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LEGISLATIVE ACTION

Senate

.

House

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Floor: WD/2R

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03/06/2020 02:12 PM

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Senator Broxson moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

626.9202 Loss run statements for all lines of insurance.-

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

(a) "Loss run statement" means a report that contains the
policy number, the period of coverage, the number of claims, the
paid losses on all claims, and the date of each loss. The term



12 does not include supporting claim file documentation, including,
13 but not limited to, copies of claim files, investigation
14 reports, evaluation statements, insureds' statements, and
15 documents protected by a common law or statutory privilege.

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

19 (c) "Receipt" means receipt by an individual or entity
20 designated by an insurer to receive loss run statement requests.

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

24 (a) A loss run statement; or

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

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

36 (4) A loss run statement provided pursuant to this section
37 must contain a claims history with the insurer for a minimum of
38 the preceding 3 years or, if the claims history is less than 3
39 years, a complete claims history with the insurer.

40 (5) Notwithstanding any other provision of this section, an



41 insurer is not required to provide loss reserve information.

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

45 (7) This section does not apply to a life insurer as
46 defined in s. 624.602.

47 Section 2. Section 627.444, Florida Statutes, is created to
48 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 to
59 allow access through an electronic portal to view or generate a
60 document.

61 (c) "Receipt" means receipt by an individual or entity
62 designated by an insurer to receive loss run statement requests.

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

66 (a) A loss run statement; or

67 (b) For personal lines of insurance, information on how to
68 obtain a loss run statement at no charge through a consumer
69 reporting agency. However, this section does not prohibit an



70 insured from requesting a loss run statement after receiving
71 information from a consumer reporting agency, in which case the
72 insurer must then provide such loss run statement within 15
73 calendar days after receipt of the insured's subsequent written
74 request.

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

78 (4) A loss run statement provided pursuant to this section
79 must contain a claims history with the insurer for a minimum of
80 the preceding 3 years or, if the claims history is less than 3
81 years, a complete claims history with the insurer.

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

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

87 (7) This section does not apply to a life insurer as
88 defined in s. 624.602.

89 Section 3. Section 627.6647, Florida Statutes, is repealed.

90 Section 4. This act shall take effect January 1, 2021.

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92 ===== T I T L E A M E N D M E N T =====

93 And the title is amended as follows:

94 Delete everything before the enacting clause
95 and insert:

96 A bill to be entitled
97 An act relating to insurance claims data; creating ss.
98 626.9202 and 627.444, F.S.; defining terms; requiring



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99 certain surplus lines and authorized insurers,
100 respectively, to provide insureds either a loss run
101 statement or certain information within a certain
102 timeframe after receipt of the insured's written
103 request; providing construction; requiring insurers to
104 provide a loss run statement within a certain
105 timeframe under certain circumstances; requiring
106 insurers to provide notice to the agent of record
107 after providing a loss run statement; specifying the
108 required claims history in a loss run statement;
109 providing that insurers are not required to provide
110 loss reserve information; prohibiting insurers from
111 charging a fee to prepare and provide one loss run
112 statement annually; providing applicability; repealing
113 s. 627.6647, F.S., relating to release of claims
114 experience; providing an effective date.