

By Senator Lee

24-00596C-13

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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:

16  
 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  
 29           rightful claims, and in addressing the effects of the nonpayment

24-00596C-13

2013936\_\_

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 her  
36 life or property as a result of discriminatory laws, policies,  
37 or actions targeted against discrete groups of persons between  
38 1920 and 1945, inclusive, in Nazi Germany, areas occupied by  
39 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 have~~  
58 an affirmative duty to ascertain the following to the extent

24-00596C-13

2013936

59 possible and report to the department ~~within 90 days after the~~  
60 ~~effective date of this section and annually thereafter~~ all  
61 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.(c) 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 ~~no~~ 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, the  
82 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  
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.

24-00596C-13

2013936\_\_

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.