

By Senator Martin

33-01339A-24

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1 A bill to be entitled
2 An act relating to access by insureds to claim-related
3 documents; creating s. 627.41375, F.S.; defining the
4 term "claim-related documents"; requiring insurers to
5 notify the insureds and certain parties that the
6 insureds may obtain copies of all claim-related
7 documents upon request; requiring insurers to provide
8 to the insureds, the insureds' agents and attorneys,
9 copies of all claim-related documents within a
10 specified timeframe after receiving requests;
11 providing exceptions; providing construction;
12 authorizing civil actions and recovery of insureds'
13 attorney fees and costs; providing an effective date.

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

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17 Section 1. Section 627.41375, Florida Statutes, is created
18 to read:

19 627.41375 Access by insureds to claim-related documents.-

20 (1) As used in this section, the term "claim-related
21 documents" means every writing that relates to the evaluation of
22 damages, including, but not limited to, repair and replacement
23 estimates and bids, appraisals, scopes of loss, drawings, plans,
24 reports, third-party findings on the amount of loss, covered
25 damages, cost of repairs, and all other valuation, measurement,
26 and loss adjustment calculations of the amount of loss, covered
27 damage, and cost of repairs.

28 (2) Upon receipt of a claim, an insurer shall notify the
29 insured or the party submitting the claim on behalf of the

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30 insured that the insured may obtain, upon request, copies of all
31 claim-related documents.

32 (3) Within 15 calendar days after receiving a request from
33 an insured, the insured's agent, or the insured's attorney for
34 claim-related documents, the insurer shall provide the insured
35 with copies of all claim-related documents; however, the insurer
36 may withhold:

37 (a) Attorney work product documents;
38 (b) Privileged attorney-client documents;
39 (c) Documents that indicate fraud by the insured; or
40 (d) Documents that contain medically privileged
41 information,

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43 provided that the insurer identify the documents being withheld.

44 (4) This section does not:

45 (a) Affect discovery rights in civil litigation or
46 arbitration; or

47 (b) Limit the rights of an insured to any writing which the
48 insured is otherwise entitled to receive under the terms of the
49 insurance policy or applicable law.

50 (5) This section may be enforced by civil action, and the
51 insured that prevails in such action is entitled to recover the
52 insured's reasonable attorney fees and costs.

53 Section 2. This act shall take effect July 1, 2024.