

1 A bill to be entitled
 2 An act relating to the Holocaust Victims Assistance
 3 Act; amending s. 626.9543, F.S.; revising the short
 4 title; broadening the act to include financial claims
 5 and assets and other property, and to address the
 6 effect of nonpayment of claims or nonreturn of
 7 property on victims; deleting a time limitation on
 8 insurers for providing certain information to the
 9 Department of Financial Services and requiring
 10 insurers to provide a report under certain
 11 circumstances; revising the content and timing of the
 12 annual report to the Legislature; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Subsections (1) through (4), (7), (8), and (11)
 18 of section 626.9543, Florida Statutes, are amended to read:

19 626.9543 Holocaust victims.—

20 (1) SHORT TITLE.—This section may be cited as the
 21 "Holocaust Victims Assistance ~~Insurance~~ Act."

22 (2) INTENT; PURPOSE.—It is the Legislature's intent that
 23 the potential and actual insurance claims, actual financial
 24 claims, and the assets and property of Holocaust victims and
 25 their heirs and beneficiaries be expeditiously identified and
 26 properly paid, compensated, or returned. The Legislature also
 27 intends ~~and~~ that Holocaust victims and their families receive
 28 appropriate assistance in the filing and payment of their

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29 | rightful claims, and in addressing the effects of the nonpayment
30 | of claims or nonreturn of confiscated assets and property on the
31 | victims, including assistance with gaining access to funding
32 | provided to address such effects.

33 | (3) DEFINITIONS.—As used in ~~For the purpose of~~ this
34 | section, the term:

35 | (a) "Holocaust victim" means any person who lost his or
36 | her life or property as a result of discriminatory laws,
37 | policies, or actions targeted against discrete groups of persons
38 | between 1920 and 1945, inclusive, in Nazi Germany, areas
39 | occupied by Nazi Germany, or countries allied with Nazi Germany.

40 | (b) "Insurance policy" means, but is not limited to, life
41 | insurance, property insurance, or education policies.

42 | (c) "Legal relationship" means any parent, subsidiary, or
43 | affiliated company with an insurer doing business in this state.

44 | (d) "Proceeds" means the face or other payout value of
45 | policies, and annuities, or other financial instruments or
46 | assets, plus reasonable interest to the date of ~~payment~~ payments
47 | without diminution for wartime or immediate postwar currency
48 | devaluation.

49 | (4) ASSISTANCE TO HOLOCAUST VICTIMS.—The department shall
50 | establish a toll-free telephone number, available in appropriate
51 | languages, to assist any person seeking to recover insurance
52 | claims or other financial proceeds or property owed ~~from an~~
53 | ~~insurance policy issued~~ to a Holocaust victim, and to assist
54 | through education to mitigate the effects of the nonpayment of
55 | claims or nonreturn of property on Holocaust survivors.

56 | (7) REPORTS FROM INSURERS.—

57 | (a) Any insurer doing business in this state ~~has shall~~
 58 | ~~have~~ an affirmative duty to ascertain the following to the
 59 | extent possible and report to the department ~~within 90 days~~
 60 | ~~after the effective date of this section and annually thereafter~~
 61 | all efforts made and the results of such efforts ~~to ascertain:~~

62 | 1.(a) Any legal relationship with an international insurer
 63 | that issued an insurance policy to a Holocaust victim between
 64 | 1920 and 1945, inclusive.

65 | 2.(b) The number and total value of such policies.

66 | 3.(e) Any claim filed by a Holocaust victim, his or her
 67 | beneficiary, heir, or descendant that has been paid, denied
 68 | payment, or is pending.

69 | 4.(d) Attempts made by the insurer to locate the
 70 | beneficiaries of any such policies for which a ~~ne~~ claim of
 71 | benefits has not been made.

72 | 5.(e) An explanation of any denial or pending payment of a
 73 | claim to a Holocaust victim, his or her beneficiary, heir, or
 74 | descendant.

75 | (b) Insurers shall timely file a new report if there are
 76 | any changes to the previous report, or if requested to do so by
 77 | the department. Insurers shall timely provide any information
 78 | regarding unpaid Holocaust claims or any information necessary
 79 | to substantiate the accuracy of such reports upon the request of
 80 | the department.

81 | (8) REPORTS TO THE LEGISLATURE.—By July 1 of each year,
 82 | the department shall report to the Legislature ~~1 year after the~~
 83 | ~~effective date of this section and annually thereafter:~~

84 | (a) The number of insurers doing business in this state

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85 | which have a legal relationship with an international insurer
86 | that could have issued a policy to a Holocaust victim between
87 | 1920 and 1945, inclusive.

88 | (b) A list of all claims paid, denied, or pending to a
89 | Holocaust victim, his or her beneficiary, heir, or descendant.

90 | (c) Any efforts made on behalf of Holocaust victims to
91 | secure financial reparations or other assistance ~~A summary of~~
92 | ~~the length of time for the processing and disposition of a claim~~
93 | ~~by the insurer.~~

94 | (11) RULES.—The department, by rule, shall provide for the
95 | implementation of ~~the provisions of~~ this section by establishing
96 | procedures and related forms for facilitating, monitoring, and
97 | verifying compliance with this section and for the establishment
98 | of a restitution and assistance program for Holocaust victims,
99 | survivors, and their heirs and beneficiaries.

100 | Section 2. This act shall take effect July 1, 2013.