

By Senator Stewart

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1                   A bill to be entitled  
2       An act relating to motor vehicle glass; amending s.  
3       559.903, F.S.; defining the term "advanced driver  
4       assistance system"; revising the definition of the  
5       term "motor vehicle repair"; amending s. 559.920,  
6       F.S.; prohibiting motor vehicle repair shops or their  
7       employees from offering anything of value to a  
8       customer in exchange for making an insurance claim for  
9       motor vehicle glass replacement or repair, including  
10      offers made through certain persons; specifying that  
11      the failure to provide certain electronic or written  
12      notice relating to calibrating or recalibrating an  
13      advanced driver assistance system is unlawful;  
14      creating s. 627.7289, F.S.; prohibiting persons from  
15      entering into assignment agreements of post-loss  
16      benefits for motor vehicle glass replacement or repair  
17      after a specified date; providing that such assignment  
18      agreements are void and unenforceable; defining the  
19      term "assignment agreement"; providing an effective  
20      date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Present subsections (1) through (5), (6), and  
25       (7) of section 559.903, Florida Statutes, are redesignated as  
26       subsection (2) through (6), (8), and (9), respectively, a new  
27       subsection (1) is added to that section, and present subsection  
28       (8) of that section is amended, to read:

29       559.903 Definitions.—As used in this act:

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30           (1) "Advanced driver assistance system" means any motor  
 31 vehicle electronic safety system that is associated with motor  
 32 vehicle glass and is designed to support the driver and motor  
 33 vehicle in a manner intended to increase motor vehicle safety  
 34 and reduce losses associated with motor vehicle crashes.

35           (7)~~(8)~~ "Motor vehicle repair" means all maintenance of and  
 36 modifications and repairs to motor vehicles, and diagnostic work  
 37 incident thereto, including, but not limited to, the rebuilding  
 38 or restoring of rebuilt vehicles, body work, painting, warranty  
 39 work, calibration or recalibration of advanced driver assistance  
 40 systems, and other work customarily undertaken by motor vehicle  
 41 repair shops.

42           Section 2. Section 559.920, Florida Statutes, is amended to  
 43 read:

44           559.920 Unlawful acts and practices.—It is ~~shall be~~ a  
 45 violation of this act for any motor vehicle repair shop or  
 46 employee thereof to do any of the following:

47           (1) Engage or attempt to engage in repair work for  
 48 compensation of any type without first being registered with or  
 49 having submitted an affidavit of exemption to the department.†

50           (2) Make or charge for repairs that ~~which~~ have not been  
 51 expressly or impliedly authorized by the customer.†

52           (3) Misrepresent that repairs have been made to a motor  
 53 vehicle.†

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

56           (5) Misrepresent that the vehicle being inspected or  
 57 diagnosed is in a dangerous condition or that the customer's  
 58 continued use of the vehicle may be harmful or cause great

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59 damage to the vehicle.†

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

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

63 (8) Make or authorize in any manner or by any means  
64 ~~whatever~~ any written or oral statement that ~~which~~ is untrue,  
65 deceptive, or misleading, ~~and that which~~ is known, or that ~~which~~  
66 by the exercise of reasonable care should be known, to be  
67 untrue, deceptive, or misleading.†

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

71 (10) Substitute used, rebuilt, salvaged, or straightened  
72 parts for new replacement parts without notice to the motor  
73 vehicle owner and to her or his insurer if the cost of repair is  
74 to be paid pursuant to an insurance policy and the identity of  
75 the insurer or its claims adjuster is disclosed to the motor  
76 vehicle repair shop.†

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

80 (12) Fail or refuse to give to a customer a copy of any  
81 document requiring the customer's signature upon completion or  
82 cancellation of the repair work.†

83 (13) Willfully depart from or disregard accepted practices  
84 and professional standards.†

85 (14) Have repair work subcontracted without the knowledge  
86 or consent of the customer unless the motor vehicle repair shop  
87 or employee thereof demonstrates that the customer could not

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88 reasonably have been notified.~~†~~

89 (15) Conduct the business of motor vehicle repair in a  
90 location other than that stated on the registration  
91 certificate.~~†~~

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

97 (17) Offer to a customer a rebate, gift, gift card, cash,  
98 coupon, or any other thing of value in exchange for making an  
99 insurance claim for motor vehicle glass replacement or repair,  
100 including, but not limited to, calibration or recalibration of  
101 an advanced driver assistance system. A nonemployee who is  
102 compensated for the solicitation of insurance claims is also  
103 prohibited from making such offer.

104 (18) Fail to provide electronic notice or written notice in  
105 at least 12-point type to the customer whether the calibration  
106 or recalibration of the advanced driver assistance system is  
107 required as part of the replacement or repair of motor vehicle  
108 glass to make such system operable and to ensure such service is  
109 performed in a manner that meets or exceeds the vehicle  
110 manufacturer's specifications.

111 (20) Perform any other act that is a violation of this part  
112 or that constitutes fraud or misrepresentation.

113 (19)~~(18)~~ Violate any provision of s. 713.585.

114 Section 3. Section 627.7289, Florida Statutes, is created  
115 to read:

116 627.7289 Assignment of post-loss motor vehicle glass

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117 benefits prohibited.—

118 (1) A policyholder or any other person may not enter into  
119 an assignment agreement of post-loss benefits for motor vehicle  
120 glass replacement or repair, including, but not limited to, for  
121 calibration or recalibration of advanced driver assistance  
122 systems as defined in s. 559.903, under a policy of motor  
123 vehicle insurance issued or renewed in this state by an  
124 authorized insurer on or after July 1, 2023. Any such assignment  
125 agreement entered into in violation of this subsection is void  
126 and unenforceable.

127 (2) As used in this section, the term "assignment  
128 agreement" means any instrument, regardless of how such  
129 agreement is named or styled, by which post-loss benefits,  
130 including, but not limited to, claim payments, under a motor  
131 vehicle insurance policy are, in whole or in part, assigned or  
132 transferred to, or acquired in any manner by, a person providing  
133 services for motor vehicle glass replacement or repair,  
134 including, but not limited to, inspecting, protecting,  
135 repairing, restoring, or replacing the motor vehicle glass or  
136 calibrating or recalibrating advanced driver assistance systems.

137 Section 4. This act shall take effect July 1, 2023.