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Florida Legislature Passes Bill Fixing Cracks in Windshield Laws

Senate Bill 1002 Heads to Governor DeSantis' Desk

TALLAHASSEE, Fla. (May 2, 2023) – Today, the Florida Legislature passed [Senate Bill 1002](#), which will fix the cracks in the state's auto glass laws. In Florida, a law meant to encourage drivers to repair or replace damaged windshields is being exploited by glass repair shops and attorneys, leading to exorbitant legal fees churned out by abusive litigation. The legislation passed today – championed by Senator Linda Stewart (D-Orlando) and Representative Griff Griffitts (R-Panama City Beach) – addresses 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.

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:

“This bill closes avenues for auto glass fraud that have been abused for years here in Florida,” said **Michael Carlson, president and CEO of the Personal Insurance Federation of Florida**. “The time and attention CFO Patronis, Senator Stewart and Representative Griffitts have given to this issue has made all the difference, and it will result in relief for consumers who have been paying the

price for predatory claims and lawsuits. We thank all of the Fix the Cracks partners for the collective effort to support and pass meaningful reforms to address the glass harvesting and litigation crisis in Florida.”

“Fraudulent conduct affects every consumer as unlawful claims lead to higher insurance premiums that innocent policyholders are left to pay,” said **Eric De Campos, National Insurance Crime Bureau (NICB) government affairs director**. “Delivering these reforms will go a long way toward protecting consumers from criminal actors and irresponsible litigation. We are especially grateful to Senator Stewart, Representative Griffitts, and the Florida Legislature for passing SB 1002, which represents a significant step forward in addressing many of these issues. This will help reduce fraudulent activity, improve conditions in Florida, and protect consumers from rising insurance rates.”

“Auto glass fraud impacts each and every one of us,” said **Celeste Dodson, International Association of Special Investigation Units (IASIU) president**. “The only individuals that benefit are the fraudsters. As the global leader of insurance fraud investigators, IASIU stands with NICB and the Coalition Against Insurance Fraud in support of SB 1002, focused on curbing auto glass fraud and abuse. We thank Florida legislators for keeping up the momentum to fix the cracks in auto glass laws.”

“With the passage of CS/SB 1002, unscrupulous vendors will no longer be able to use assignments to seize consumers’ insurance policy benefits and file expensive lawsuits based on inflated claims to line their own pockets,” said **William Large, president of the Florida Justice Reform Institute (FJRI)**. “FJRI applauds the Florida Legislature for taking aggressive action to combat this growing problem.”

“The Coalition Against Insurance Fraud is grateful for the passing of Senate Bill 1002 by the Florida Legislature, as this is another step in the right direction for all Floridians,” said **Joseph Matos, chief of communications, outreach & creative services for the Coalition Against Insurance Fraud**. “The Coalition and our partners encourage the signing of the bill by Gov. DeSantis to protect law-abiding citizens from continued fraudulent auto glass claims that both repair shops and unscrupulous lawyers take full advantage of to satisfy their own financial greed. Floridians, both directly and indirectly impacted, deserve to be protected from the cost of these predatory claims and lawsuits, which are passed on to them in the form of higher rates. This is a perfect example of why we say, ‘Insurance Fraud Is

the Crime We All Pay For.’ The Coalition once again thanks the government leaders who voted to move this bill one step closer to becoming law. We are very hopeful that Governor DeSantis will sign the bill to give all Floridians sunnier days ahead.”

“APCIA praises the Florida Legislature for passing Senate Bill 1002 to help end assignment of benefits abuse in auto glass claims and protect consumers from these predatory scams,” said **Logan McFaddin, vice president of state government relations for American Property Casualty Insurance Association (APCIA)**. “The number of lawsuits related to AOB auto glass claims has exploded in recent years as a handful of unscrupulous lawyers and auto repair shops have exploited Florida’s current law to line their own pockets at the expense of Floridians. APCIA encourages Governor DeSantis to sign the bill to help put an end to rampant AOB auto glass schemes, protect consumers, and ultimately help lower costs.”

“Passage of SB 1002 and the Fix the Cracks initiative is a big win for drivers in our state; it’s like belt and suspenders, along with the momentous lawsuit abuse reforms passed earlier this session, all reflecting the continuing efforts of the legislature to protect Florida consumers,” said **Caitlin Murray, regional vice president for the National Association of Mutual Insurance Companies (NAMIC)**.

SB 1002 will:

- Prohibit the assignment of policy benefits (“AOB”) relating to an automobile glass claim;
- Prohibit the use of inducements such as gift cards which are offered in exchange for the filing of an insurance claim;
- Define auto glass “advanced driver assistance systems,” and include calibration and recalibration of such systems under the definition of motor vehicle repair;
- Require disclosures by glass vendors to consumers that calibration or recalibration is required for an advanced driver assistance system as part of the repair of an automobile and to ensure such service is performed in a manner that meets or exceeds the vehicle manufacturer’s specifications; and
- Prevent an insurer from “steering” a glass claim to a particular vendor or location.

Background:

- 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. Florida auto glass litigation saw a major jump recently, roughly a 30% increase in litigation: from over 28,000 in 2021, to over 37,000 in 2022.
- 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 National Insurance Crime Bureau (NICB) states that it reviews thousands of suspicious auto glass claims submitted by bad actors, and in combination with Arizona, Florida accounted for 74 percent of all questionable auto glass claims filed in the United States in 2020.
- The average glass repair in the United States in 2020 was \$294.37, compared with the average repair cost in Florida, which was \$435.56, representing a 59 percent premium for auto glass claims.

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

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