

2022156e1

1 A bill to be entitled
2 An act relating to loss run statements; amending s.
3 626.9202, F.S.; revising the definition of the term
4 "loss run statement"; specifying the entities that
5 must receive requests for loss run statements;
6 specifying that insurers must provide loss run
7 statements under certain circumstances; providing
8 construction; revising the required claims history in
9 loss run statements; providing applicability; limiting
10 loss run statement requests with respect to group
11 health insurance policies to group policyholders;
12 amending s. 627.444, F.S.; revising the definition of
13 the term "loss run statement"; specifying the entities
14 that must receive requests for loss run statements;
15 specifying that insurers must provide loss run
16 statements under certain circumstances; revising the
17 required claims history in loss run statements;
18 providing applicability; limiting loss run statement
19 requests with respect to group health insurance
20 policies to group policyholders; repealing s.
21 627.6647, F.S., relating to release of claims
22 experience; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (1), (2), and (4) of section
27 626.9202, Florida Statutes, are amended, and subsections (7) and
28 (8) are added to that section, to read:

29 626.9202 Loss run statements for all lines of insurance.—

2022156e1

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

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

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

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

48 (a) A loss run statement; or

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

57
58 The insurer is deemed to be in compliance with this subsection

2022156e1

59 if the surplus lines agent provides the loss run statement on
60 behalf of the insurer.

61 (4) A loss run statement provided pursuant to this section
62 must contain a claims history with the insurer for the preceding
63 3 5 years or, if the claims history is less than 3 5 years, a
64 complete claims history with the insurer.

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

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

70 Section 2. Subsections (1), (2), and (4) of section
71 627.444, Florida Statutes, are amended, and subsections (7) and
72 (8) are added to that section, to read:

73 627.444 Loss run statements for all lines of insurance.—

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

75 (a) "Loss run statement" means a report that contains the
76 policy number, the period of coverage, the number of claims, the
77 paid losses on all claims, and the date of each loss. The term
78 does not include supporting claim file documentation, including,
79 but not limited to, copies of claim files, investigation
80 reports, evaluation statements, insureds' statements, and
81 documents protected by a common law or statutory privilege. As
82 applied to group health insurance, the term means a report that
83 also contains the premiums paid, the number of insureds on a
84 monthly basis, and the dependent status.

85 (b) "Provide" means to electronically send a document or to
86 allow access through an electronic portal to view or generate a
87 document.

2022156e1

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

92 (a) A loss run statement; or

93 (b) For personal lines of insurance, information on how to
94 obtain a loss run statement at no charge through a consumer
95 reporting agency. However, this section does not prohibit an
96 insured from requesting a loss run statement after receiving
97 information from a consumer reporting agency, in which case the
98 insurer shall then provide the loss run statement within 15
99 calendar days after the individual or entity designated by the
100 insurer receives the insured's subsequent written request.

101 (4) A loss run statement provided pursuant to this section
102 must contain a claims history with the insurer for the preceding
103 3 5 years or, if the claims history is less than 3 5 years, a
104 complete claims history with the insurer.

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

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

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

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