

By Senator Broxson

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1 A bill to be entitled
2 An act relating to loss run statements; amending ss.
3 626.9202 and 627.444, F.S.; revising the definition of
4 the term "loss run statement"; specifying the entities
5 that must receive requests for loss run statements;
6 specifying that insurers must provide loss run
7 statements under certain circumstances; revising the
8 required claims history in loss run statements;
9 providing applicability; limiting loss run statement
10 requests with respect to group health insurance
11 policies to group policyholders; repealing s.
12 627.6647, F.S., relating to release of claims
13 experience; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsections (1), (2), and (4) of section
18 626.9202, Florida Statutes, are amended, and subsections (7) and
19 (8) are added to that section, to read:

20 626.9202 Loss run statements for all lines of insurance.—

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

22 (a) "Loss run statement" means a report that contains the
23 policy number, the period of coverage, the number of claims, the
24 paid losses on all claims, and the date of each loss. The term
25 does not include supporting claim file documentation, including,
26 but not limited to, copies of claim files, investigation
27 reports, evaluation statements, insureds' statements, and
28 documents protected by a common law or statutory privilege. As
29 applied to group health insurance, the term means a report that

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

32 (b) "Provide" means to electronically send a document or to
33 allow access through an electronic portal to view or generate a
34 document.

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

39 (a) A loss run statement; or

40 (b) For personal lines of insurance, information on how to
41 obtain a loss run statement at no charge through a consumer
42 reporting agency. However, this section does not prohibit an
43 insured from requesting a loss run statement after receiving
44 information from a consumer reporting agency, in which case the
45 insurer shall then provide the loss run statement within 15
46 calendar days after the individual or entity designated by the
47 insurer receives the insured's subsequent written request.

48 (4) A loss run statement provided pursuant to this section
49 must contain a claims history with the insurer for the preceding
50 3 5 years or, if the claims history is less than 3 5 years, a
51 complete claims history with the insurer.

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

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

57 Section 2. Subsections (1), (2), and (4) of section
58 627.444, Florida Statutes, are amended, and subsections (7) and

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59 (8) are added to that section, to read:

60 627.444 Loss run statements for all lines of insurance.—

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

62 (a) "Loss run statement" means a report that contains the
63 policy number, the period of coverage, the number of claims, the
64 paid losses on all claims, and the date of each loss. The term
65 does not include supporting claim file documentation, including,
66 but not limited to, copies of claim files, investigation
67 reports, evaluation statements, insureds' statements, and
68 documents protected by a common law or statutory privilege. As
69 applied to group health insurance, the term means a report that
70 also contains the premiums paid, the number of insureds on a
71 monthly basis, and the dependent status.

72 (b) "Provide" means to electronically send a document or to
73 allow access through an electronic portal to view or generate a
74 document.

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

79 (a) A loss run statement; or

80 (b) For personal lines of insurance, information on how to
81 obtain a loss run statement at no charge through a consumer
82 reporting agency. However, this section does not prohibit an
83 insured from requesting a loss run statement after receiving
84 information from a consumer reporting agency, in which case the
85 insurer shall then provide the loss run statement within 15
86 calendar days after the individual or entity designated by the
87 insurer receives the insured's subsequent written request.

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88 (4) A loss run statement provided pursuant to this section
89 must contain a claims history with the insurer for the preceding
90 3 5 years or, if the claims history is less than 3 5 years, a
91 complete claims history with the insurer.

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

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

97 Section 3. Section 627.6647, Florida Statutes, is repealed.

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