



907190

LEGISLATIVE ACTION

Senate

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House

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. BY SIGNING THIS
113 ACKNOWLEDGMENT, YOU ACKNOWLEDGE THAT ...(INSERT
114 ASSIGNEE NAME)... INTENDS TO FILE A CLAIM WITH YOUR
115 INSURANCE COMPANY, AND THAT A LAWSUIT REGARDING YOUR
116 INSURANCE POLICY MAY BE FILED IN YOUR NAME.

117
118 3. The assignee's name, phone number, address, and
119 registration number from the certificate issued by the
120 department pursuant to s. 559.904 and the assignor's name, phone
121 number, address, and signature.

122 (b) The assignee must, at the time of providing an
123 assignment agreement to the consumer, comply with s.
124 559.920(18).

125 (c) The assignment agreement may not include services not
126 provided, including, but not limited to, recalibration of



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127 safety-related systems.

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129 An assignee that fails to meet these requirements for a valid
130 assignment under this subsection must hold harmless the assignor
131 for any costs that may be greater than what is covered by the
132 assignor's insurer.

133 (3) The assignment agreement must be provided to the
134 insurer at the time of filing the claim with the insurer.

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

148 (b) An insurer must respond in writing to the notice within
149 15 days after receiving the notice specified in paragraph (a).
150 An insurer must have a procedure for the prompt investigation,
151 review, and evaluation of the dispute stated in the notice and
152 must investigate each claim contained in the notice in
153 accordance with the Florida Insurance Code.

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

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

157 And the title is amended as follows:

158 Delete everything before the enacting clause

159 and insert:

160 A bill to be entitled

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