

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Safley offered the following:

**Amendment (with title amendment)**

On page 82, between lines 12 & 13 of the bill

insert:

Section 75. Section 626.9543, Florida Statutes, is created to read:

626.9543 Holocaust victims.--

(1) SHORT TITLE.--This section may be cited as the "Holocaust Victims Insurance Act."

(2) INTENT; PURPOSE.--It is the Legislature's intent that the potential and actual insurance claims of Holocaust victims and their heirs and beneficiaries be expeditiously identified and properly paid and that Holocaust victims and their families receive appropriate assistance in the filing and payment of their rightful claims.

(3) DEFINITIONS.--For the purpose of this section:

(a) "Department" means the Department of Insurance.

(b) "Holocaust victim" means any person who lost his or her life or property as a result of discriminatory laws,

1 policies, or actions targeted against discrete groups of  
2 persons between 1920 and 1945, inclusive, in Nazi Germany,  
3 areas occupied by Nazi German, or countries allied with Nazi  
4 Germany.

5 (c) "Insurance policy" means, but is not limited to,  
6 life insurance, property insurance, or education policies.

7 (d) "Legal relationship" means any parent, subsidiary,  
8 or affiliated company with an insurer doing business in this  
9 state.

10 (e) "Proceeds" means the face or other payout value of  
11 policies and annuities plus reasonable interest to date of  
12 payments without diminution for wartime or immediate postwar  
13 currency devaluation.

14 (4) ASSISTANCE TO HOLOCAUST VICTIMS.--The department  
15 shall establish a toll-free telephone number, available in  
16 appropriate languages, to assist any person seeking to recover  
17 proceeds from an insurance policy issued to a Holocaust  
18 victim.

19 (5) PROOF OF A CLAIM.--Any insurer doing business in  
20 this state, in receipt of a claim from a Holocaust victim or  
21 from a beneficiary, descendent or heir of a Holocaust victim,  
22 shall:

23 (a) Diligently and expeditiously investigate all such  
24 claims.

25 (b) Allow such claimants to meet a reasonable, not  
26 unduly restrictive, standard of proof to substantiate a claim,  
27 pursuant to standards established by the department.

28 (c) Permit claims irrespective of any statute of  
29 limitations or notice requirements imposed by any insurance  
30 policy issued, provided the claim is submitted within 10 years  
31 after effective date of this section.

1           (6) STATUTE OF LIMITATIONS.--Notwithstanding any law  
2 or agreement among the parties to an insurance policy to the  
3 contrary, any action brought by Holocaust victims or by a  
4 beneficiary, heir, or descendent of a Holocaust victim seeking  
5 proceeds of an insurance policy issued or in effect between  
6 1920 and 1945, inclusive, shall not be dismissed for failure  
7 to comply with the applicable statute of limitations or laches  
8 provided the action is commenced within 10 years after the  
9 effective date of this section.

10           (7) REPORTS FROM INSURERS.--Any insurer doing business  
11 in this state shall have an affirmative duty to ascertain to  
12 the extent possible and report to the department within 90  
13 days after the effective date of this section and annually  
14 thereafter all efforts made and results of such efforts to  
15 ascertain:

16           (a) Any legal relationship with an international  
17 insurer that issued an insurance policy to a Holocaust victim  
18 between 1920 and 1945, inclusive.

19           (b) The number and total value of such policies.

20           (c) Any claim filed by a Holocaust victim, his or her  
21 beneficiary, heir, or descendent that has been paid, denied  
22 payment, or is pending.

23           (d) Attempts made by the insurer to locate the  
24 beneficiaries of any such policies for which no claim of  
25 benefits has been made.

26           (e) An explanation of any denial or pending payment of  
27 a claim to a Holocaust victim, his or her beneficiary, heir,  
28 or descendent.

29           (8) REPORTS TO THE LEGISLATURE.--The department shall  
30 report to the Legislature one year after the effective date of  
31 this section and annually thereafter:

1           (a) The number of insurers doing business in this  
2 state which have a legal relationship with an international  
3 insurer that could have issued a policy to a Holocaust victim  
4 between 1920 and 1945, inclusive.

5           (b) A list of all claims paid, denied, or pending to a  
6 Holocaust victim, his or her beneficiary, heir, or descendent.

7           (c) A summary of the length of time for the processing  
8 and disposition of a claim by the insurer.

9           (9) PENALTIES.--In addition to any other penalty  
10 provided under this chapter, any insurer or person who  
11 violates the provisions of this section is subject to an  
12 administrative penalty of \$1,000 per day for each day such  
13 violation continues.

14           (10) PRIVATE RIGHT OF ACTION.--An action to recover  
15 damages caused by a violation of this section must be  
16 commenced within 5 years after the cause of action has  
17 accrued. Any person who shall sustain damages by the reason  
18 of a violation of this section shall recover threefold the  
19 actual damages sustained thereby, as well as costs not  
20 exceeding \$50,000, and reasonable attorneys' fees. At or  
21 before the commencement of any civil action by a party, notice  
22 thereof shall be served upon the department.

23           (11) RULES.--The department, by rule, shall provide  
24 for the implementation of the provisions of this section by  
25 establishing procedures and related forms for facilitating,  
26 monitoring, and verifying compliance with this section and for  
27 the establishment for a restitution program for Holocaust  
28 victims, survivors, and their heirs and beneficiaries.

29           (12) SEVERABILITY.--If any provision of this section  
30 or the application thereof to any person or circumstance is  
31 held invalid, the invalidity shall not affect other provisions

1 or applications of the section which can be given effect  
2 without the invalid provision or application, and to this end  
3 the provisions of this section are declared severable.

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

7 And the title is amended as follows:

8        On page 5, line 18

9

10 after the semicolon, insert:

11        creating s. 626.9543, F.S.; providing a short  
12        title; providing legislative intent and  
13        purpose; requiring the Department of Insurance  
14        to provide certain assistance to Holocaust  
15        victims; providing requirements for insurers  
16        relating to insurance claims from  
17        beneficiaries, descendants, or heirs of  
18        Holocaust victims; limiting certain statutes of  
19        limitation under certain circumstances;  
20        requiring insurers to report certain  
21        information to the department; requiring the  
22        department to report to the Legislature;  
23        providing penalties; providing requirements for  
24        bringing certain causes of action; providing  
25        severability;

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