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**FOR IMMEDIATE RELEASE**

## **Legislation Filed to “Fix the Cracks” in Florida’s Windshield Laws**

*Florida Lawmakers Look to End AOB Auto Glass Abuse*

**TALLAHASSEE, Fla. (Feb. 22, 2023)** – Legislation filed by Florida lawmakers would fix cracks in the state’s auto insurance market, where a law meant to encourage drivers to repair or replace damaged windshields is being exploited by glass repair shops and attorneys.

Senator Linda Stewart (D-Orlando), filed Senate Bill 1002 yesterday, and companion legislation, House Bill 541, has been filed by Representative Griff Griffiths (R-Panama City Beach). Both address problems caused by some glass vendors and attorneys who have in recent years churned out unnecessary litigation, teaming up to exploit Florida law and hurt insurance consumers in the end.

“We have all seen the signs offering us cash or gift cards to have our windshields replaced,” said **Senator Stewart**, whose Orange County district saw 28 percent of auto glass lawsuits in 2022. “These incentives sound great, but the reality is some of these services are using you to sue your insurance for more money than the replacement actually costs. This behavior ultimately contributes to the ever increasing auto insurance rates as insurers raise rates to compensate for their losses from this practice.”

What started as a small regional problem with a few lawyers and auto repair shops proliferated throughout the state as more unscrupulous actors looked to cash in. In 2011, there were 591 glass/windshield claim lawsuits filed in Florida. That number grew to more than 37,000 lawsuits in 2022, according to the most recent numbers.

Both HB 541 and SB 1002 would prohibit vendors from taking assignments of insurance policy benefits for auto glass claims. Additionally, SB 1002 would prohibit a replacement service provider from offering an inducement to a customer for filing an insurance claim.

“Calibration” lawsuits have also grown like a spider web crack in a windshield. These lawsuits are specifically in regard to the cost of a calibration for automobiles with advanced driver assistance features, and like replacement cases, they are frequently *manufactured* price disputes. SB 1002 also includes language on calibration requirements: a notice to the vehicle owner stating the need for calibration would be required so that owners know that the service is necessary for some components of their car to operate properly.

“Today’s cars have a slew of new features integrated into the windshield to improve driver safety,” added **Stewart**. “Without notice that these systems need to be calibrated after a windshield replacement, drivers could find themselves in dangerous situations or at a service provider surprised by the costs and possibly having to pay out of pocket for the calibration of these features.”

Members of the [Fix the Cracks](#) initiative praised efforts by lawmakers to protect consumers from predatory auto glass claims and litigation, ensure passenger safety and draw attention to the need for legislative changes.

“Auto glass abuse is occurring more and more often, and most of the time the consumer doesn’t even know their insurance company has been sued on their behalf,” said **Michael Carlson, president and CEO of the Personal Insurance Federation of Florida**. “The jig is up. It is out in the open for all to see. Lawmakers want to end this madness, and we are grateful to Senator Stewart and Representative Griffitts for being among those stepping up to the challenge.”

“Florida residents are frequently being solicited and offered incentives to file false or fraudulently inflated auto glass insurance claims for glass repairs or windshield replacements where no damage existed,” said **Eric De Campos, Government Affairs Director for the National Insurance Crime Bureau (NICB)**. “We must continue to warn

the public of these scams that take advantage of Florida consumers. NICB is grateful to Senator Stewart and Representative Griffiths for introducing legislation to address these issues.”

“For too many years the unscrupulous actions of those seeking to exploit current laws by committing scams and frauds have caused harm by seeking to generate claims and unnecessary litigation which clogs up the courts and increases legal expenses,” said **Matthew J. Smith, Esq. Executive Director of the Coalition Against Insurance Fraud.** “The result of their actions is higher premiums which are ultimately paid by Florida consumers. The success of these efforts will both help fight fraud and save money for Florida residents.”

In Florida, 20 lawyers were the most prolific filers of auto glass litigation last year, making up 95 percent of auto glass lawsuits, according to information from the Florida Department of Financial Services Service of Process database. There is similar aggregation on the vendor/shop side.

The recently filed auto glass-related bills are a part of a larger movement by Florida lawmakers to address lawsuit abuse. Last week, comprehensive legislation was filed in the Florida House to address abusive litigation in Florida. House Bill 837, sponsored by House Judiciary Chair Tommy Gregory, R-Lakewood Ranch, would do so on a monumental scale, with a positive impact on all sectors of the insurance marketplace.

“Governor DeSantis called for legislation to create a more predictable, stable legal environment, and HB 837, HB 541 and SB 1002 will do just that,” said **William Large, president of the Florida Justice Reform Institute.** “The Florida Justice Reform Institute commends Governor DeSantis, Senate President Passidomo and House Speaker Renner, and the bill sponsors Representatives Gregory, Fabricio and Griffiths, and Senator Stewart, for their leadership on the most consequential civil litigation reforms in a generation.”

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

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