

By Representative Bloom

House Resolution

A resolution supporting the rights of Holocaust victims to receive certain insurance proceeds.

WHEREAS, in 1998 the Florida Legislature passed the Holocaust Victims Insurance Act to provide that insurance claims of Holocaust victims and their heirs and beneficiaries be expeditiously identified and paid, and that Holocaust victims and their families receive appropriate assistance in the filing and payment of their claims, and

WHEREAS, the Department of Insurance has adopted rules to implement the Holocaust Victims Insurance Act, especially the creation of a registry of policy information from the European insurers and their affiliates in this state with respect to policies sold prior to World War II, and the establishment of a restitution program, and

WHEREAS, in 1998 the International Commission for the Resolution of Holocaust-Era Insurance Claims was created and included United States Insurance Commissioners, representatives of Jewish organizations, European Insurance Companies, and European regulators, and a chairman selected by the members, to which Bill Nelson was appointed, and

WHEREAS, the goal of the commission is to arrive at a framework for the settlement of the insurance claims of Holocaust victims and their beneficiaries, heirs, and descendants, for the purpose of expediting the resolution of these matters to avoid litigation and out of an overdue obligation to pay claims and return assets wrongfully withheld for over five decades, yet there may be pressure from the insurance companies and others to settle on terms less 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 House of Representatives declares
4 its full support for the rights of victims of the Holocaust
5 and their heirs and beneficiaries to receive compensation for
6 all lost assets, including judicial remedies, and also
7 supports a settlement process through the International
8 Commission for the Resolution of Holocaust-Era Claims, if it
9 meets the criteria listed herein and provides Holocaust
10 victims and their heirs and beneficiaries with the ability to
11 obtain full, fair, and expeditious compensation, NOW,
12 THEREFORE,

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14 Be It Resolved by the House of Representatives of the State of
15 Florida:

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

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

30 That every beneficiary, survivor, or legal heir must be
31 paid a fair value in today's U.S. currency, including compound

1 interest from the date the policy would have become due and
2 payable, such as the death of the insured;

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

10 That the commission must address all forms of insurance
11 from the Holocaust era;

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

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

22 That the Florida House of Representatives will continue
23 to ensure access to this state's courts for any claimant to
24 seek redress for all wrongs committed by any insurer for any
25 claim, including claims covered by the Holocaust Victim's
26 Insurance Act.

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