

## CHAPTER 2020-51

### Committee Substitute for Senate Bill No. 292

An act relating to insurance claims data; creating ss. 626.9202 and 627.444, F.S.; defining the terms “loss run statement” and “provide”; requiring surplus lines and authorized insurers, respectively, to provide insureds either a loss run statement or certain information within a certain timeframe after receipt of the insured’s written request; providing construction; requiring insurers to provide notice to the agent of record after providing a loss run statement; specifying the required claims history in a loss run statement; providing that insurers are not required to provide loss reserve information; prohibiting insurers from charging a fee to prepare and provide one loss run statement annually; providing an effective date.

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

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

(b) “Provide” means to electronically send a document or to allow access through an electronic portal to view or generate a document.

(2) Notwithstanding any other law, an insurer shall provide to an insured within 15 calendar days after 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 reporting agency. However, this section does not prohibit an insured from requesting a loss run statement after receiving information from a consumer reporting agency.

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

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

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

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

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

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

(b) “Provide” means to electronically send a document or to allow access through an electronic portal to view or generate a document.

(2) Notwithstanding any other law, an insurer shall provide to an insured within 15 calendar days after 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 reporting agency. However, this section does not prohibit an insured from requesting a loss run statement after receiving information from a consumer reporting agency.

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

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

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

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

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

Approved by the Governor June 20, 2020.

Filed in Office Secretary of State June 20, 2020.