

CHAPTER 2023-136

Committee Substitute for Senate Bill No. 1002

An act relating to motor vehicle glass; amending s. 559.903, F.S.; defining the term “advanced driver assistance system”; revising the definition of the term “motor vehicle repair”; amending s. 559.920, F.S.; prohibiting motor vehicle repair shops or their employees from offering anything of value to a customer in exchange for making an insurance claim for motor vehicle glass replacement or repair, including offers made through certain persons; specifying that the failure to provide certain electronic or written notice relating to calibrating or recalibrating an advanced driver assistance system is unlawful; creating s. 627.7289, F.S.; prohibiting persons from entering into assignment agreements of post-loss benefits for motor vehicle glass replacement or repair after a specified date; providing that such assignment agreements are void and unenforceable; defining the term “assignment agreement”; creating s. 627.7291, F.S.; prohibiting certain persons from requiring claimants to use certain companies or locations for specified services and products; authorizing certain persons to provide explanations of certain motor vehicle comprehensive coverage benefits; requiring certain persons to provide specified discounts to insureds under certain circumstances; providing construction; providing applicability; providing an effective date.

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

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 compensation of any type without first being registered with or having submitted an affidavit of exemption to the department.;
- (2) Make or charge for repairs that ~~which~~ have not been expressly or impliedly authorized by the customer.;
- (3) Misrepresent that repairs have been made to a motor vehicle.;
- (4) Misrepresent that certain parts and repairs are necessary to repair a vehicle.;
- (5) Misrepresent that the vehicle being inspected or diagnosed is in a dangerous condition or that the customer's continued use of the vehicle may be harmful or cause great damage to the vehicle.;
- (6) Fraudulently alter any customer contract, estimate, invoice, or other document.;
- (7) Fraudulently misuse any customer's credit card.;
- (8) Make or authorize in any manner or by any means ~~whatever~~ any written or oral statement that ~~which~~ is untrue, deceptive, or misleading, and that ~~which~~ is known, or that ~~which~~ by the exercise of reasonable care should be known, to be untrue, deceptive, or misleading.;
- (9) Make false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle.;
- (10) Substitute used, rebuilt, salvaged, or straightened parts for new replacement parts without notice to the motor vehicle owner and to her or his insurer if the cost of repair is to be paid pursuant to an insurance policy and the identity of the insurer or its claims adjuster is disclosed to the motor vehicle repair shop.;
- (11) Cause or allow a customer to sign any work order that does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair.;
- (12) Fail or refuse to give to a customer a copy of any document requiring the customer's signature upon completion or cancellation of the repair work.;
- (13) Willfully depart from or disregard accepted practices and professional standards.;

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

(15) Conduct the business of motor vehicle repair in a location other than that stated on the registration certificate.;

(16) Rebuild or restore a rebuilt vehicle without the knowledge of the owner in such a manner that it does not conform to the original vehicle manufacturer’s established repair procedures or specifications and allowable tolerances for the particular model and year.;

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

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

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

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

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

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

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

(2) As used in this section, the term “assignment agreement” means any instrument, regardless of how such agreement is named or styled, by which post-loss benefits, including, but not limited to, claim payments, under a motor vehicle insurance policy are, in whole or in part, assigned or transferred to, or acquired in any manner by, a person providing services for motor vehicle glass replacement or repair, including, but not limited to,

inspecting, protecting, repairing, restoring, or replacing the motor vehicle glass or calibrating or recalibrating advanced driver assistance systems.

Section 4. Section 627.7291, Florida Statutes, is created to read:

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

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

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

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

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

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

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor May 25, 2023.

Filed in Office Secretary of State May 25, 2023.