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1  
2 An act relating to loss run statements; amending s.  
3 626.9202, F.S.; revising the definition of the term  
4 "loss run statement"; specifying the entities that  
5 must receive requests for loss run statements;  
6 specifying that insurers must provide loss run  
7 statements under certain circumstances; providing  
8 construction; specifying the required claims history  
9 in loss run statements for group health insurance;  
10 providing applicability; limiting loss run statement  
11 requests with respect to group health insurance  
12 policies to group policyholders; amending s. 627.444,  
13 F.S.; revising the definition of the term "loss run  
14 statement"; specifying the entities that must receive  
15 requests for loss run statements; specifying that  
16 insurers must provide loss run statements under  
17 certain circumstances; specifying the required claims  
18 history in loss run statements for group health  
19 insurance; providing applicability; limiting loss run  
20 statement requests with respect to group health  
21 insurance policies to group policyholders; repealing  
22 s. 627.6647, F.S., relating to release of claims  
23 experience; providing an effective date.  
24

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

26  
27 Section 1. Subsections (1), (2), and (4) of section  
28 626.9202, Florida Statutes, are amended, and subsections (7) and  
29 (8) are added to that section, to read:

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30 626.9202 Loss run statements for all lines of insurance.—

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

32 (a) "Loss run statement" means a report that contains the  
33 policy number, the period of coverage, the number of claims, the  
34 paid losses on all claims, and the date of each loss. The term  
35 does not include supporting claim file documentation, including,  
36 but not limited to, copies of claim files, investigation  
37 reports, evaluation statements, insureds' statements, and  
38 documents protected by a common law or statutory privilege. As  
39 applied to group health insurance, the term means a report that  
40 also contains the premiums paid, the number of insureds on a  
41 monthly basis, and the dependent status.

42 (b) "Provide" means to electronically send a document or to  
43 allow access through an electronic portal to view or generate a  
44 document.

45 (2) Notwithstanding any other law, an insurer shall provide  
46 to an insured within 15 calendar days after an individual or  
47 entity designated by the insurer receives ~~receipt~~ of the  
48 insured's written request, either:

49 (a) A loss run statement; or

50 (b) For personal lines of insurance, information on how to  
51 obtain a loss run statement at no charge through a consumer  
52 reporting agency. However, this section does not prohibit an  
53 insured from requesting a loss run statement after receiving  
54 information from a consumer reporting agency, in which case the  
55 insurer shall then provide the loss run statement within 15  
56 calendar days after the individual or entity designated by the  
57 insurer receives the insured's subsequent written request.  
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59 The insurer is deemed to be in compliance with this subsection  
60 if the surplus lines agent provides the loss run statement on  
61 behalf of the insurer.

62 (4) Except for group health insurance, a loss run statement  
63 provided pursuant to this section must contain a claims history  
64 with the insurer for the preceding 5 years or, if the claims  
65 history is less than 5 years, a complete claims history with the  
66 insurer. For purposes of group health insurance, a loss run  
67 statement provided pursuant to this section must contain a  
68 claims history with the insurer for the preceding 3 years or, if  
69 the claims history is less than 3 years, a complete claims  
70 history with the insurer.

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

73 (8) For group health insurance, only the group policyholder  
74 may request and be provided a loss run statement pursuant to  
75 this section.

76 Section 2. Subsections (1), (2), and (4) of section  
77 627.444, Florida Statutes, are amended, and subsections (7) and  
78 (8) are added to that section, to read:

79 627.444 Loss run statements for all lines of insurance.—

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

81 (a) "Loss run statement" means a report that contains the  
82 policy number, the period of coverage, the number of claims, the  
83 paid losses on all claims, and the date of each loss. The term  
84 does not include supporting claim file documentation, including,  
85 but not limited to, copies of claim files, investigation  
86 reports, evaluation statements, insureds' statements, and  
87 documents protected by a common law or statutory privilege. As

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88 applied to group health insurance, the term means a report that  
89 also contains the premiums paid, the number of insureds on a  
90 monthly basis, and the dependent status.

91 (b) "Provide" means to electronically send a document or to  
92 allow access through an electronic portal to view or generate a  
93 document.

94 (2) Notwithstanding any other law, an insurer shall provide  
95 to an insured within 15 calendar days after an individual or  
96 entity designated by the insurer receives ~~receipt~~ of the  
97 insured's written request, either:

98 (a) A loss run statement; or

99 (b) For personal lines of insurance, information on how to  
100 obtain a loss run statement at no charge through a consumer  
101 reporting agency. However, this section does not prohibit an  
102 insured from requesting a loss run statement after receiving  
103 information from a consumer reporting agency, in which case the  
104 insurer shall then provide the loss run statement within 15  
105 calendar days after the individual or entity designated by the  
106 insurer receives the insured's subsequent written request.

107 (4) Except for group health insurance, a loss run statement  
108 provided pursuant to this section must contain a claims history  
109 with the insurer for the preceding 5 years or, if the claims  
110 history is less than 5 years, a complete claims history with the  
111 insurer. For purposes of group health insurance, a loss run  
112 statement provided pursuant to this section must contain a  
113 claims history with the insurer for the preceding 3 years or, if  
114 the claims history is less than 3 years, a complete claims  
115 history with the insurer.

116 (7) This section does not apply to a life insurer as

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117 defined in s. 624.602.

118 (8) For group health insurance, only the group policyholder  
119 may request and be provided a loss run statement pursuant to  
120 this section.

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

122 Section 4. This act shall take effect upon becoming a law.