

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Perez offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 626.9202, Florida Statutes, is created
7 to read:

8 626.9202 Loss run statements for all lines of insurance.-

9 (1) As used in this section, the term:

10 (a) "Loss run statement" means a report that contains the
11 policy number, the period of coverage, the number of claims, the
12 paid losses on all claims, and the date of each loss. The term
13 does not include supporting claim file documentation, including,
14 but not limited to, copies of claim files, investigation
15 reports, evaluation statements, insureds' statements, and
16 documents protected by a common law or statutory privilege.

344421 - Strike all amendment to CS HB 269.docx

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Amendment No. 1

17 (b) "Provide" means to electronically send a document, or
18 to allow access through an electronic portal to view or generate
19 a document.

20 (2) Notwithstanding any other law, an insurer shall
21 provide to an insured within 15 calendar days after receipt of
22 the insured's written request, either:

23 (a) A loss run statement; or

24 (b) For personal lines of insurance, information on how to
25 obtain a loss run statement at no charge through a consumer
26 reporting agency. However, this section does not prohibit an
27 insured from requesting a loss run statement after receiving
28 information from a consumer reporting agency, and the insurer
29 must then provide such loss run statement within 15 calendar
30 days after receipt of the insured's written request.

31
32 For the purpose of this subsection, the term "receipt" means
33 receipt by an individual or entity designated by an insurer to
34 receive loss run statement requests.

35 (3) At the time the loss run statement is provided to the
36 insured, the insurer shall notify the agent of record that the
37 loss run statement was provided to the insured.

38 (4) A loss run statement provided pursuant to this section
39 must contain a claims history with the insurer for the preceding
40 5 years or, if the claims history is less than 5 years, a
41 complete claims history with the insurer.

Amendment No. 1

42 (5) Notwithstanding any other provision of this section,
43 an insurer is not required to provide loss reserve information.

44 (6) Notwithstanding any other law, an insurer may not
45 charge any fee to prepare and provide annually one loss run
46 statement in accordance with this section.

47 Section 2. Section 627.444, Florida Statutes, is created
48 to read:

49 627.444 Loss run statements for all lines of insurance.-

50 (1) As used in this section, the term:

51 (a) "Loss run statement" means a report that contains the
52 policy number, the period of coverage, the number of claims, the
53 paid losses on all claims, and the date of each loss. The term
54 does not include supporting claim file documentation, including,
55 but not limited to, copies of claim files, investigation
56 reports, evaluation statements, insureds' statements, and
57 documents protected by a common law or statutory privilege.

58 (b) "Provide" means to electronically send a document, or
59 to allow access through an electronic portal to view or generate
60 a document.

61 (2) Notwithstanding any other law, an insurer shall
62 provide to an insured within 15 calendar days after receipt of
63 the insured's written request, either:

64 (a) A loss run statement; or

65 (b) For personal lines of insurance, information on how to
66 obtain a loss run statement at no charge through a consumer

Amendment No. 1

67 reporting agency. However, this section does not prohibit an
68 insured from requesting a loss run statement after receiving
69 information from a consumer reporting agency, and the insurer
70 must then provide such loss run statement within 15 calendar
71 days after receipt of the insured's written request.

72
73 For the purpose of this subsection, the term "receipt" means
74 receipt by an individual or entity designated by an insurer to
75 receive loss run statement requests.

76 (3) At the time the loss run statement is provided to the
77 insured, the insurer shall notify the agent of record that the
78 loss run statement was provided to the insured.

79 (4) A loss run statement provided pursuant to this section
80 must contain a claims history with the insurer for the preceding
81 5 years or, if the claims history is less than 5 years, a
82 complete claims history with the insurer.

83 (5) Notwithstanding any other provision of this section,
84 an insurer is not required to provide loss reserve information.

85 (6) Notwithstanding any other law, an insurer may not
86 charge any fee to prepare and provide annually one loss run
87 statement in accordance with this section.

88 Section 3. This act shall take effect January 1, 2021.

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91 **T I T L E A M E N D M E N T**

Amendment No. 1

92 Remove everything before the enacting clause and insert:
93 A bill to be entitled
94 An act relating to loss run statements; creating ss.
95 626.9202 and 627.444, F.S.; providing definitions;
96 requiring insurers to provide loss run statements or
97 specified information to insureds within a specified
98 timeframe under certain circumstances; providing
99 construction; providing notification requirements;
100 providing claims history requirements for loss run
101 statements; providing that insurers are not required
102 to provide loss reserve information; prohibiting fees
103 under certain circumstances; providing an effective
104 date.