



AOB auto glass abuse rewards few
at the expense of many.
It is time to fix the cracks
in Florida's auto glass laws.



A law meant to encourage drivers to repair or replace damaged windshields is being exploited by glass repair shops around Florida – they hire workers to canvas neighborhoods, aggressively trying to entice vehicle owners to sign up for “free” windshield replacements. These same vendors sue insurance companies seeking inflated profits, while their lawyer allies seek high attorney fees by abusing a law that was originally meant to protect consumers.

How it started:

Florida’s glass law was originally designed to encourage consumers to promptly repair or replace a damaged windshield by eliminating their out-of-pocket cost. Section 627.7288, F.S., prohibits the use of a deductible for a windshield damage claim on an insured vehicle. Florida is one of only a handful of states that have a no-deductible law like this. A second law, section 627.428, F.S., was originally intended to help consumers obtain counsel if they have a dispute with their insurance company. But both **laws have devolved into sources of profit-making by lawyers** who are interested in filing lawsuits only to obtain attorney fees.

How it's going:

Exploitation of these laws is costing all of us. The no-deductible law allows unscrupulous glass repair shops to hustle consumers into signing legal agreements for the repair or replacement of auto windshields as part of an enrichment scheme that relies on their trial lawyer allies. The scheme is based on an “assignment of benefits” (AOB) contract with the unknowing consumer that gives the repair shop the individual’s legal rights under their auto insurance policy. The repair shop then has the right to sue the consumer’s insurance company if it doesn’t pay what the shop demands.

In many cases, the insurer has not been able to adjust the claim and has no ability to determine the nature, extent, or the cost of the damage to the windshield.

Most of the time the insurer pays what it believes is the reasonable amount for a windshield replacement, but this amount falls below the vendor’s inflated demand for payment. The result is a lawsuit by the vendor in the consumer’s name. In these cases, lawyers have a strong incentive to file lawsuits: they get their attorney fees paid by the insurance company if the insurance company loses in court or settles for as little as \$1 more than they initially offered to pay. This has resulted in a **“sue-to-settle” system** where lawyers file lawsuits over very small amounts in dispute in order to force a settlement and obtain attorney fees. Lawyers rely on s. 627.428, F.S., to profit at the expense of auto insurance consumers.

What started as a small regional problem with a few lawyers and some auto repair shops has proliferated throughout the state as more unscrupulous actors look to cash in. The numbers tell the story: In 2011, there were 591 glass/windshield claim lawsuits filed in the state. The number has grown in 10 years to 28,156 in 2021.



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The number of auto glass *lawsuits* filed in Florida *went up* by over *4,000%+* in ten years. (2011 to 2021)

A problem that is evolving and expanding:

Some in the glass repair industry continue to seek new ways to profit under Florida law. The new trend for these repair shops is to charge inflated fees for things like recalibration of smart glass that contains sophisticated safety technology. These shops are billing insurance companies for questionable recalibration work, and they are not required to demonstrate they have the equipment or ability to measure whether their work meets manufacturer safety standards for recalibration. If the insurer balks at the claim, the repair shops sue. In 2021, there were 1,030 recalibration lawsuits in addition to the 25,722 lawsuits filed for the replacement or repair of glass/windshields.

It is time to fix the cracks:

As we have seen in the property insurance market, the Legislature has stepped in to address problems caused by vendors and attorneys who team up to exploit consumer-friendly laws that hurt all consumers in the end. Assignment of Benefit and attorney fee reforms are needed to address this growing problem. We must find a way to remove the incentive for lawyers to file abusive lawsuits to profit at the expense of Florida consumers.

The Legislature cannot ignore this issue any longer.

It is time they fix the cracks.



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