



304154

LEGISLATIVE ACTION

Senate

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House

The Committee on Banking and Insurance (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

626.9202 Loss run statements for all lines of insurance.-

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

(a) "Loss run statement" means a report that contains the
policy number, the period of coverage, the number of claims, the



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11 paid losses on all claims, and the date of each loss. The term
12 does not include supporting claim file documentation, including,
13 but not limited to, copies of claim files, investigation
14 reports, evaluation statements, insureds' statements, and
15 documents protected by a common law or statutory privilege.

16 (b) "Provide" means to electronically send a document or to
17 allow access through an electronic portal to view or generate a
18 document.

19 (2) Notwithstanding any other law, an insurer shall provide
20 to an insured within 15 calendar days after receipt of the
21 insured's written request, either:

22 (a) A loss run statement; or

23 (b) For personal lines of insurance, information on how to
24 obtain a loss run statement at no charge through a consumer
25 reporting agency. However, this section does not prohibit an
26 insured from requesting a loss run statement after receiving
27 information from a consumer reporting agency.

28 (3) At the time a loss run statement is provided to the
29 insured, the insurer shall notify the agent of record that the
30 loss run statement was provided to the insured.

31 (4) A loss run statement provided pursuant to this section
32 must contain a claims history with the insurer for the preceding
33 5 years or, if the claims history is less than 5 years, a
34 complete claims history with the insurer.

35 (5) Notwithstanding any other provision of this section, an
36 insurer is not required to provide loss reserve information.

37 (6) Notwithstanding any other law, an insurer may not
38 charge any fee to prepare and provide annually one loss run
39 statement in accordance with this section.



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40 Section 2. Section 627.444, Florida Statutes, is created to
41 read:

42 627.444 Loss run statements for all lines of insurance.—

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

44 (a) "Loss run statement" means a report that contains the
45 policy number, the period of coverage, the number of claims, the
46 paid losses on all claims, and the date of each loss. The term
47 does not include supporting claim file documentation, including,
48 but not limited to, copies of claim files, investigation
49 reports, evaluation statements, insureds' statements, and
50 documents protected by a common law or statutory privilege.

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

54 (2) Notwithstanding any other law, an insurer shall provide
55 to an insured within 15 calendar days after receipt of the
56 insured's written request, either:

57 (a) A loss run statement; or

58 (b) For personal lines of insurance, information on how to
59 obtain a loss run statement at no charge through a consumer
60 reporting agency. However, this section does not prohibit an
61 insured from requesting a loss run statement after receiving
62 information from a consumer reporting agency.

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

66 (4) A loss run statement provided pursuant to this section
67 must contain a claims history with the insurer for the preceding
68 5 years or, if the claims history is less than 5 years, a



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69 complete claims history with the insurer.

70 (5) Notwithstanding any other provision of this section, an
71 insurer is not required to provide loss reserve information.

72 (6) Notwithstanding any other law, an insurer may not
73 charge any fee to prepare and provide annually one loss run
74 statement in accordance with this section.

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

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77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause

80 and insert:

81 A bill to be entitled
82 An act relating to insurance claims data; creating ss.
83 626.9202 and 627.444, F.S.; defining the terms "loss
84 run statement" and "provide"; requiring surplus lines
85 and authorized insurers, respectively, to provide
86 insureds either a loss run statement or certain
87 information within a certain timeframe after receipt
88 of the insured's written request; providing
89 construction; requiring insurers to provide notice to
90 the agent of record after providing a loss run
91 statement; specifying the required claims history in a
92 loss run statement; providing that insurers are not
93 required to provide loss reserve information;
94 prohibiting insurers from charging a fee to prepare
95 and provide one loss run statement annually; providing
96 an effective date.