

By the Committee on Rules; and Senators Stewart and Hooper

595-03707-23

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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"; creating s. 627.7291,  
20          F.S.; prohibiting certain persons from requiring  
21          claimants to use certain companies or locations for  
22          specified services and products; authorizing certain  
23          persons to provide explanations of certain motor  
24          vehicle comprehensive coverage benefits; requiring  
25          certain persons to provide specified discounts to  
26          insureds under certain circumstances; providing  
27          construction; providing applicability; providing an  
28          effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Present subsections (1) through (5), (6), and  
33 (7) of section 559.903, Florida Statutes, are redesignated as  
34 subsections (2) through (6), (8), and (9), respectively, a new  
35 subsection (1) is added to that section, and present subsection  
36 (8) of that section is amended, to read:

37 559.903 Definitions.—As used in this act:

38 (1) "Advanced driver assistance system" means any motor  
39 vehicle electronic safety system that is associated with motor  
40 vehicle glass and is designed to support the driver and motor  
41 vehicle in a manner intended to increase motor vehicle safety  
42 and reduce losses associated with motor vehicle crashes.

43 (7)(8) "Motor vehicle repair" means all maintenance of and  
44 modifications and repairs to motor vehicles, and diagnostic work  
45 incident thereto, including, but not limited to, the rebuilding  
46 or restoring of rebuilt vehicles, body work, painting, warranty  
47 work, calibration or recalibration of advanced driver assistance  
48 systems, and other work customarily undertaken by motor vehicle  
49 repair shops.

50 Section 2. Section 559.920, Florida Statutes, is amended to  
51 read:

52 559.920 Unlawful acts and practices.—It is ~~shall be~~ a  
53 violation of this act for any motor vehicle repair shop or  
54 employee thereof to do any of the following:

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

58 (2) Make or charge for repairs that ~~which~~ have not been

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59 expressly or impliedly authorized by the customer.†

60 (3) Misrepresent that repairs have been made to a motor  
61 vehicle.†

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

64 (5) Misrepresent that the vehicle being inspected or  
65 diagnosed is in a dangerous condition or that the customer's  
66 continued use of the vehicle may be harmful or cause great  
67 damage to the vehicle.†

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

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

71 (8) Make or authorize in any manner or by any means  
72 ~~whatever~~ any written or oral statement that ~~which~~ is untrue,  
73 deceptive, or misleading, ~~and that which~~ is known, or that ~~which~~  
74 by the exercise of reasonable care should be known, to be  
75 untrue, deceptive, or misleading.†

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

79 (10) Substitute used, rebuilt, salvaged, or straightened  
80 parts for new replacement parts without notice to the motor  
81 vehicle owner and to her or his insurer if the cost of repair is  
82 to be paid pursuant to an insurance policy and the identity of  
83 the insurer or its claims adjuster is disclosed to the motor  
84 vehicle repair shop.†

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

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

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

93 (14) Have repair work subcontracted without the knowledge  
94 or consent of the customer unless the motor vehicle repair shop  
95 or employee thereof demonstrates that the customer could not  
96 reasonably have been notified.~~†~~

97 (15) Conduct the business of motor vehicle repair in a  
98 location other than that stated on the registration  
99 certificate.~~†~~

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

105 (17) Offer to a customer a rebate, gift, gift card, cash,  
106 coupon, or any other thing of value in exchange for making an  
107 insurance claim for motor vehicle glass replacement or repair,  
108 including, but not limited to, calibration or recalibration of  
109 an advanced driver assistance system. A nonemployee who is  
110 compensated for the solicitation of insurance claims is also  
111 prohibited from making such offer.

112 (18) Fail to provide electronic notice or written notice in  
113 at least 12-point type to the customer whether the calibration  
114 or recalibration of the advanced driver assistance system is  
115 required as part of the replacement or repair of motor vehicle  
116 glass to make such system operable and to ensure such service is

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117 performed in a manner that meets or exceeds the vehicle  
118 manufacturer's specifications.

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

121 (19)~~(18)~~ Violate any provision of s. 713.585.

122 Section 3. Section 627.7289, Florida Statutes, is created  
123 to read:

124 627.7289 Assignment of post-loss motor vehicle glass  
125 benefits prohibited.-

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

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

145 Section 4. Section 627.7291, Florida Statutes, is created

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146 to read:

147 627.7291 Motor vehicle windshield claims and practices;  
148 steering prohibited; exceptions.-

149 (1) A person, including an insurer, agent, adjuster, or any  
150 person or entity acting on the insurer's, agent's, or adjuster's  
151 behalf, may not require a claimant to use a particular company  
152 or location for the provision of motor vehicle windshield glass  
153 replacement, repair, or calibration services or windshield glass  
154 products which are subject to a claim for replacement, repair,  
155 or calibration, in whole or in part, under the terms of a  
156 personal lines automobile insurance policy.

157 (2) An insurer, agent, adjuster, or any person or entity  
158 acting on the insurer's, agent's, or adjuster's behalf may  
159 provide an explanation of motor vehicle comprehensive coverage  
160 benefits and any applicable limit of liability to a claimant.

161 (3) An insurer, or any person or entity acting on the  
162 insurer's behalf, must provide an actuarially sound discount to  
163 the insured if they offer, and an insured accepts, a policy that  
164 contains a repair arrangement for the provision of windshield  
165 glass replacement, repair, or calibration services or windshield  
166 glass products.

167 (4) This section may not be construed to create a private  
168 cause of action.

169 (5) This section applies to motor vehicle windshield glass  
170 claims under the comprehensive or combined additional coverage  
171 provisions of a personal lines motor vehicle insurance policy.

172 Section 5. This act shall take effect July 1, 2023.