

By the Committee on Banking and Insurance; and Senator Broxson

597-01377-20

2020292c1

1 A bill to be entitled  
2 An act relating to insurance claims data; creating ss.  
3 626.9202 and 627.444, F.S.; defining the terms "loss  
4 run statement" and "provide"; requiring surplus lines  
5 and authorized insurers, respectively, to provide  
6 insureds either a loss run statement or certain  
7 information within a certain timeframe after receipt  
8 of the insured's written request; providing  
9 construction; requiring insurers to provide notice to  
10 the agent of record after providing a loss run  
11 statement; specifying the required claims history in a  
12 loss run statement; providing that insurers are not  
13 required to provide loss reserve information;  
14 prohibiting insurers from charging a fee to prepare  
15 and provide one loss run statement annually; providing  
16 an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Section 626.9202, Florida Statutes, is created  
21 to read:

22 626.9202 Loss run statements for all lines of insurance.-

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

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

597-01377-20

2020292c1

30 documents protected by a common law or statutory privilege.

31 (b) "Provide" means to electronically send a document or to  
32 allow access through an electronic portal to view or generate a  
33 document.

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

37 (a) A loss run statement; or

38 (b) For personal lines of insurance, information on how to  
39 obtain a loss run statement at no charge through a consumer  
40 reporting agency. However, this section does not prohibit an  
41 insured from requesting a loss run statement after receiving  
42 information from a consumer reporting agency.

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

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

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

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

55 Section 2. Section 627.444, Florida Statutes, is created to  
56 read:

57 627.444 Loss run statements for all lines of insurance.—

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

597-01377-20

2020292c1

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

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

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

72       (a) A loss run statement; or

73       (b) For personal lines of insurance, information on how to  
74 obtain a loss run statement at no charge through a consumer  
75 reporting agency. However, this section does not prohibit an  
76 insured from requesting a loss run statement after receiving  
77 information from a consumer reporting agency.

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

81       (4) A loss run statement provided pursuant to this section  
82 must contain a claims history with the insurer for the preceding  
83 5 years or, if the claims history is less than 5 years, a  
84 complete claims history with the insurer.

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

87       (6) Notwithstanding any other law, an insurer may not

597-01377-20

2020292c1

88 charge any fee to prepare and provide annually one loss run  
89 statement in accordance with this section.

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