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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.

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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

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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:

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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

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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.