and jarring light-to-dark transitions that can blind a rider for a split second.

- **Afternoon summer thunderstorms.** Panhandle summers bring near-daily afternoon storms that turn pavement slick in minutes, often with almost no warning.
- **Hurricane season (roughly August through October).** Tropical systems bring high winds, flash flooding, and debris-covered roads, real hazards for anyone still riding through the season.

FLORIDA'S HELMET LAW, REVISITED

Remember: riders under 21 must always wear a DOT-compliant helmet. Riders 21 and older may ride without one only if they carry at least $10,000 in motorcycle-specific medical benefits coverage (Fla. Stat. § 316.211). Riding without a helmet and without that coverage isn't just a citation risk, it can be used by an insurer to argue you contributed to the severity of your own injuries.

CHAPTER 13

RIDE SAFER: PRO TIPS FOR PANHANDLE RIDERS

BRAKING & CORNERING

- Finish braking before you enter a curve, especially on the tighter bends along Scenic Highway and the canopy roads.
- Watch for sand and pine straw drifting onto the shoulder near Blackwater River State Forest.
- Practice emergency stops in a safe lot. Muscle memory saves lives.

STORMS, WIND & VISIBILITY

- If a summer thunderstorm builds fast, get off the road early. Panhandle downpours can drop visibility to near zero in minutes.
- Expect crosswinds crossing bridges and open causeways near Perdido Key and the Gulf, ease off the throttle and keep a loose grip.
- Under the canopy roads, slow down for the sudden shade, your eyes need a second to adjust, and so do oncoming drivers'.

GEAR & YEAR-ROUND RIDING

- Bright jacket and reflective tape change whether drivers see you, especially at dusk during hurricane season's shorter daylight windows.

- Check tire pressure often. Florida's summer heat changes tire pressure fast, and worn tread is deadly on wet pavement after a storm.
- Check your tire date code (4-digit DOT) and replace tires every 5–6 years regardless of tread.

CHAPTER 14

RESULTS, REVIEWS & COMMUNITY

Dana Brooks was named a partner at Fasig Brooks the day she was sworn in to the Florida Bar, bringing a background in medical malpractice, family law mediation, and courtroom advocacy to every client's case. She holds a 10.0 rating on Avvo, has been named a Top 100 Trial Lawyer by the National Trial Lawyers and to Florida Legal Elite by Florida Trend, and serves the Tallahassee community through the board of 2-1-1 Big Bend and as a coach of the FSU Law School Mock Trial Team.

For Dana's approval before publishing: insert 2–3 real, firm-approved case results and a few verified client testimonials here. Per bar advertising rules and our own standard, we won't publish specific results or quotes that the firm hasn't reviewed and approved. Until then this section stays general.

Chapter 15

YOUR NEXT STEP: A FREE CASE REVIEW

If you've been hurt in a motorcycle crash, don't go it alone. The insurance company has a team of lawyers. So should you.

When you call Fasig Brooks, you'll talk to a real person, get your questions answered, and learn your rights before you sign anything. No pressure, no obligation, and if we take your case, you don't pay unless we win.

(850) 427-2722

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APPENDIX

QUICK REFERENCE

A · FLORIDA INSURANCE CHEAT SHEET

- Minimum for motorcyclists: 10/20/10 (Fla. Stat. § 324.021) · PIP does **not** apply to motorcycles (Fla. Stat. §§ 627.732(3), 627.736).
- Helmet law: mandatory under 21; optional at 21+ only with $10,000 in motorcycle medical benefits coverage (Fla. Stat. § 316.211).
- Recommended: liability well above the minimum + UM/UIM + MedPay, since neither PIP nor a helmet exemption replaces real coverage.

B · AFTER-CRASH CHECKLIST

- Check for injuries, call 911.
- Photograph scene, vehicles, gear, injuries.
- Get witness info and the police report.
- Seek medical care the same day.
- Call Fasig Brooks before giving any statement.

C · GLOSSARY

- **MMI:** Maximum Medical Improvement, when you've healed as much as you will.
- **UM/UIM:** Uninsured / Underinsured Motorist coverage.
- **PIP:** Personal Injury Protection, Florida's no-fault coverage, which does not apply to motorcycles.
- **MedPay:** Optional Medical Payments coverage that pays your own medical bills regardless of fault.
- **Modified comparative negligence (51% bar):** Florida's current rule (Fla. Stat. § 768.81), letting you recover reduced damages only if you're 50% or less at fault; more than 50% bars recovery entirely.

D · ABOUT NAMIL

The National Academy of Motorcycle Injury Lawyers is a nationwide network of attorneys dedicated to injured riders. Membership is limited to firms committed to bikers' rights. Fasig Brooks is NAMIL's member firm for the Pensacola and Tallahassee market.

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