



199336

LEGISLATIVE ACTION

Senate

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House

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The Committee on Banking and Insurance (Stewart) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 559.920, Florida Statutes, is amended to  
read:

559.920 Unlawful acts and practices.—It shall be a  
violation of this act for any motor vehicle repair shop or  
employee thereof to do any of the following:

- (1) Engage or attempt to engage in repair work for



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11 compensation of any type without first being registered with or  
12 having submitted an affidavit of exemption to the department.†

13 (2) Make or charge for repairs which have not been  
14 expressly or impliedly authorized by the customer.†

15 (3) Misrepresent that repairs have been made to a motor  
16 vehicle.†

17 (4) Misrepresent that certain parts and repairs are  
18 necessary to repair a vehicle.†

19 (5) Misrepresent that the vehicle being inspected or  
20 diagnosed is in a dangerous condition or that the customer's  
21 continued use of the vehicle may be harmful or cause great  
22 damage to the vehicle.†

23 (6) Fraudulently alter any customer contract, estimate,  
24 invoice, or other document.†

25 (7) Fraudulently misuse any customer's credit card.†

26 (8) Make or authorize in any manner or by any means  
27 whatever any written or oral statement which is untrue,  
28 deceptive or misleading, and which is known, or which by the  
29 exercise of reasonable care should be known, to be untrue,  
30 deceptive or misleading.†

31 (9) Make false promises of a character likely to influence,  
32 persuade, or induce a customer to authorize the repair, service,  
33 or maintenance of a motor vehicle.†

34 (10) Substitute used, rebuilt, salvaged, or straightened  
35 parts for new replacement parts without notice to the motor  
36 vehicle owner and to her or his insurer if the cost of repair is  
37 to be paid pursuant to an insurance policy and the identity of  
38 the insurer or its claims adjuster is disclosed to the motor  
39 vehicle repair shop.†



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40 (11) Cause or allow a customer to sign any work order that  
41 does not state the repairs requested by the customer or the  
42 automobile's odometer reading at the time of repair.~~†~~

43 (12) Fail or refuse to give to a customer a copy of any  
44 document requiring the customer's signature upon completion or  
45 cancellation of the repair work.~~†~~

46 (13) Willfully depart from or disregard accepted practices  
47 and professional standards.~~†~~

48 (14) Have repair work subcontracted without the knowledge  
49 or consent of the customer unless the motor vehicle repair shop  
50 or employee thereof demonstrates that the customer could not  
51 reasonably have been notified.~~†~~

52 (15) Conduct the business of motor vehicle repair in a  
53 location other than that stated on the registration  
54 certificate.~~†~~

55 (16) Rebuild or restore a rebuilt vehicle without the  
56 knowledge of the owner in such a manner that it does not conform  
57 to the original vehicle manufacturer's established repair  
58 procedures or specifications and allowable tolerances for the  
59 particular model and year.~~†~~~~or~~

60 (17) Offer to a customer a rebate, gift, gift card, cash,  
61 coupon, or any other thing of value in exchange for making an  
62 insurance claim for motor vehicle glass replacement or repair,  
63 including an offer made through a nonemployee who is compensated  
64 for the solicitation of insurance claims.

65 (18) Pursuant to the repair or replacement of motor vehicle  
66 glass for motor vehicles equipped with safety-related systems  
67 requiring calibration, fail to provide written notice to the  
68 consumer that repair or replacement will require recalibration



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69 of safety-related systems and whether that calibration will be  
70 performed and meet or exceed the manufacturer's procedures or  
71 specifications, and, if recalibration is not performed or not  
72 completed successfully, written notice to the consumer that the  
73 vehicle should be taken to be recalibrated by a professional  
74 capable of performing a recalibration that meets or exceeds the  
75 manufacturer's procedures or specifications. Written notice must  
76 be in at least 12-point type.

77 (20)-(17) Perform any other act that is a violation of this  
78 part or that constitutes fraud or misrepresentation.

79 (19)-(18) Violate any provision of s. 713.585.

80 Section 2. Section 559.9201, Florida Statutes, is created  
81 to read:

82 559.9201 Repairs pursuant to assignment agreements.-

83 (1) As used in this section, the term:

84 (a) "Assignee" means a person who is assigned post-loss  
85 benefits under comprehensive or combined additional coverage  
86 under a motor vehicle insurance policy for windshield damage  
87 through an assignment agreement.

88 (b) "Assignment agreement" means any instrument by which  
89 post-loss benefits under comprehensive or combined additional  
90 coverage under a motor vehicle insurance policy for windshield  
91 damage are assigned, transferred, or acquired in any manner, in  
92 whole or in part, to or from a person providing services to  
93 repair or replace motor vehicle glass.

94 (c) "Assignor" means a person who assigns post-loss  
95 benefits under comprehensive or combined additional coverage  
96 under a motor vehicle insurance policy for windshield damage to  
97 another person through an assignment agreement.



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98           (2) In order for an assignment agreement to be valid:

99           (a) The assignment agreement must include all of the

100 following:

101           1. A written repair estimate pursuant to s. 559.905, which  
102 cannot be waived, with a clearly defined total amount to be  
103 billed to the insurer.

104           2. The following disclosure in at least 16-point type:

105  
106           ...(INSERT ASSIGNEE NAME)... HAS TAKEN AN ASSIGNMENT  
107 OF BENEFITS FOR YOUR COMPREHENSIVE OR COMBINED  
108 ADDITIONAL COVERAGE UNDER YOUR MOTOR VEHICLE INSURANCE  
109 POLICY. ...(INSERT ASSIGNEE NAME)... INTENDS TO FILE A  
110 CLAIM WITH YOUR INSURANCE COMPANY, AND MAY ALSO BE  
111 ENTITLED TO FILE A LAWSUIT IN YOUR NAME, PURSUANT TO  
112 THIS ASSIGNMENT OF BENEFITS AGREEMENT. PLEASE SIGN  
113 BELOW TO ACKNOWLEDGE THAT ...(INSERT ASSIGNEE NAME)...  
114 INTENDS TO FILE A CLAIM WITH YOUR INSURANCE COMPANY,  
115 AND THAT A LAWSUIT REGARDING YOUR INSURANCE POLICY MAY  
116 BE FILED IN YOUR NAME.

117  
118           3. The name, phone number, and address of the assignee and  
119 the assignor, and the assignor's signature.

120           (b) The assignee must, at the time of providing an  
121 assignment agreement to the consumer, comply with s.  
122 559.920(18).

123           (c) The assignment agreement may not include services not  
124 provided, including, but not limited to, recalibration of  
125 safety-related systems.

126           (3) The assignment agreement must be provided to the



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127 insurer at the time of filing the claim with the insurer.  
128 Failure to do so precludes a court from awarding attorney fees  
129 to the assignee under s. 626.9373 or s. 627.428.

130 (4) (a) An assignee must provide the insurer and the  
131 assignor with a written notice of intent to initiate litigation  
132 before filing suit under the policy. Such notice must be served  
133 by certified mail, return receipt requested, or electronic  
134 delivery at least 30 days before filing suit. The notice must  
135 specify the damages in dispute, the amount claimed, and a  
136 presuit settlement demand. Concurrent with the notice, and as a  
137 precondition to filing the suit, the assignee must provide the  
138 insurer and the assignor a detailed written invoice of services,  
139 including itemized information on equipment, materials, and  
140 supplies; the number of labor hours; and, in the case of work  
141 performed, proof that the work has been performed in accordance  
142 with accepted industry standards.

143 (b) An insurer must respond in writing to the notice within  
144 15 days after receiving the notice specified in paragraph (a) by  
145 making a presuit settlement offer or requiring the assignee to  
146 participate in appraisal or other methods of alternative dispute  
147 resolution under the policy. An insurer must have a procedure  
148 for the prompt investigation, review, and evaluation of the  
149 dispute stated in the notice and must investigate each claim  
150 contained in the notice in accordance with the Florida Insurance  
151 Code.

152 Section 3. This act shall take effect July 1, 2020.

154 ===== T I T L E A M E N D M E N T =====

155 And the title is amended as follows:



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156 Delete everything before the enacting clause  
157 and insert:

158 A bill to be entitled  
159 An act relating to motor vehicle glass; amending s.  
160 559.920, F.S.; prohibiting motor vehicle repair shops  
161 or their employees from offering anything of value to  
162 a customer in exchange for making an insurance claim  
163 for motor vehicle glass replacement or repair,  
164 including offers made through certain persons;  
165 providing that the failure of a motor vehicle shop or  
166 one of its employees to provide certain written notice  
167 to consumers regarding recalibration of safety-related  
168 systems is an unlawful act; creating s. 559.9201,  
169 F.S.; defining terms; providing requirements that must  
170 be met in order for an assignment agreement to be  
171 valid; requiring that an assignment agreement be  
172 provided to an insurer at a specified time;  
173 prohibiting courts from awarding attorney fees to  
174 assignees if the assignment agreement is not provided  
175 to the insurer at a specified time; providing  
176 requirements relating to service of written notices of  
177 intent to initiate litigation; requiring insurers to  
178 respond to a notice in a specified manner and within a  
179 specified timeframe; requiring insurers to have  
180 certain procedures relating to disputes; providing an  
181 effective date.