

1                                   A bill to be entitled  
 2           An act relating to loss run statements; creating ss.  
 3           626.9202 and 627.444, F.S.; providing definitions;  
 4           requiring insurers to provide loss run statements or  
 5           specified information to insureds within a specified  
 6           timeframe under certain circumstances; providing  
 7           construction; providing notification requirements;  
 8           providing claims history requirements for loss run  
 9           statements; providing that insurers are not required  
 10          to provide loss reserve information; prohibiting fees  
 11          under certain circumstances; providing an effective  
 12          date.

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 14   Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1.   Section 626.9202, Florida Statutes, is created  
 17   to read:

18           626.9202   Loss run statements for all lines of insurance.-

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

20           (a)   "Loss run statement" means a report that contains the  
 21   policy number, the period of coverage, the number of claims, the  
 22   paid losses on all claims, and the date of each loss. The term  
 23   does not include supporting claim file documentation, including,  
 24   but not limited to, copies of claim files, investigation  
 25   reports, evaluation statements, insureds' statements, and

26 | documents protected by a common law or statutory privilege.

27 | (b) "Provide" means to electronically send a document, or  
 28 | to allow access through an electronic portal to view or generate  
 29 | a document.

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

33 | (a) A loss run statement; or

34 | (b) For personal lines of insurance, information on how to  
 35 | obtain a loss run statement at no charge through a consumer  
 36 | reporting agency. However, this section does not prohibit an  
 37 | insured from requesting a loss run statement after receiving  
 38 | information from a consumer reporting agency, and the insurer  
 39 | must then provide such loss run statement within 15 calendar  
 40 | days after receipt of the insured's written request.

41 |  
 42 | For the purpose of this subsection, the term "receipt" means  
 43 | receipt by an individual or entity designated by an insurer to  
 44 | receive loss run statement requests.

45 | (3) At the time the loss run statement is provided to the  
 46 | insured, the insurer shall notify the agent of record that the  
 47 | loss run statement was provided to the insured.

48 | (4) A loss run statement provided pursuant to this section  
 49 | must contain a claims history with the insurer for the preceding  
 50 | 5 years or, if the claims history is less than 5 years, a

51 complete claims history with the insurer.

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

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

57 Section 2. Section 627.444, Florida Statutes, is created  
 58 to read:

59 627.444 Loss run statements for all lines of insurance.-

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

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

68 (b) "Provide" means to electronically send a document, or  
 69 to allow access through an electronic portal to view or generate  
 70 a document.

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

74 (a) A loss run statement; or

75 (b) For personal lines of insurance, information on how to

76 obtain a loss run statement at no charge through a consumer  
77 reporting agency. However, this section does not prohibit an  
78 insured from requesting a loss run statement after receiving  
79 information from a consumer reporting agency, and the insurer  
80 must then provide such loss run statement within 15 calendar  
81 days after receipt of the insured's written request.

82  
83 For the purpose of this subsection, the term "receipt" means  
84 receipt by an individual or entity designated by an insurer to  
85 receive loss run statement requests.

86 (3) At the time the loss run statement is provided to the  
87 insured, the insurer shall notify the agent of record that the  
88 loss run statement was provided to the insured.

89 (4) A loss run statement provided pursuant to this section  
90 must contain a claims history with the insurer for the preceding  
91 5 years or, if the claims history is less than 5 years, a  
92 complete claims history with the insurer.

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

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

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