

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 913 Holocaust Victims Assistance Act

SPONSOR(S): Bileca and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 936

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Insurance & Banking Subcommittee	11 Y, 0 N	Vanlandingham	Cooper
2) Regulatory Affairs Committee	14 Y, 0 N	Vanlandingham	Hamon

SUMMARY ANALYSIS

In 1998, the Florida Legislature enacted the Holocaust Victims Insurance Act to provide several forms of relief for Holocaust survivors and their families. The legislation authorized the Florida Department of Financial Services (DFS) to assist Holocaust survivors and their families in recovery of proceeds from insurance policies issued to victims of the Holocaust.

Since 1998, more than 5,269 claims from Florida residents have been processed through the International Commission on Holocaust Era Insurance Claims (ICHEIC), the German Foundation, and the Austrian General Settlement Fund. Combined, Florida residents to date have received positive decisions totaling \$17,167,682, resulting in payments of more than \$12,000,000.

DFS has a toll-free line dedicated to this mission, as well as one FTE who works with five Jewish service organizations which have contracts to reach out to survivors and assist them with claims. Recently, however, the number of calls fielded by DFS has dwindled to about 100 per year as Holocaust survivors have died and as relevant insurance claims have been collected.

HB 913 permits DFS to expand its assistance to Holocaust survivors beyond recovery of insurance claims to include seeking restitution for Nazi-confiscated bank accounts, art, and other property or assets. This change permits DFS to explore several new sources of restitution for Holocaust survivors whose property was seized by Nazi governments or collaborators.

Additionally, the bill clarifies that the education of Holocaust survivors as to the existence of the restitution program, the availability of restitution monies, the appropriate procedural steps to be followed for the recovery of such proceeds, and their rights under this process, are all part of the restitution program overseen by DFS. DFS expects that the bill, aided by its outreach efforts to alert survivors about its expanded services, will increase volume to its existing toll-free hotline and lead to increased assistance to more survivors.

The bill has no new fiscal impact on state government.

The legislation has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background on current efforts to assist Holocaust survivors

In 1998, the Florida Legislature enacted the Holocaust Victims Insurance Act to provide several forms of relief for Holocaust survivors and their families.¹ The legislation authorized the Florida Department of Financial Services (DFS) to assist Holocaust survivors and their families in recovery of proceeds from insurance policies issued to victims of the Holocaust. Current law also requires insurers who do business in Florida to report yearly on the status of all past and present Holocaust insurance claims.²

DFS's Division of Legal Services estimates there are between 14,000 and 16,000 Holocaust survivors or survivor beneficiaries residing in Florida. Since the Legislature directed DFS in 1998 to assist Holocaust victims in recovering claims, more than 5,269 claims from Florida residents have been processed through the International Commission on Holocaust Era Insurance Claims (ICHEIC), the German Foundation, and the Austrian General Settlement Fund. Humanitarian payments of \$1,000 have also been received by 1,549 Florida residents, totaling \$1,549,000. In addition, ICHEIC distributed more than \$329,000 to Florida residents for payments on policies for companies that are no longer in existence. Combined, Florida residents to date have received positive decisions totaling \$17,167,682, resulting in payments of more than \$12,000,000.

DFS has a toll-free line dedicated to this mission, as well as one FTE who works with five Jewish service organizations which have contracts with DFS to reach out to survivors and assist them with claims. Together, these organizations contact about 1,000 survivors a year and assist them in identifying and perfecting insurance claims, resulting in about 800 such applications a year. DFS also has contracts for educational components of the program with the Holocaust Documentation & Education Center, in Hollywood, Fla., and with the Holocaust Memorial Resource and Education Center of Florida, in Maitland.

Today, DFS is fielding about 100 calls a year to its toll-free hotline. This number has dwindled in recent years as Holocaust survivors have died and as relevant insurance claims have been collected. Capacity thus exists to expand services provided to Florida residents who are Holocaust survivors without incurring any new fiscal impact to DFS.

Effect of HB 913

The bill permits DFS to expand its assistance to Holocaust survivors beyond recovery of insurance claims to include seeking restitution for Nazi-confiscated bank accounts, art, and other property or assets. This change permits DFS to explore new sources of restitution for Holocaust survivors, such as:

- Austrian National Fund for Victims of National Socialism and the General Settlement Fund, Austria;
- Claims Resolution Tribunal, Switzerland;
- Commission for the Compensation of Victims of Spoliation, France;
- The Company for Locating and Retrieving Assets of People Who were Killed in the Holocaust, Ltd., Israel;
- Enemy Property Claims Assessment Panel, London;
- Foreign Claims Settlement Commission, United States;
- French Minister of Defense, France;
- German Federal Office for Central Services and Unresolved Property Issues, Germany;
- Goodwill Fund, Germany; and

¹ Chapter 98-173, Laws of Fla., codified at § 626.9543, F.S.

² Section 626.9543(7), F.S.

- Commission for Looted Art in Europe.

Additionally, the bill clarifies that the education of Holocaust survivors as to the existence of the restitution program, the availability of restitution monies, the appropriate procedural steps to be followed for the recovery of such proceeds, and their rights under this process, are all necessarily part of an effective restitution program. DFS expects that the bill, aided by its outreach efforts to alert survivors about its expanded services, will increase volume to its existing toll-free hotline and lead to increased assistance to more survivors.

Finally, the bill clarifies that insurers who do business in Florida, all of which are already required to report annually on the status of past and present Holocaust insurance claims, are also required timely to file a new report if there are any changes to a previous report and are further required, upon request by DFS, to provide any information necessary to substantiate the accuracy of such reports.

B. SECTION DIRECTORY:

Section 1. Amends s. 626.9543, F.S., to grant DFS new authority to expand its assistance to Holocaust victims to seek restitution for Nazi-confiscated property.

Section 2. Establishes an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or, reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.