

Bill No. SB 1416

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Geller moved the following amendment to amendment (314080):

Senate Amendment (with title amendment)

On page 3, between lines 8 and 9,

insert:

Section 2. 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

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1 or her life or property as a result of discriminatory laws,
2 policies, or actions targeted against discrete groups of
3 persons between 1920 and 1945, inclusive, in Nazi Germany,
4 areas occupied by Nazi German, or countries allied with Nazi
5 Germany.

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

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

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

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

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

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

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

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

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1 after effective date of this section.

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

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

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

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

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

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

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

30 (8) REPORTS TO THE LEGISLATURE.--The department shall
31 report to the Legislature one year after the effective date of

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1 this section and annually thereafter:

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

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

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

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

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

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

30 (12) SEVERABILITY.--If any provision of this section
31 or the application thereof to any person or circumstance is

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1 held invalid, the invalidity shall not affect other provisions
2 or applications of the section which can be given effect
3 without the invalid provision or application, and to this end
4 the provisions of this section are declared severable.

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6 (Redesignate subsequent sections.)

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

10 And the title is amended as follows:

11 On page 3, line 27,

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13 insert:

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

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