

CHAPTER 2013-149

House Bill No. 913

An act relating to the Holocaust Victims Assistance Act; amending s. 626.9543, F.S.; revising the short title; broadening the act to include financial claims and assets and other property, and to address the effect of nonpayment of claims or nonreturn of property on victims; deleting a time limitation on insurers for providing certain information to the Department of Financial Services and requiring insurers to provide a report under certain circumstances; revising the content and timing of the annual report to the Legislature; providing an effective date.

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

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

626.9543 Holocaust victims.—

(1) SHORT TITLE.—This section may be cited as the “Holocaust Victims Assistance ~~Insur~~anee Act.”

(2) INTENT; PURPOSE.—It is the Legislature’s intent that the potential and actual insurance claims, actual financial claims, and the assets and property of Holocaust victims and their heirs and beneficiaries be expeditiously identified and properly paid, compensated, or returned. The Legislature also intends and that Holocaust victims and their families receive appropriate assistance in the filing and payment of their rightful claims, and in addressing the effects of the nonpayment of claims or nonreturn of confiscated assets and property on the victims, including assistance with gaining access to funding provided to address such effects.

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

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

(b) “Insurance policy” means, but is not limited to, life insurance, property insurance, or education policies.

(c) “Legal relationship” means any parent, subsidiary, or affiliated company with an insurer doing business in this state.

(d) “Proceeds” means the face or other payout value of policies, and annuities, or other financial instruments or assets, plus reasonable interest

to the date of payment ~~payments~~ without diminution for wartime or immediate postwar currency devaluation.

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

(7) REPORTS FROM INSURERS.—

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

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

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

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

4.(d) Attempts made by the insurer to locate the beneficiaries of any such policies for which ~~a~~ no claim of benefits has not been made.

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

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

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

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

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

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

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

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

Approved by the Governor June 7, 2013.

Filed in Office Secretary of State June 7, 2013.