

By Senators Geller, Klein, Forman, Campbell, Meadows, Silver, Rossin, Dyer, Casas, Gutman, Crist, Jones, Harris and Dudley

29-1872-98

See HB

1 A bill to be entitled
2 An act relating to insurance claims of
3 Holocaust victims and their heirs and
4 beneficiaries; creating s. 626.9543, F.S.;
5 providing a short title; providing legislative
6 intent and purpose; requiring the Department of
7 Insurance to provide certain assistance to
8 Holocaust victims; providing requirements for
9 insurers relating to insurance claims from
10 beneficiaries, descendants, or heirs of
11 Holocaust victims; limiting certain statutes of
12 limitation under certain circumstances;
13 requiring insurers to report certain
14 information to the department; requiring the
15 department to report to the Legislature;
16 providing penalties; providing requirements for
17 bringing certain causes of action; providing
18 severability; providing an effective date.

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

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22 Section 1. Section 626.9543, Florida Statutes, is
23 created to read:

24 626.9543 Holocaust victims.--

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

27 (2) INTENT; PURPOSE.--It is the Legislature's intent
28 that the potential and actual insurance claims of Holocaust
29 victims and their heirs and beneficiaries be expeditiously
30 identified and properly paid and that Holocaust victims and

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1 their families receive appropriate assistance in the filing
2 and payment of their rightful claims.

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

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

5 (b) "Holocaust victim" means any person who lost his
6 or her life or property as a result of discriminatory laws,
7 policies, or actions targeted against discrete groups of
8 persons between 1920 and 1945, inclusive, in Nazi Germany,
9 areas occupied by Nazi German, or countries allied with Nazi
10 Germany.

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

13 (d) "Legal relationship" means any parent, subsidiary,
14 or affiliated company with an insurer doing business in this
15 state.

16 (e) "Proceeds" means the face or other payout value of
17 policies and annuities plus reasonable interest to date of
18 payments without diminution for wartime or immediate postwar
19 currency devaluation.

20 (4) ASSISTANCE TO HOLOCAUST VICTIMS.--The department
21 shall establish a toll-free telephone number, available in
22 appropriate languages, to assist any person seeking to recover
23 proceeds from an insurance policy issued to a Holocaust
24 victim.

25 (5) PROOF OF A CLAIM.--Any insurer doing business in
26 this state, in receipt of a claim from a Holocaust victim or
27 from a beneficiary, descendent or heir of a Holocaust victim,
28 shall:

29 (a) Diligently and expeditiously investigate all such
30 claims.

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

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

8 (6) STATUTE OF LIMITATIONS.--Notwithstanding any law
9 or agreement among the parties to an insurance policy to the
10 contrary, any action brought by Holocaust victims or by a
11 beneficiary, heir, or descendent of a Holocaust victim seeking
12 proceeds of an insurance policy issued or in effect between
13 1920 and 1945, inclusive, shall not be dismissed for failure
14 to comply with the applicable statute of limitations or laches
15 provided the action is commenced within 10 years after the
16 effective date of this section.

17 (7) REPORTS FROM INSURERS.--Any insurer doing business
18 in this state shall have an affirmative duty to ascertain and
19 report to the department within 90 days after the effective
20 date of this section and annually thereafter:

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

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

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

28 (d) Attempts made by the insurer to locate the
29 beneficiaries of any such policies for which no claim of
30 benefits has been made.

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1 (e) An explanation of any denial or pending payment of
2 a claim to a Holocaust victim, his or her beneficiary, heir,
3 or descendent.

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

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

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

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

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

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

29 (11) RULES.--The department, by rule, shall provide
30 for the implementation of the provisions of this section by
31 establishing procedures and related forms for facilitating,

1 monitoring, and verifying compliance with this section and for
2 the establishment for a restitution program for Holocaust
3 victims, survivors, and their heirs and beneficiaries.

4 (12) SEVERABILITY.--If any provision of this section
5 or the application thereof to any person or circumstance is
6 held invalid, the invalidity shall not affect other provisions
7 or applications of the section which can be given effect
8 without the invalid provision or application, and to this end
9 the provisions of this section are declared severable.

10 Section 2. This act shall take effect upon becoming a
11 law.

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14 HOUSE SUMMARY

15 Creates the "Holocaust Victims Insurance Act of 1998" to
16 expeditiously identify and properly pay the potential and
17 actual insurance claims of Holocaust victims and their
18 heirs and beneficiaries and provides that Holocaust
19 victims and their families receive appropriate assistance
20 in the filing and payment of their rightful claims.
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