



199336

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: WD | . | |
| 12/11/2019 | . | |
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The Committee on Banking and Insurance (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 559.920, Florida Statutes, is amended to
read:

559.920 Unlawful acts and practices.—It 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



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

13 (2) Make or charge for repairs which have not been
14 expressly or impliedly authorized by the customer.†

15 (3) Misrepresent that repairs have been made to a motor
16 vehicle.†

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

19 (5) Misrepresent that the vehicle being inspected or
20 diagnosed is in a dangerous condition or that the customer's
21 continued use of the vehicle may be harmful or cause great
22 damage to the vehicle.†

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

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

26 (8) Make or authorize in any manner or by any means
27 whatever any written or oral statement which is untrue,
28 deceptive or misleading, and which is known, or which by the
29 exercise of reasonable care should be known, to be untrue,
30 deceptive or misleading.†

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

34 (10) Substitute used, rebuilt, salvaged, or straightened
35 parts for new replacement parts without notice to the motor
36 vehicle owner and to her or his insurer if the cost of repair is
37 to be paid pursuant to an insurance policy and the identity of
38 the insurer or its claims adjuster is disclosed to the motor
39 vehicle repair shop.†



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

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

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

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

52 (15) Conduct the business of motor vehicle repair in a
53 location other than that stated on the registration
54 certificate.~~†~~

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

60 (17) Offer to a customer a rebate, gift, gift card, cash,
61 coupon, or any other thing of value in exchange for making an
62 insurance claim for motor vehicle glass replacement or repair,
63 including an offer made through a nonemployee who is compensated
64 for the solicitation of insurance claims.

65 (18) Pursuant to the repair or replacement of motor vehicle
66 glass for motor vehicles equipped with safety-related systems
67 requiring calibration, fail to provide written notice to the
68 consumer that repair or replacement will require recalibration



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69 of safety-related systems and whether that calibration will be
70 performed and meet or exceed the manufacturer's procedures or
71 specifications, and, if recalibration is not performed or not
72 completed successfully, written notice to the consumer that the
73 vehicle should be taken to be recalibrated by a professional
74 capable of performing a recalibration that meets or exceeds the
75 manufacturer's procedures or specifications. Written notice must
76 be in at least 12-point type.

77 (20)-(17) Perform any other act that is a violation of this
78 part or that constitutes fraud or misrepresentation.

79 (19)-(18) Violate any provision of s. 713.585.

80 Section 2. Section 559.9201, Florida Statutes, is created
81 to read:

82 559.9201 Repairs pursuant to assignment agreements.-

83 (1) As used in this section, the term:

84 (a) "Assignee" means a person who is assigned post-loss
85 benefits under comprehensive or combined additional coverage
86 under a motor vehicle insurance policy for windshield damage
87 through an assignment agreement.

88 (b) "Assignment agreement" means any instrument by which
89 post-loss benefits under comprehensive or combined additional
90 coverage under a motor vehicle insurance policy for windshield
91 damage are assigned, transferred, or acquired in any manner, in
92 whole or in part, to or from a person providing services to
93 repair or replace motor vehicle glass.

94 (c) "Assignor" means a person who assigns post-loss
95 benefits under comprehensive or combined additional coverage
96 under a motor vehicle insurance policy for windshield damage to
97 another person through an assignment agreement.



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98 (2) In order for an assignment agreement to be valid:

99 (a) The assignment agreement must include all of the
100 following:

101 1. A written repair estimate pursuant to s. 559.905, which
102 cannot be waived, with a clearly defined total amount to be
103 billed to the insurer.

104 2. The following disclosure in at least 16-point type:

105
106 ...(INSERT ASSIGNEE NAME)... HAS TAKEN AN ASSIGNMENT
107 OF BENEFITS FOR YOUR COMPREHENSIVE OR COMBINED
108 ADDITIONAL COVERAGE UNDER YOUR MOTOR VEHICLE INSURANCE
109 POLICY. ...(INSERT ASSIGNEE NAME)... INTENDS TO FILE A
110 CLAIM WITH YOUR INSURANCE COMPANY, AND MAY ALSO BE
111 ENTITLED TO FILE A LAWSUIT IN YOUR NAME, PURSUANT TO
112 THIS ASSIGNMENT OF BENEFITS AGREEMENT. PLEASE SIGN
113 BELOW TO ACKNOWLEDGE THAT ...(INSERT ASSIGNEE NAME)...
114 INTENDS TO FILE A CLAIM WITH YOUR INSURANCE COMPANY,
115 AND THAT A LAWSUIT REGARDING YOUR INSURANCE POLICY MAY
116 BE FILED IN YOUR NAME.

117
118 3. The name, phone number, and address of the assignee and
119 the assignor, and the assignor's signature.

120 (b) The assignee must, at the time of providing an
121 assignment agreement to the consumer, comply with s.
122 559.920(18).

123 (c) The assignment agreement may not include services not
124 provided, including, but not limited to, recalibration of
125 safety-related systems.

126 (3) The assignment agreement must be provided to the



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127 insurer at the time of filing the claim with the insurer.
128 Failure to do so precludes a court from awarding attorney fees
129 to the assignee under s. 626.9373 or s. 627.428.

130 (4) (a) An assignee must provide the insurer and the
131 assignor with a written notice of intent to initiate litigation
132 before filing suit under the policy. Such notice must be served
133 by certified mail, return receipt requested, or electronic
134 delivery at least 30 days before filing suit. The notice must
135 specify the damages in dispute, the amount claimed, and a
136 presuit settlement demand. Concurrent with the notice, and as a
137 precondition to filing the suit, the assignee must provide the
138 insurer and the assignor a detailed written invoice of services,
139 including itemized information on equipment, materials, and
140 supplies; the number of labor hours; and, in the case of work
141 performed, proof that the work has been performed in accordance
142 with accepted industry standards.

143 (b) An insurer must respond in writing to the notice within
144 15 days after receiving the notice specified in paragraph (a) by
145 making a presuit settlement offer or requiring the assignee to
146 participate in appraisal or other methods of alternative dispute
147 resolution under the policy. An insurer must have a procedure
148 for the prompt investigation, review, and evaluation of the
149 dispute stated in the notice and must investigate each claim
150 contained in the notice in accordance with the Florida Insurance
151 Code.

152 Section 3. This act shall take effect July 1, 2020.

154 ===== T I T L E A M E N D M E N T =====

155 And the title is amended as follows:



156 Delete everything before the enacting clause
157 and insert:

158 A bill to be entitled
159 An act relating to motor vehicle glass; amending s.
160 559.920, F.S.; prohibiting motor vehicle repair shops
161 or their employees from offering anything of value to
162 a customer in exchange for making an insurance claim
163 for motor vehicle glass replacement or repair,
164 including offers made through certain persons;
165 providing that the failure of a motor vehicle shop or
166 one of its employees to provide certain written notice
167 to consumers regarding recalibration of safety-related
168 systems is an unlawful act; creating s. 559.9201,
169 F.S.; defining terms; providing requirements that must
170 be met in order for an assignment agreement to be
171 valid; requiring that an assignment agreement be
172 provided to an insurer at a specified time;
173 prohibiting courts from awarding attorney fees to
174 assignees if the assignment agreement is not provided
175 to the insurer at a specified time; providing
176 requirements relating to service of written notices of
177 intent to initiate litigation; requiring insurers to
178 respond to a notice in a specified manner and within a
179 specified timeframe; requiring insurers to have
180 certain procedures relating to disputes; providing an
181 effective date.