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Groups Want to “Fix the Cracks” in Florida’s Windshield Laws

AOB Auto Glass Abuse Rewards Few at the Expense of Many

TALLAHASSEE, Fla. (Nov. 14, 2022) – While some progress has been made in Florida to address the state’s deepening property insurance market crisis, data shows there is also a crisis in the auto market. The number of auto glass lawsuits filed in Florida went up by more than 4,000% in ten years (2011 to 2021). According to the Florida Department of Financial Services’ Service of Process database, In 2011, there were 591 glass/windshield claim lawsuits filed in the state. The number grew to 28,156 lawsuits in 2021.

An initiative called “Fix the Cracks” is working to protect consumers from predatory auto glass claims and litigation, ensure passenger safety and draw attention to the need for legislative changes. Many Floridians are unknowingly signing their rights away to vendors who are in cahoots with trial attorneys. Fix the Cracks partners hope Florida lawmakers will continue to chip away at the litigation-for-profit machine that encourages auto glass lawsuits – primarily benefiting these trial lawyers – increasing claims costs and the overall cost of insurance.

The growing list of Fix the Cracks partners includes the National Insurance Crime Bureau (NICB), Florida Justice Reform Institute (FJRI) and Personal Insurance Federation of Florida (PIFF).

“It is a crime to file a fraudulent insurance claim in Florida, such as auto glass repairs or windshield replacements where no damage existed,” said **Eric De Campos, Government Affairs Director for the National Insurance Crime Bureau**. “This is occurring often in Florida as consumers are being solicited and offered incentives to file false or fraudulently inflated auto glass insurance claims. NICB supports the Fix the Cracks initiative in warning the public of these scams that take advantage of Florida consumers.”

According to an NICB analysis summary, Florida and Arizona were the top two states for auto glass questionable claims in 2020. These two states accounted for 74% of all auto glass questionable claims in the United States. The top five states for auto glass claims in 2020 were Florida (with a whopping 497,251), Arizona (394,163), California (333,199), New York (259,357) and Texas (252,553).

According to research conducted by FJRI, assignment of benefits (AOB) auto glass lawsuits are concentrated in a handful of law firms. For the first six months of 2020, 12 law firms were each responsible for at least 200 auto glass AOB cases in Florida court. Overwhelmingly, these auto glass cases are filed in just a few counties, which typically align with the market area of the assignee’s attorney’s firm. A manual examination of various complaints filed in these counties, however, reveals that affected consumers come from all over the state.

“Vendors use these assignments to seize the policyholder's special one-way attorney fee right under statute and file expensive lawsuits based on inflated claims,” said **William Large, president of the Florida Justice Reform Institute**. “Many of these lawsuits happen without the policyholder's knowledge or informed consent.”

Fix the Cracks partners say they will continue to add and share resources to bring attention to the problem and the need for reforms.

“The Florida Legislature passed AOB property insurance reform in 2019, but auto glass claims abuse was left out,” said **Michael Carlson, president and CEO of PIFF**. “The AOB auto glass loophole, supported by the one-way attorney fee law, is the latest machine for some to profit at the expense of auto insurance consumers.”

To learn, view resources and get engaged, visit [FixtheCracksFL.com](https://www.fixthecracksfl.com).

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