

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"; creating s. 627.7291,
23 F.S.; prohibiting insurers, agents, and adjusters and
24 specified persons and entities from requiring
25 claimants to use particular companies and locations

26 for certain motor vehicle windshield services and
 27 products; providing duties and authorities of such
 28 persons and entities; requiring insurance premium
 29 discounts under certain circumstances; providing
 30 construction; providing applicability; providing an
 31 effective date.

32
 33 Be It Enacted by the Legislature of the State of Florida:

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

40 559.903 Definitions.—As used in this act:

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

46 (7)-(8) "Motor vehicle repair" means all maintenance of and
 47 modifications and repairs to motor vehicles, and diagnostic work
 48 incident thereto, including, but not limited to, the rebuilding
 49 or restoring of rebuilt vehicles, body work, painting, warranty
 50 work, calibration or recalibration of advanced driver assistance

51 systems, and other work customarily undertaken by motor vehicle
 52 repair shops.

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

55 559.920 Unlawful acts and practices.—It is ~~shall be~~ a
 56 violation of this act for any motor vehicle repair shop or
 57 employee thereof to do any of the following:

58 (1) Engage or attempt to engage in repair work for
 59 compensation of any type without first being registered with or
 60 having submitted an affidavit of exemption to the department.‡

61 (2) Make or charge for repairs that ~~which~~ have not been
 62 expressly or impliedly authorized by the customer.‡

63 (3) Misrepresent that repairs have been made to a motor
 64 vehicle.‡

65 (4) Misrepresent that certain parts and repairs are
 66 necessary to repair a vehicle.‡

67 (5) Misrepresent that the vehicle being inspected or
 68 diagnosed is in a dangerous condition or that the customer's
 69 continued use of the vehicle may be harmful or cause great
 70 damage to the vehicle.‡

71 (6) Fraudulently alter any customer contract, estimate,
 72 invoice, or other document.‡

73 (7) Fraudulently misuse any customer's credit card.‡

74 (8) Make or authorize in any manner or by any means
 75 ~~whatever~~ any written or oral statement that ~~which~~ is untrue,

76 | deceptive, or misleading, and that ~~which~~ is known, or that ~~which~~
 77 | by the exercise of reasonable care should be known, to be
 78 | untrue, deceptive, or misleading.~~†~~

79 | (9) Make false promises of a character likely to
 80 | influence, persuade, or induce a customer to authorize the
 81 | repair, service, or maintenance of a motor vehicle.†

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

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

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

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

96 | (14) Have repair work subcontracted without the knowledge
 97 | or consent of the customer unless the motor vehicle repair shop
 98 | or employee thereof demonstrates that the customer could not
 99 | reasonably have been notified.†

100 | (15) Conduct the business of motor vehicle repair in a

101 location other than that stated on the registration
102 certificate.~~†~~

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

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

115 (18) Fail to provide electronic notice or written notice
116 in at least 12-point type to the customer whether the
117 calibration or recalibration of the advanced driver assistance
118 system is required as part of the replacement or repair of motor
119 vehicle glass to make such system operable and to ensure such
120 service is performed in a manner that meets or exceeds the
121 vehicle manufacturer's specifications.

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

124 ~~(19)-(18)~~ Violate any provision of s. 713.585.

125 Section 3. Section 627.7288, Florida Statutes, is amended

126 to read:

127 627.7288 Comprehensive coverage; deductible not to apply
128 to motor vehicle windshield; exceptions ~~glass~~.-

129 (1) Except as otherwise provided in this section, the
130 deductible provisions of any policy of motor vehicle insurance,
131 delivered or issued in this state by an authorized insurer,
132 providing comprehensive coverage or combined additional coverage
133 shall not be applicable to damage to the windshield of any motor
134 vehicle covered under such policy.

135 (2) An insurer may offer to an applicant or insured, upon
136 the issuance or renewal of a policy providing comprehensive
137 coverage or combined additional coverage, a deductible of \$250
138 for claims of damage to the windshield of any motor vehicle
139 covered under such policy. The applicant or insured may decline
140 the offer of a deductible.

141 (3) If a deductible for comprehensive coverage or combined
142 additional coverage is applied to a loss that includes damage in
143 addition to windshield damage, the windshield deductible under
144 this section may not apply.

145 Section 4. Section 627.7289, Florida Statutes, is created
146 to read:

147 627.7289 Assignment of post-loss motor vehicle glass
148 benefits prohibited.-

149 (1) A policyholder or any other person may not enter into
150 an assignment agreement of post-loss benefits for motor vehicle

151 glass replacement or repair, including, but not limited to, for
152 calibration or recalibration of advanced driver assistance
153 systems as defined in s. 559.903, under a policy of motor
154 vehicle insurance issued or renewed in this state by an
155 authorized insurer on or after July 1, 2023. Any such assignment
156 agreement entered into in violation of this subsection is void
157 and unenforceable.

158 (2) As used in this section, the term "assignment
159 agreement" means any instrument, regardless of how such
160 agreement is named or styled, by which post-loss benefits,
161 including, but not limited to, claim payments, under a motor
162 vehicle insurance policy are, in whole or in part, assigned or
163 transferred to, or acquired in any manner by, a person providing
164 services for motor vehicle glass replacement or repair,
165 including, but not limited to, inspecting, protecting,
166 repairing, restoring, or replacing the motor vehicle glass or
167 calibrating or recalibrating advanced driver assistance systems.

168 Section 5. Section 627.7291, Florida Statutes, is created
169 to read:

170 627.7291 Motor vehicle windshield claims and practices;
171 steering prohibited; exceptions.—

172 (1) No person, including an insurer, agent, or adjuster or
173 any person or entity acting on the insurer's, agent's, or
174 adjuster's behalf, may require a claimant to use a particular
175 company or location for the provision of motor vehicle

176 windshield replacement, repair, or calibration services or
177 windshield products that are subject to a claim for replacement,
178 repair, or calibration, in whole or in part, under the terms of
179 a personal lines motor vehicle insurance policy.

180 (2) An insurer, agent, or adjuster or any person or entity
181 acting on the insurer's, agent's, or adjuster's behalf:

182 (a) Must provide a claimant with two or more names of
183 motor vehicle windshield repair shops, if it chooses to provide
184 names of such repair shops.

185 (b) May provide an explanation of motor vehicle
186 comprehensive coverage benefits and any applicable limit of
187 liability to a claimant.

188 (3) An insurer or any person or entity acting on the
189 insurer's behalf must provide an actuarially sound discount to
190 the insured if the insurer or the person or entity acting on the
191 insurer's behalf offers, and the insured accepts, a policy that
192 contains a managed repair arrangement for the provision of
193 windshield replacement, repair, or calibration services or
194 windshield products.

195 (4) Nothing in this section shall be construed to create a
196 private cause of action.

197
198 This section applies to motor vehicle windshield claims under
199 the comprehensive or combined additional coverage provisions of
200 a personal lines motor vehicle insurance policy.

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201 Section 6. This act shall take effect July 1, 2023.