



774698

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Broxson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 35 - 93

and insert:

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

(a) A loss run statement; or

(b) For personal lines of insurance, information on how to
obtain a loss run statement at no charge through a consumer



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12 reporting agency. However, this section does not prohibit an
13 insured from requesting a loss run statement after receiving
14 information from a consumer reporting agency, in which case the
15 insurer or surplus lines agent shall then provide the loss run
16 statement within 15 calendar days after the individual or entity
17 designated by the insurer receives the insured's subsequent
18 written request.

19 (4) A loss run statement provided pursuant to this section
20 must contain a claims history with the insurer for the preceding
21 3 5 years or, if the claims history is less than 3 5 years, a
22 complete claims history with the insurer.

23 (7) This section does not apply to life insurance as
24 defined in s. 624.602.

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

28 Section 2. Subsections (1), (2), and (4) of section
29 627.444, Florida Statutes, are amended, and subsections (7) and
30 (8) are added to that section, to read:

31 627.444 Loss run statements for all lines of insurance.—

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

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



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41 also contains the premiums paid, the number of insureds on a
42 monthly basis, and the dependent status.

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

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

50 (a) A loss run statement; or

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

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

63 (7) This section does not apply to:

64 (a) Life insurance as defined in s. 624.602.

65 (b) A workers' compensation or employer's liability
66 insurance policy subject to s. 627.291.

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

69 And the title is amended as follows:



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70 Delete line 3
71 and insert:
72 626.9202, F.S.; revising the definition of the term
73 "loss run statement"; revising the entities which must
74 provide certain information to insureds after
75 receiving requests for loss run statements; specifying
76 the entities that must receive requests for loss run
77 statements; specifying that insurers or surplus lines
78 agents must provide loss run statements under certain
79 circumstances; revising the required claims history in
80 loss run statements; providing applicability; limiting
81 loss run statement requests with respect to group
82 health insurance policies to group policyholders;
83 amending s. 627.444, F.S.; revising the definition of