

1                                   A bill to be entitled  
 2           An act relating to loss run statements; creating ss.  
 3           626.9202 and 627.4065, F.S.; providing definitions;  
 4           requiring eligible surplus lines insurers, specified  
 5           unauthorized insurers, and authorized insurers to  
 6           provide loss run statements to insureds within a  
 7           specified timeframe; providing the loss run statement  
 8           history requirements; providing notification  
 9           requirements; prohibiting fees under certain  
 10          circumstances; providing applicability; providing an  
 11          effective date.

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

15           Section 1. Section 626.9202, Florida Statutes, is created  
 16 to read:

17           626.9202 Loss run statements for all lines of insurance.-

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

19           (a) "Loss run statement" means a report that:

20           1. Is generated and maintained by an insurer; and

21           2. Shows the history of insurance claims that an insured  
 22 has had during an insurance policy period.

23           (b) "Provide" means to electronically send a document, or  
 24 to allow access through an electronic portal to view or generate  
 25 a document.

26 (2) (a) Notwithstanding any other provision of law, an  
 27 eligible surplus lines insurer or an unauthorized insurer  
 28 permitted by the office to issue an insurance policy under s.  
 29 626.918(5) and (6) shall provide a loss run statement to an  
 30 insured within 15 calendar days after receipt of the insured's  
 31 written request.

32 (b) The loss run statement provided under paragraph (a)  
 33 must be a 5-year loss run history for 5 continuous years before  
 34 the year in which the request is made or, if the history is less  
 35 than 5 years, a complete loss run history.

36 (3) At the time the loss run statement is provided, the  
 37 eligible surplus lines insurer or unauthorized insurer shall  
 38 also notify the surplus lines agent of record that the loss run  
 39 statement was provided to the insured.

40 (4) The eligible surplus lines insurer or unauthorized  
 41 insurer may not charge a fee to prepare and provide one loss run  
 42 statement per year in accordance with subsection (2).

43 (5) This section applies to all lines of insurance.

44 Section 2. Section 627.4065, Florida Statutes, is created  
 45 to read:

46 627.4065 Loss run statements for all lines of insurance.-

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

48 (a) "Loss run statement" means a report that:

49 1. Is generated and maintained by an insurer; and

50 2. Shows the history of insurance claims that an insured

51 has had during an insurance policy period.

52 (b) "Provide" means to electronically send a document, or  
53 to allow access through an electronic portal to view or generate  
54 a document.

55 (2) (a) Notwithstanding any other provision of law, an  
56 authorized insurer shall provide a loss run statement to an  
57 insured within 15 calendar days after receipt of the insured's  
58 written request.

59 (b) The loss run statement provided under paragraph (a)  
60 must be a 5-year loss run history for 5 continuous years before  
61 the year in which the request is made or, if the history is less  
62 than 5 years, a complete loss run history.

63 (3) At the time the loss run statement is provided, the  
64 insurer shall also notify the agent of record that the loss run  
65 statement was provided to the insured.

66 (4) The insurer may not charge a fee to prepare and  
67 provide one loss run statement per year in accordance with  
68 subsection (2).

69 (5) This section applies to all lines of insurance.

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