

1                                   A bill to be entitled  
 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; revising the required claims history in  
 9           loss run statements; providing applicability; limiting  
 10          loss run statement requests with respect to group  
 11          health insurance policies to group policyholders;  
 12          amending s. 627.444, F.S.; revising the definition of  
 13          the term "loss run statement"; specifying the entities  
 14          that must receive requests for loss run statements;  
 15          specifying that insurers must provide loss run  
 16          statements within a specified timeframe under certain  
 17          circumstances; revising the required claims history in  
 18          loss run statements; providing applicability; limiting  
 19          loss run statement requests with respect to group  
 20          health insurance policies to group policyholders;  
 21          repealing s. 627.6647, F.S., relating to release of  
 22          claims experience; providing an effective date.

23  
 24   Be It Enacted by the Legislature of the State of Florida:  
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26 Section 1. Subsections (1), (2), and (4) of section  
 27 626.9202, Florida Statutes, are amended, and subsections (7) and  
 28 (8) are added to that section, to read:

29 626.9202 Loss run statements for all lines of insurance.—

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

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

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

45 (2) Notwithstanding any other law, an insurer shall  
 46 provide to an insured within 15 calendar days after an  
 47 individual or entity designated by the insurer receives ~~receipt~~  
 48 ~~of~~ the 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. The  
58 insurer is deemed to be in compliance with this subsection if  
59 the surplus lines agent provides the loss run statement on  
60 behalf of the insurer.

61 (4) A loss run statement provided pursuant to this section  
62 must contain a claims history with the insurer for the preceding  
63 3 5 years or, if the claims history is less than 3 5 years, a  
64 complete claims history with the insurer.

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

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

70 Section 2. Subsections (1), (2), and (4) of section  
71 627.444, Florida Statutes, are amended, and subsections (7) and  
72 (8) are added to that section, to read:

73 627.444 Loss run statements for all lines of insurance.—

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

75 (a) "Loss run statement" means a report that contains the

76 | policy number, the period of coverage, the number of claims, the  
 77 | paid losses on all claims, and the date of each loss. The term  
 78 | does not include supporting claim file documentation, including,  
 79 | but not limited to, copies of claim files, investigation  
 80 | reports, evaluation statements, insureds' statements, and  
 81 | documents protected by a common law or statutory privilege. As  
 82 | applied to group health insurance, the term means a report that  
 83 | also contains the premiums paid, the number of insureds on a  
 84 | monthly basis, and the dependent status under the reported  
 85 | policy.

86 | (b) "Provide" means to electronically send a document or  
 87 | to allow access through an electronic portal to view or generate  
 88 | a document.

89 | (2) Notwithstanding any other law, an insurer shall  
 90 | provide to an insured within 15 calendar days after an  
 91 | individual or entity designated by the insurer receives ~~receipt~~  
 92 | ~~of~~ the insured's written request, either:

93 | (a) A loss run statement; or

94 | (b) For personal lines of insurance, information on how to  
 95 | obtain a loss run statement at no charge through a consumer  
 96 | reporting agency. However, this section does not prohibit an  
 97 | insured from requesting a loss run statement after receiving  
 98 | information from a consumer reporting agency, in which case the  
 99 | insurer shall then provide the loss run statement within 15  
 100 | calendar days after the individual or entity designated by the

101 insurer receives the insured's subsequent written request.

102 (4) A loss run statement provided pursuant to this section  
103 must contain a claims history with the insurer for the preceding  
104 3 5 years or, if the claims history is less than 3 5 years, a  
105 complete claims history with the insurer.

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

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

111 Section 3. Section 627.6647, Florida Statutes, is  
112 repealed.

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