

By Senator Silver

38-2221-99

1 Senate Resolution No. ____

2 A resolution supporting the rights of Holocaust

3 victims to receive certain insurance proceeds.

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5 WHEREAS, in 1998 the Florida Legislature passed the

6 Holocaust Victims Insurance Act to provide that insurance

7 claims of Holocaust victims and their heirs and beneficiaries

8 be expeditiously identified and paid, and that Holocaust

9 victims and their families receive appropriate assistance in

10 the filing and payment of their claims, and

11 WHEREAS, the Department of Insurance has adopted rules

12 to implement the Holocaust Victims Insurance Act, especially

13 the creation of a registry of policy information from the

14 European insurers and their affiliates in this state with

15 respect to policies sold prior to World War II, and the

16 establishment of a restitution program, and

17 WHEREAS, in 1998 the International Commission for the

18 Resolution of Holocaust-Era Insurance Claims was created and

19 included United States Insurance Commissioners,

20 representatives of Jewish organizations, European Insurance

21 Companies, and European regulators, and a chairman selected by

22 the members, to which Bill Nelson was appointed, and

23 WHEREAS, the goal of the commission is to arrive at a

24 framework for the settlement of the insurance claims of

25 Holocaust victims and their beneficiaries, heirs, and

26 descendants, for the purpose of expediting the resolution of

27 these matters to avoid litigation and out of an overdue

28 obligation to pay claims and return assets wrongfully withheld

29 for over five decades, yet there may be pressure from the

30 insurance companies and others to settle on terms less

31 favorable than those intended or allowed by law, or otherwise

1 on terms that are not just and fair to the Holocaust victims
2 and their heirs and beneficiaries, and

3 WHEREAS, the Florida Senate declares its full support
4 for the rights of victims of the Holocaust and their heirs and
5 beneficiaries to receive compensation for all lost assets,
6 including judicial remedies, and also supports a settlement
7 process through the International Commission for the
8 Resolution of Holocaust-Era Claims, if it meets the criteria
9 listed herein and provides Holocaust victims and their heirs
10 and beneficiaries with the ability to obtain full, fair, and
11 expeditious compensation, NOW, THEREFORE,

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13 Be It Resolved by the Senate of the State of Florida:

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15 That Holocaust survivors or their elected
16 representatives must have the predominant decision-making role
17 regarding the disposition of unclaimed insurance proceeds,
18 including long-term health care for every Holocaust survivor,
19 regardless of whether they recover an actual insurance policy,
20 and regardless of financial need;

21 That insurers must make a full, public disclosure of
22 unpaid Holocaust-era policy holders and named beneficiaries,
23 the values and status of the policies, and other relevant
24 information, so that claimants and potential claimants have an
25 opportunity to become fully apprised of their interests and so
26 the public and the appropriate authorities can understand the
27 magnitude of untraceable or heirless proceeds;

28 That every beneficiary, survivor, or legal heir must be
29 paid a fair value in today's U.S. currency, including compound
30 interest from the date the policy would have become due and
31 payable, such as the death of the insured;

1 That claimants may establish their right to insurance
2 proceeds with a reasonable and not unduly restrictive standard
3 of proof, as provided by the Holocaust Victim's Insurance Act.
4 Standards of proof must be at least as liberal as those
5 established by the Department of Insurance, and all processes
6 must be transparent, with the claimants having access to the
7 insurers' complete files to make a claim or an appeal;

8 That the commission must address all forms of insurance
9 from the Holocaust era;

10 That any provisional settlement amount must be a
11 minimum level for the companies' liability. No maximum
12 liability can be established until the companies have made
13 full and public disclosure of the number and total values of
14 their insurance portfolios from the Holocaust era;

15 That any ultimate resolution must be subjected to a
16 public review process during which the survivor community can
17 have a full opportunity to be apprised of the terms of any
18 claims process, as well as the amounts and process for
19 disposition of any communal resources; and

20 That the Florida Senate will continue to ensure access
21 to this state's courts for any claimant to seek redress for
22 all wrongs committed by any insurer for any claim, including
23 claims covered by the Holocaust Victim's Insurance Act.
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