

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 amending s. 627.7288, F.S.; authorizing an optional
15 deductible for windshield; specifying deductible
16 amount; limiting deductible application; creating s.
17 627.7289, F.S.; prohibiting persons from entering into
18 assignment agreements of post-loss benefits for motor
19 vehicle glass replacement or repair on or after a
20 specified date; providing that such assignment
21 agreements are void and unenforceable; defining the
22 term "assignment agreement"; providing an effective
23 date.

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25 Be It Enacted by the Legislature of the State of Florida:

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

559.903 Definitions.—As used in this act:

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

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

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

559.920 Unlawful acts and practices.—It is ~~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

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

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

55 (3) Misrepresent that repairs have been made to a motor
 56 vehicle.†

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

59 (5) Misrepresent that the vehicle being inspected or
 60 diagnosed is in a dangerous condition or that the customer's
 61 continued use of the vehicle may be harmful or cause great
 62 damage to the vehicle.†

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

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

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

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

74 (10) Substitute used, rebuilt, salvaged, or straightened
 75 parts for new replacement parts without notice to the motor

76 | vehicle owner and to her or his insurer if the cost of repair is
 77 | to be paid pursuant to an insurance policy and the identity of
 78 | the insurer or its claims adjuster is disclosed to the motor
 79 | vehicle repair shop.†

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

83 | (12) Fail or refuse to give to a customer a copy of any
 84 | document requiring the customer's signature upon completion or
 85 | cancellation of the repair work.†

86 | (13) Willfully depart from or disregard accepted practices
 87 | and professional standards.†

88 | (14) Have repair work subcontracted without the knowledge
 89 | or consent of the customer unless the motor vehicle repair shop
 90 | or employee thereof demonstrates that the customer could not
 91 | reasonably have been notified.†

92 | (15) Conduct the business of motor vehicle repair in a
 93 | location other than that stated on the registration
 94 | certificate.†

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

100 | (17) Offer to a customer a rebate, gift, gift card, cash,

101 coupon, or any other thing of value in exchange for making an
 102 insurance claim for motor vehicle glass replacement or repair,
 103 including, but not limited to, calibration or recalibration of
 104 an advanced driver assistance system. A nonemployee who is
 105 compensated for the solicitation of insurance claims is also
 106 prohibited from making such offer.

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

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

116 (19)~~(18)~~ Violate any provision of s. 713.585.

117 Section 3. Section 627.7288, Florida Statutes, is amended
 118 to read:

119 627.7288 Comprehensive coverage; deductible not to apply
 120 to motor vehicle windshield; exceptions ~~glass.~~

121 (1) Except as otherwise provided in this section, the
 122 deductible provisions of any policy of motor vehicle insurance,
 123 delivered or issued in this state by an authorized insurer,
 124 providing comprehensive coverage or combined additional coverage
 125 shall not be applicable to damage to the windshield of any motor

126 | vehicle covered under such policy.

127 | (2) An insurer may offer to an applicant or insured, upon
 128 | the issuance or renewal of a policy providing comprehensive
 129 | coverage or combined additional coverage, a deductible of \$250
 130 | for claims of damage to the windshield of any motor vehicle
 131 | covered under such policy. The applicant or insured may decline
 132 | the offer of a deductible.

133 | (3) If a deductible for comprehensive coverage or combined
 134 | additional coverage is applied to a loss that includes damage in
 135 | addition to windshield damage, the windshield deductible under
 136 | this section may not apply.

137 | Section 4. Section 627.7289, Florida Statutes, is created
 138 | to read:

139 | 627.7289 Assignment of post-loss motor vehicle glass
 140 | benefits prohibited.—

141 | (1) A policyholder or any other person may not enter into
 142 | an assignment agreement of post-loss benefits for motor vehicle
 143 | glass replacement or repair, including, but not limited to, for
 144 | calibration or recalibration of advanced driver assistance
 145 | systems as defined in s. 559.903, under a policy of motor
 146 | vehicle insurance issued or renewed in this state by an
 147 | authorized insurer on or after July 1, 2023. Any such assignment
 148 | agreement entered into in violation of this subsection is void
 149 | and unenforceable.

150 | (2) As used in this section, the term "assignment

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151 agreement" means any instrument, regardless of how such
152 agreement is named or styled, by which post-loss benefits,
153 including, but not limited to, claim payments, under a motor
154 vehicle insurance policy are, in whole or in part, assigned or
155 transferred to, or acquired in any manner by, a person providing
156 services for motor vehicle glass replacement or repair,
157 including, but not limited to, inspecting, protecting,
158 repairing, restoring, or replacing the motor vehicle glass or
159 calibrating or recalibrating advanced driver assistance systems.

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