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1
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; specifying the required claims history
9 in loss run statements for group health insurance;
10 providing applicability; limiting loss run statement
11 requests with respect to group health insurance
12 policies to group policyholders; amending s. 627.444,
13 F.S.; revising the definition of the term "loss run
14 statement"; specifying the entities that must receive
15 requests for loss run statements; specifying that
16 insurers must provide loss run statements under
17 certain circumstances; specifying the required claims
18 history in loss run statements for group health
19 insurance; providing applicability; limiting loss run
20 statement requests with respect to group health
21 insurance policies to group policyholders; repealing
22 s. 627.6647, F.S., relating to release of claims
23 experience; providing an effective date.
24

25 Be It Enacted by the Legislature of the State of Florida:
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27 Section 1. Subsections (1), (2), and (4) of section
28 626.9202, Florida Statutes, are amended, and subsections (7) and
29 (8) are added to that section, to read:

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30 626.9202 Loss run statements for all lines of insurance.—

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

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

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

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

49 (a) A loss run statement; or

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

62 (4) Except for group health insurance, a loss run statement
63 provided pursuant to this section must contain a claims history
64 with the insurer for the preceding 5 years or, if the claims
65 history is less than 5 years, a complete claims history with the
66 insurer. For purposes of group health insurance, a loss run
67 statement provided pursuant to this section must contain a
68 claims history with the insurer for the preceding 3 years or, if
69 the claims history is less than 3 years, a complete claims
70 history with the insurer.

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

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

76 Section 2. Subsections (1), (2), and (4) of section
77 627.444, Florida Statutes, are amended, and subsections (7) and
78 (8) are added to that section, to read:

79 627.444 Loss run statements for all lines of insurance.—

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

81 (a) "Loss run statement" means a report that contains the
82 policy number, the period of coverage, the number of claims, the
83 paid losses on all claims, and the date of each loss. The term
84 does not include supporting claim file documentation, including,
85 but not limited to, copies of claim files, investigation
86 reports, evaluation statements, insureds' statements, and
87 documents protected by a common law or statutory privilege. As

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88 applied to group health insurance, the term means a report that
89 also contains the premiums paid, the number of insureds on a
90 monthly basis, and the dependent status.

91 (b) "Provide" means to electronically send a document or to
92 allow access through an electronic portal to view or generate a
93 document.

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

98 (a) A loss run statement; or

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

107 (4) Except for group health insurance, a loss run statement
108 provided pursuant to this section must contain a claims history
109 with the insurer for the preceding 5 years or, if the claims
110 history is less than 5 years, a complete claims history with the
111 insurer. For purposes of group health insurance, a loss run
112 statement provided pursuant to this section must contain a
113 claims history with the insurer for the preceding 3 years or, if
114 the claims history is less than 3 years, a complete claims
115 history with the insurer.

116 (7) This section does not apply to a life insurer as

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117 defined in s. 624.602.

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

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

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