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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 upon becoming a law.