

Florida Department of Financial Services Holocaust Victims Assistance Act
Report to the Legislature 7/1/19 – 6/30/20
Abstract

In 1998, the Florida Legislature enacted section 626.9543, Florida Statutes, the Holocaust Victims Insurance Act, and in 2013 an amendment was enacted that changed the name from the Holocaust Victims Insurance Act to the Holocaust Victims Assistance Act (“the Act”) and created a commensurate expansion in the scope of the Act. The Florida Department of Financial Services (“Department”) has implemented the Act and has taken appropriate steps to enforce compliance with its requirement. The Department’s current rule for the implementation of this statute is set forth in 69J-137.010, F.A.R.

There are 76 Florida licensed insurers that have legal ties to an international insurer that may have issued a policy to a Holocaust victim between 1920 and 1945. These insurers identified 9 international insurers that fit the criteria of the Act. Eight insurers reported summary claims information, while one insurer reported they have not received any claims related to victims of the Holocaust.

The Department maintains a website providing restitution information for Holocaust survivors; and, has contracted with six Holocaust assistance entities in Florida. The cumulative outreach and education efforts have reached more than 17,445 Florida Survivors and their families. Since the beginning of the program, more than 12,261 claims from Florida residents have been processed through European Settlement Funds. To date, Florida residents have received Holocaust victim financial assistance totaling \$59,269,548.01 which includes a total of \$10,442,314.21 in fiscal year 2019-2020. Florida’s Holocaust survivors received restitution from European Settlement Funds, as well as financial assistance (medicine, medical programs, food, dental care, and emergency assistance) through the contracted Holocaust assistance entities.

The Department continues its efforts to assist survivors in obtaining wire transfer fee waivers on all European restitution payments. Currently, 21 Florida-regulated financial institutions participate in the fee waiver program. The Department also worked with the Florida Department of Children and Families changing Food Stamp eligibility requirements to exclude reparation payments made to victims of Nazi persecution when making eligibility determinations.

On June 26, 2017, the Governor approved HB 925 (2017-175, Laws of Florida) which continues the Holocaust Victims Assistance Act to ensure continued support is provided to Holocaust survivors in acquiring much needed financial reparations or other financial assistance, as well as to continue to reunite Floridians with financial assets that were stolen from them during the Nazi era.

HOLOCAUST VICTIMS ASSISTANCE ACT

REPORT TO THE LEGISLATURE

July 1, 2020



JIMMY PATRONIS CHIEF FINANCIAL OFFICER
FLORIDA DEPARTMENT OF FINANCIAL SERVICES



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

July 1, 2020

The Honorable Bill Galvano,
President of the Florida Senate
The Honorable José Oliva,
Speaker of the House of Representatives

Dear President Galvano and Speaker Oliva:

Attached please find the Department of Financial Services' annual report relating to the Holocaust Victims Assistance Act (the Act). The report is for the period from July 1, 2019 to June 30, 2020 and is submitted in compliance with section 626.9543, Florida Statutes. The report contains specific information required by the Act and is intended to apprise the Florida Legislature of the status of the efforts made on behalf of Florida Holocaust Survivors.

If you have any questions, please contact Lynn Grossman, Holocaust Claims Coordinator with the Division of Consumer Services, Florida Department of Financial Services at (850) 413-4160.

Sincerely,

Lynn H. Grossman

Lynn H. Grossman
Holocaust Claims Coordinator

Florida Department of Financial Services
Holocaust Victims Assistance Act
Report to the Legislature
July 1, 2020

In 1998, the Florida Legislature enacted section 626.9543, Florida Statutes, the Holocaust Victims Insurance Act, and in 2013, an amendment was enacted that changed the name from the Holocaust Victims Insurance Act to the Holocaust Victims Assistance Act (“the Act”) and created a commensurate expansion in the scope of the Act. (A copy of the Act is included in Appendix A.) The Florida Department of Financial Services (“Department”) has implemented the Act and has taken appropriate steps to enforce compliance with its requirements. On June 26, 2017, the Governor approved HB 925 (2017-175, Laws of Florida) which continues the Holocaust Victims Assistance Act, so as to ensure continued support is provided to Holocaust survivors with the complicated and tedious task of acquiring much needed financial reparations or other financial assistance, as well as to continue to reunite Floridians with financial assets that were stolen from them during the Nazi era.

The Department has promulgated Rule 69J-137.010, as proposed in The Florida Administrative Register (FAR), Volume 39, Number 247, December 23, 2013. The Notice of Proposed Rule was published in the February 21, 2014 issue of the FAR (Volume 40, No. 36). Comments were received from the Joint Administrative Procedures Committee (JAPC) that necessitated a Notice of Change in the March 31, 2014 issue of the FAR (Volume 40, Number 62). The rule was filed for adoption with the Department of State on April 21, 2014 and took effect on May 11, 2014, to implement the Act and establish procedures for meeting the standard of proof contained in Paragraph (5) as well as the other provisions of the Act. (A copy of the rule is included in Appendix B.) The Department also worked in conjunction with ICHEIC to establish relaxed standards of proof, consistent with the provisions of the Act that were adhered to by the participating European insurers.

This report is made pursuant to subsection (8) of the Act to apprise the Legislature of the information obtained by the Department and to report the specific information required by subsection (8).

I. Efforts Made on Behalf of Holocaust Victims to Secure Financial Reparations or Other Assistance:

Pursuant to paragraph (4) of the Act, in 1998, the Department established a toll-free, multi-lingual telephone number to assist any person seeking to recover proceeds from an insurance policy issued to a Holocaust victim. Consistent with the Legislature’s stated intent, the Department took the following steps to assist Holocaust victims:

1. Established and continues to maintain links to the websites of the Department and other reparation funds that provide information concerning Holocaust victims’ restitution issues, news of Holocaust victim financial restitution developments, and lists of policyholders from the years during the Holocaust.

2. Coordinated with the Florida Department of Children and Families to revise Food Stamp eligibility requirements to exclude reparation payments made to victims of Nazi persecution when making eligibility determinations.
3. During the 2017 Legislative session, the Department requested that the Florida Legislature eliminate the July 1, 2018 time-limit on filing a Holocaust era insurance claim and protect such claims from the statute of limitations, as was previously set forth in section 626.9543(5)(c) and (6), Florida Statutes. The bill was passed and approved by the Governor effective July 1, 2017.
4. The Department continues to partner with the Holocaust Assistance Programs at Jewish Family Services agencies throughout the State of Florida in providing assistance to Holocaust Survivors in their efforts to pursue Holocaust era claims.
5. The State of Florida's Chief Financial Officer has represented Florida Survivors through membership on the following entities:
 - The Executive Oversight Committee of the International Commission on Holocaust Era Insurance Claims (ICHEIC), which was the leadership arm of ICHEIC, and permitted the Department, as one of only three state regulators, to have substantial input into the ICHEIC claims process.
 - The Operations Committee of ICHEIC, which recommended procedures for the operation of ICHEIC to Chairman Eagleburger.
6. The Department has conducted on-site searches of the archives of selected European insurers, including Allianz, Winterthur, and Aegon, on behalf of Florida claimants.
7. The Department contracted with the following entities in fiscal year 2019-2020:

Five Florida Jewish Family Services agencies which continue to provide social services assistance to Holocaust Survivors and to assist them in their pursuit of home health care and Holocaust era restitution claims.

- Gulf Coast Jewish Family & Community Services
- Goodman Jewish Family Services of Broward County
- Jewish Community Services of South Florida
- Ferd & Gladys Alpert Jewish Family & Children's Services of Palm Beach County
- Ruth & Norman Rales Jewish Family Services Inc.

Of the approximately 12,000 Holocaust Survivors residing in Florida, studies indicate that more than 25% of them live below the poverty level. As the number of Survivors decline, their need for financial assistance increases. Further, as these victims continue to age and become more vulnerable, the importance of seeking

assistance to help ease the burdens they face and enable them to age in place is vital for health, well-being, and dignity.

During FY 2019-2020, these five agencies provided outreach and education to increase awareness of the new and existing Holocaust restitution programs for which Holocaust Victims are eligible to submit claims. Their cumulative efforts resulted in reaching 17,445 Florida Survivors and their families through cultural events, speakers, mailings, etc.

These five Holocaust Assistance Programs of Jewish Family Services have assisted Florida Survivors in obtaining home care and emergency dollars (for medical care, dental care, food, client transportation, etc.) in addition to assisting with applications and attendant paperwork to access additional monthly pension payments.

The caseworkers assist eligible Survivors in applying for restitution from European settlement funds intended to provide monetary compensation to Nazi victims. The guidelines for the German Hardship Fund provide a one-time payment of \$2,770 at the current exchange rate for eligible Nazi victims. The German Hardship Fund has paid approximately 11.8 million Euros to 3,337 Florida Survivors since October 1980. In late 1992, the German Federal Government began a program (Article 2 Fund) that provides pension payments to Jewish Nazi victims who meet specified criteria related to persecution and income. The monthly payments per person increased to 513 Euros (approximately \$556) per month. Since the inception of the program the Article 2 Fund has paid pensions to approximately 2,442 individual Jewish Nazi victims living in Florida. Currently, 893 individuals in Florida receive pensions under the Article 2 Fund.

In 2014, the German Government created the Child Survivor Fund, for Jewish Nazi victims who suffered persecution as children. Holocaust Survivors born after 1928 and who meet specified criteria are entitled to an additional one-time payment. To date, the Child Survivor Fund has paid 1,183 Jewish Nazi victims in Florida a one-time payment of €2,500 per person (approximately \$2,709.00 at the current exchange rate).

The application and claims processes for restitution funds are complicated and difficult for the aging Holocaust Survivor population to navigate. Thus, the assistance of the caseworkers in helping Florida Holocaust Survivors to prepare and submit their claims is invaluable. During the 2019-2020 fiscal year \$1,050,685 in restitution payments from European settlement funds were paid to Florida Holocaust Survivors.

Some examples of the efforts by Department partners include:

A new client in Boca Raton was assisted with his application to the Article 2 Fund. His mother was pregnant with him when she was sent to a concentration camp and he was born in the camp. His application was approved and he received a retroactive payment of 7,538 Euros and will be receiving the ongoing payments of \$513 per month. This same client was assisted in establishing his eligibility for payment of home health care services from funds provided to the Claims Conference by the German Federal Government.

Another client, from the Boyton Beach area, is an 82-year-old woman from Austria who resides with her husband. With the assistance of one of our partners, she submitted an application for Austrian benefits and received a retroactive payment of \$99,000. Her application involved two years of continuous contact with the Austrian Embassy in Washington. This client will also continue receiving a monthly pension payment.

A Miami Survivor born in Marseille, France in 1931 who is legally blind was frustrated with the meticulous research required to establish eligibility to receive reparations as a Holocaust Survivor. With the assistance from one of our providers, he completed the process of applying for compensation. After two years, he received payment from the Child Survivor Fund (\$2,786), and a retroactive payment of \$11,900 from the Article 2 Fund, and he will continue to receive quarterly payments of \$1,475 from the Article 2 Fund.

In the Clearwater area, a Survivor that was born in Debrecen, Hungary in 1932, applied to the German Ghetto Fund. When he was 13 years old he was moved into the Debrecen Ghetto with his mother and forced into slave labor. In 1945, he was moved to a German concentration camp and liberated later that year. His application was approved and he was awarded a retroactive payment of \$23,000 and will continue to receive a monthly pension from the Ghetto Fund.

Another Clearwater client that was born in Munich, Germany in 1936 needed assistance in applying for restitution. Her family decided to leave Germany after Kristallnacht and booked tickets on a ship to Shanghai in 1939. The family was sent to a refugee camp and then to the Hongkew Ghetto and they remained in the ghetto until the end of the war. Her case manager assisted her in applying to the Article 2 Fund and she was awarded a retroactive payment of \$8,200 and continues to receive a quarterly pension going forward.

During the Covid-19 Pandemic with the ‘safer at home’ guidelines, it has been difficult for Survivors to shop for food and other supplies during the pandemic. Our partners in Clearwater, have used donations to purchase much needed cleaning supplies and groceries for Survivors. Passover supplies were delivered to 25 Survivors. In addition, the case managers have connected 26 Survivors with Feeding Tampa Bay and those eligible clients are now receiving 7 frozen meals

each week. Those meals are delivered to the Survivors home. Our partner in Boca Raton, has added 40 Holocaust Survivors to the areas' Meals on Wheels program. All of the Holocaust Victims Assistance Programs that the Department partners with during the pandemic have continued to take care of, provide for, and comfort the Holocaust Survivors of Florida. The case managers have been extremely dedicated to their clients during the pandemic and services continue to be provided to Holocaust Survivors in Florida.

8. As part of the Department's outreach efforts we assisted the Holocaust Memorial Resource and Education Center of Florida in Maitland, Florida in creating and displaying a permanent Holocaust era restitution museum quality exhibit. This Center also provides outreach and education to Holocaust Survivors in the Maitland/Orlando area, including education for Survivors and their heirs, as to how to pursue payment on Holocaust restitution claims. This past year, this Center's outreach efforts reached over 6,006 individuals in the Maitland area.

In addition, during FY 2019-2020, there were 22,260 visitors to the Holocaust Memorial Museum where the Department's Holocaust Era restitution exhibit is displayed. This entity also provided assistance to Survivors and their families in obtaining unpaid Holocaust era restitution claims.

9. As a result of these efforts to assist Holocaust victims, over 12,261 claims from Florida residents have been processed through ICHEIC, the German Foundation, the Austrian General Settlement Fund, and other European Settlement Funds. **To date, Florida residents have received positive decisions¹ and financial assistance totaling \$59,268,548.01; an increase of \$10,442,314.21 during this fiscal year.**

In addition, this year 1,242 Florida Holocaust Survivors were provided assistance with submitting restitution claims to European Settlement Funds, accessing free home health care, and accessing emergency dollars for medical needs, dental expenses, and home repairs.

As a result of the expansion in the scope of the Holocaust Victims Assistance Act in July of 2013, the Department is now assisting Survivors with applications for restitution from Polish, French, German, Hungarian, Romanian, Dutch, and Austrian settlement funds. This past year, assistance was provided with unpaid insurance claims, bank claims, European pension claims, home health care, and emergency financial assistance. The Department's Holocaust Victims Assistance contract caseworkers assist victims of Nazi persecution in applying for and perfecting the paperwork and documentation necessary to continue receiving these funds.

¹ Positive decisions from the Austrian General Settlement Fund (GSF) to Florida Holocaust Survivors have totaled \$6,601,699. The GSF has made endowments of \$210 million, \$25 million of which were earmarked for insurance policies, and the rest of the funds represented losses in capital assets. The GSF reviewed all applications using ICHEIC-negotiated relaxed standards of proof. The overall allocation allowed for payments equal to 20.74% for any unpaid insurance policies due to the lack of available funding.

In 2018, the Romanian Survivor Relief fund on behalf of the Caritatea Foundation in Romania began to accept claim forms and distribute restitution funds (\$1.21 million dollars) for communal properties wrongfully taken from Jewish communities of Romania during and after World War II. The funds are being distributed equally to approved applicants, and so far approximately 160 Florida residents have received payments.

Another restitution fund that has become available as of January 1, 2019 is the Kindertransport Fund. This fund is for eligible Survivors that were under 21 years of age, unaccompanied by their parents and took part in a transport that was not organized by the German government in order to escape potentially threatening persecution by German forces. This fund has begun issuing one-time payments of approximately \$2,800 to eligible Florida Survivors.

Survivors in Florida were also assisted by our partners in accessing much-needed home health care assistance. The Conference on Jewish Material Claims Against Germany (Claims Conference) provides payments from funds paid by the German government and other resources for the costs of home health care for elderly Survivors. Florida Survivors' needs are assessed on the Home Care Services Diagnostic Assessment Form to ascertain the level of assistance for which they qualify and then eligible Survivors were provided home health care services. During this fiscal year, our partners were able to obtain \$9,281,521. in home health care for Florida Holocaust Survivors who might not have otherwise had the ability to apply.

Eligible Survivors also received emergency financial assistance (medicine, medical programs, food, dental care, socialization, client transportation, and emergency assistance). The Department's contracts with the five Holocaust Assistance Programs in the state of Florida provided an opportunity for more Florida Survivors to apply for and receive this financial assistance from the Claims Conference. During fiscal year 2019-2020, \$110,107.61 was awarded to Survivors for emergency services.

10. The Department continues its efforts to expand the number of Florida-regulated financial institutions that are participating in the Holocaust Survivor Fee Waiver Program. This program encourages financial institutions to voluntarily waive any international wire transfer fees on Holocaust reparation payments to Florida Holocaust Survivors. At the inception of the program, an informational letter was mailed to Florida Holocaust Survivors to educate them about this program. The letter also encouraged Holocaust Survivors to contact the Department for assistance if their bank was not yet participating in this program. Currently, information regarding the Holocaust Survivor Fee Waiver Program can be found on the programs' website at www.MyFloridaCFO.com/Division/Consumers/Holocaust/. The banks that are currently participating in the program are:

- AmTrust Bank
- Bank of America
- Branch Banking and Trust (BB&T)

- Citizens Bank and Trust
- Executive National Bank
- FirstBank Florida
- First Commerce Credit Union
- Gold Coast Federal Credit Union
- GTE Financial
- HSBC Bank
- JPMorgan Chase Bank
- PriorityONE Credit Union of Florida
- Regions Bank
- Seacoast National Bank
- Stonegate Bank
- SUN Credit Union
- SunTrust Bank
- TD Bank
- USF Federal Credit Union
- VyStar Credit Union
- Wells Fargo

11. Future efforts will include:

- The Department will continue to provide outreach and assistance with applications for the Kindertransport Fund that opened on January 1, 2019. The fund will issue a one-time payment of approximately \$2,800 per person. This fund is open to Jewish Nazi victims who were under 21 years of age, unaccompanied by their parents and took part in a transport that was not organized by the German government in order to escape potentially threatening persecution by German forces.
- The Department will continue to assist eligible Florida Holocaust Survivors or the heirs of Holocaust victims who were transported to concentration and extermination camps during World War II by Nederlandse Spoorwegen (NS), the Dutch state railway company in pursuing restitution from the Dutch Railway Compensation fund.
- Continuing the implementation of outreach and educational programs for Florida Holocaust Survivors to include assistance with insurance claims, financial claims, and the assets and property of Holocaust victims and their heirs in order to assist with the mitigation of the effects of nonpayment of claims or non-return of property on Holocaust Survivors. The Department will continue its outreach activities within the Jewish communities throughout the State of Florida. This will facilitate full access by all Survivors to all restitution programs available to them. The Department will also provide this group of Survivors direct assistance with cases still pending with international reparation programs.

- The Department will continue to assist and provide counsel to Florida Survivors that call for help in pursuing Holocaust era restitution claims. The Department's Licensed Clinical Social Worker is continually available to sensitively guide the Survivors through this process of recalling operative details relating to their potential claims to facilitate and improve the documenting of their claims and to address the effects of the non-payment of claims.
- The Department will continue its efforts to encourage all Florida financial institutions to participate in the Holocaust Survivor Fee Waiver Program. This program prevents Survivors from being assessed an international wire transfer fee, ranging from \$10 to \$40 per transaction for reparation payments. This transfer fee amounts to a 10 percent tax on each payment a Survivor receives.

II. 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.

1. The Department required all Florida licensed insurers to file a report in accordance with paragraph (7) of the Act.
2. Seventy-six (76) licensed insurers in Florida reported a legal relationship with an international insurer that could have issued a policy to a Holocaust victim between 1920 and 1945.
3. The reports of the 76 Florida licensed insurers identified nine (9) international insurers that fit the criteria of the Act. A synopsis of the information provided by or on behalf of each of the nine international insurers is included in the exhibits attached to this report.

III. A list of all claims paid, denied or pending to a Holocaust victim, his or her beneficiary, heir, or descendent.

1. Eight (8) international insurers have reported summary claims information based on global statistics. (See Exhibits I-VI, VIII, IX in Appendix C.)
2. One (1) international insurer reported that they have not received any claims related to victims of the Holocaust. (See Exhibit VII in Appendix C.)

APPENDIX

APPENDIX A: Holocaust Victims Assistance Act, section 626.9543, Florida Statutes (2018)

APPENDIX B: Rule 69J-137.010, F.A.C., Holocaust Victims Insurance Report and Standards of
Proof

APPENDIX C: Schedule of Insurance Company Exhibits

APPENDIX A

The 2019 Florida Statutes

Title XXXVII

Chapter 626

[View Entire Chapter](#)

INSURANCE

INSURANCE FIELD REPRESENTATIVE AND OPERATIONS

626.9543 Holocaust victims.—

- (1) **SHORT TITLE.**—This section may be cited as the “Holocaust Victims Assistance 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 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 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, annuities, or other financial instruments or assets, plus reasonable interest to the date of payment 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 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.
- (5) **PROOF OF A CLAIM.**—Any insurer doing business in this state, in receipt of a claim from a Holocaust victim or from a beneficiary, descendant, or heir of a Holocaust victim, shall:
 - (a) Diligently and expeditiously investigate all such claims.
 - (b) Allow such claimants to meet a reasonable, not unduly restrictive, standard of proof to substantiate a claim, pursuant to standards established by the department.
 - (c) Permit claims irrespective of any statute of limitations or notice requirements imposed by any insurance policy issued.
- (6) **STATUTE OF LIMITATIONS.**—Notwithstanding any law or agreement among the parties to an insurance policy to the contrary, any action brought by Holocaust victims or by a beneficiary, heir, or a descendant of a Holocaust victim seeking proceeds of an insurance policy issued or in effect between 1920 and 1945, inclusive, may not be dismissed for failure to comply with the applicable statute of limitations or laches.
- (7) **REPORTS FROM INSURERS.**—
 - (a) Any insurer doing business in this state has an affirmative duty to ascertain the following to the extent possible and report to the department all efforts made and the results of such efforts:

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1. Any legal relationship with an international insurer that issued an insurance policy to a Holocaust victim between 1920 and 1945, inclusive.
2. The number and total value of such policies.
3. Any claim filed by a Holocaust victim, his or her beneficiary, heir, or descendant that has been paid, denied payment, or is pending.
4. Attempts made by the insurer to locate the beneficiaries of any such policies for which a claim of benefits has not been made.
5. 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:

- (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.

(9) **PENALTIES.**—In addition to any other penalty provided under this chapter, any insurer or person who violates the provisions of this section is subject to an administrative penalty of \$1,000 per day for each day such violation continues.

(10) **PRIVATE RIGHT OF ACTION.**—An action to recover damages caused by a violation of this section must be commenced within 5 years after the cause of action has accrued. Any person who shall sustain damages by the reason of a violation of this section shall recover threefold the actual damages sustained thereby, as well as costs not exceeding \$50,000, and reasonable attorneys' fees. At or before the commencement of any civil action by a party, notice thereof shall be served upon the department.

(11) **RULES.**—The department, by rule, shall provide for the implementation 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.

(12) **SEVERABILITY.**—If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

History.—s. 9, ch. 98-173; s. 25, ch. 99-3; s. 76, ch. 2004-390; s. 21, ch. 2008-220; s. 1, ch. 2013-149; s. 31, ch. 2017-175.

APPENDIX B

Report to the Florida Legislature
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69J-137.010 Holocaust Victims Insurance Report and Standards of Proof.

(1) Purpose and Scope. This rule implements Section 626.9543, F.S. The “Holocaust Victims Assistance Act” was established to ensure 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. This rule establishes the procedure by which:

(a) An insurer must file a report relating to the insurance claims of Holocaust victims or insureds, or their heirs, descendants, or beneficiaries with the Department;

(b) The method by which the Department will monitor and verify compliance with the provisions of subsections (7) and (8) of Section 626.9543, F.S.; and

(c) The standards of proof necessary to substantiate a claim against an insurer pursuant to paragraph 626.9543(5)(b), F.S.

(2) For the purposes of this rule unless the context otherwise requires:

(a) “Department” means the Department of Financial Services.

(b) “Insurer” means an insurer doing business in this state, not excluding an authorized insurer or an eligible surplus lines insurer.

(c) “Eligible surplus lines insurer” shall have the meaning set forth in subsection 626.914(2), F.S.

(d) “Authorized” shall have the meaning set forth in Section 624.09, F.S.

(e) “Report” shall mean the written document described as set forth in subsection (4) and submitted to the Department in the format set forth in subsection (5) of this rule.

(f) “International Commission on Holocaust Era Insurance Claims” is that entity established in 1998 to identify, settle, and pay individual Holocaust era insurance claims at no cost to claimants and that ceased operations in 2007.

(3)(a) Each insurer shall annually file a report with the Department no later than December 31st of the year in which:

1. An insurer begins conducting business in this state, or

2. An insurer who has previously filed a report, takes any action or discovers any information that changes information filed in a previous report, or

3. An insurer is notified by the Department that it has previously failed to file a report or that the Department is requesting a new or updated report.

(b) A holding company may file a report for all member insurers of the holding company system; however, the holding company must supply the Federal Employer Identification Number (FEIN) for each member insurer for which it is making the required reporting.

(4) Each report shall contain the following separate sections:

(a) Below a heading entitled “Relationship with Insurance Companies,” the report shall identify any insurance company, with which the insurer has a legal relationship, which issued an insurance policy to a Holocaust victim or insured.

1. The report shall provide:

a. The date on which the legal relationship commenced;

b. A description of the legal relationship;

c. The country of domicile and licensure of the insurance company; and

d. The country (and district or city, if available) in which the insurance company issued any insurance policy to a Holocaust victim or insured.

2. The information shall include a detailed description of the efforts made to determine whether the insurer, or any insurer with which the reporting insurer has a legal relationship, issued an insurance policy to a Holocaust victim or insured.

(b) Below a heading entitled “Number and Total Value of Policies,” the report shall, with respect to each insurance company that issued an insurance policy to a Holocaust victim or insured, provide the number and total value in current U.S. dollars, of the insurance policies unpaid in full or in part, including, if available, an annual running tally of exposure.

1. The information shall include a detailed explanation of the methodologies used by the insurer to determine the

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number and total value of the insurance policies required to be reported under this rule.

2. To the best of its ability, the insurer shall indicate whether there were additional insurance policies issued to Holocaust victims by it (or any insurance company with which it has a legal relationship) for which there is no direct evidence or documentation. The insurer shall also provide a complete description of the efforts being made to document the existence of such insurance policies.

(c) Below a heading entitled "Claims Filed," the report shall provide a list of any insurance claim filed by a policyholder who is a Holocaust victim, or insured, or by his or her beneficiary, heir, or descendant, against the insurer or against any insurance company with which the insurer has a legal relationship, on an insurance policy. The report should include the disposition thereof, with a detailed explanation of any attempt to locate insurance claims of Holocaust victims or insureds, or their heirs, descendants, or beneficiaries.

(d) Below a heading entitled "Attempts to Locate Beneficiaries," the report shall provide a detailed explanation of the attempts made by the insurer, or by any insurance company having a legal relationship with the insurer, to locate the beneficiaries of any insurance policy issued to a Holocaust victim or insured for which no claim of benefits has been made, including a list of any heirs, descendants, or beneficiaries who have been located, and for every such policy: the name or identity of the purchaser, the name or identity of the beneficiary, the date and place of policy issuance, the type of policy, and the name or identity of the agent.

(e) Below a heading entitled "Explanation of Denial or Pending Payment," the report shall provide a detailed explanation of any attempt to identify insurance claims of Holocaust victims or insureds which were denied. The report shall also include a detailed explanation as to why such claims were denied or payment withheld.

(f) The insurer may supplement the report with additional information as it becomes available.

(5) The report shall be submitted in English and either on paper or in an Adobe PDF or other digital format compatible with Microsoft Word. The report shall be submitted to the Department of Financial Services, Division of Consumer Services, 200 East Gaines Street, Room 524B, Tallahassee, Florida 32399-0317, or via e-mail to HolocaustAssistance@MyFloridaCFO.com. An insurer that has no information to report may submit its report stating that fact in letter form.

(6) To achieve statutorily required restitution, an insurer shall pay in full on behalf of, or cause to be paid in full by, an insurance company with which it has a legal relationship, the amount due with respect to any substantiated insurance claim made by policyholders who are Holocaust victims or insureds, from or by their heirs, descendants, or beneficiaries. Payment shall be calculated according to the procedures established by the International Commission on Holocaust Era Insurance Claims in the Guide to Valuation Procedures: Edition Dated 22-10-02 and Annex D thereto. The Guide to Valuation Procedures and Annex D thereto are hereby incorporated by reference and available on the website of the International Commission on Holocaust Era Insurance Claims at: <http://www.icheic.org/claims.html>.

(7) For purposes of this rule and pursuant to paragraph 626.9643(5)(b), F.S., a claim shall be considered adequately substantiated by one of the following:

(a) An original or copy of an insurance policy;

(b) Information in the records of the insurer that evidences the existence of an insurance policy that remains unpaid in full or in part to the policyholder, or his or her heirs, descendants, or beneficiaries;

(c) Written confirmation from the insurer that its files verify the policy status, including the name or identification of the insured, their heirs, descendants, or beneficiaries; or

(d) Other evidence, including parole evidence, that a reasonable person would accept as reliable in the conduct of his or her affairs, as contemplated by paragraph 626.9543(5)(b), F.S.

Insurers shall not reject any evidence as being insufficiently probative of any fact necessary to establish the claim if the evidence provided is plausible in the light of all the special circumstances involved, including but not limited to the destruction caused by World War II, the Holocaust, and the lengthy period of time that has passed since the insurance policy under consideration was obtained.

Rulemaking Authority 624.308(1), 626.9543(11) FS. Law Implemented 624.307(1), 626.9543 FS. History—New 5-12-99, Formerly 4-137.010, 690-137.010, Amended 5-11-14.

APPENDIX C

Schedule of Exhibits

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EXHIBIT I
AEGON

A. International Insurer: AEGON N.V. - domiciled in The Netherlands.

AEGON reported that it is a holding company with several hundred subsidiaries, including insurance companies in Europe (Germany, Hungary, Spain and the UK) and the United States. AEGON was formed in 1983, but its predecessor companies go back 200 years. The insurance companies in the AEGON Group that existed and issued policies from 1920 to 1945, did business in The Netherlands.

The Netherlands was occupied by Nazi Germany from 1940 to 1945. Organized campaigns were carried out against Jews and Jewish property during this period. Life insurance policies of Jews were confiscated, surrendered and the proceeds were deposited in the Nazi owned Liro Bank. The funds in the Liro Bank were used to finance the construction of concentration camps and the cost of deporting the Jews during the Holocaust.

Following World War II, the Dutch Government reinstated all policies confiscated by the Nazis. An agreement was entered into between the Dutch life insurers and the government of The Netherlands called the “Veegen Agreement”. Under the Veegen Agreement the life insurers transferred all known benefits payable to Holocaust victims to the government. Any claims due Holocaust victims are payable by the life insurers and reimbursable by the government of The Netherlands.

B. Subsidiaries Licensed in Florida:

1. Transamerica Premier Life Insurance Company
2. Transamerica Life Insurance Company
3. Transamerica Financial Life Insurance Company
4. Transamerica Casualty Insurance Company
5. Transamerica Life (Bermuda) LTD

C. Subsidiaries with Potential Policies to Holocaust Victims:

Domiciled in The Netherlands

AEGON reported and listed one hundred thirteen (113) life insurance companies and funeral societies and forty (40) property and casualty insurance companies that existed in the period of 1920 to 1945 that are now members of the AEGON Group. Each of the entities listed may have issued a policy to a victim of the Holocaust.

D. Number and Total Value of Policies Reported:

AEGON reported that the Dutch Association of Insurers completed a study in August 1998 of known life insurance archives, to identify policies (for all Dutch Insurers) that were canceled or surrendered between 1939 and 1945, where the insured died between 1940 and 1945. As a result of this study, approximately 5,427 policies were identified with an estimated sum insured of NLG 12.6 million (about \$6.2 million). It should be noted that not all of these policies were issued to Holocaust victims, but many may have been.

AEGON reported that the Dutch Association of Insurers and the Central Jewish Board of The Netherlands, established the “Sjoa Foundation” to process all Holocaust era insurance claims in The Netherlands. The International Commission on Holocaust Era Insurance Claims, of which the Dutch Association of Insurers is a member, had agreed to process all Dutch related claims through the Sjoa Foundation. The insurers made 45 million guilders (about \$22 million) available for this agreement; 20 million guilders were intended for individual payouts to parties entitled to the policies and 25 million guilders for causes determined by the Jewish community. In addition, the Association finance the monument of the Jewish Community project with a contribution of 5 million guilders. The agreement is a final settlement, whereby the parties intend to do justice to and provide clarity for the victims of the Holocaust and their descendants.

AEGON reported that its records are routinely destroyed 10 years after a claim is paid in accordance with the laws of The Netherlands. Accordingly, AEGON cannot provide a value for unpaid policies since that information is unknown. However, based on incomplete records discovered from two of its affiliates, AEGON has estimated the total value of the approximately 1,000 policies surrendered during the war to be \$314,506. Unknown portions of these policies were surrendered to the Nazis. AEGON believes that none of these policies remain unpaid.

E. Summary of Claims Filed to the Soja Foundation:

| The following claims information was reported: | | <u>Number</u> |
|--|--|-----------------|
| 1. | Claims filed | 22,021 |
| 2. | Claims paid or approved by the Soja Foundation | 2,086 |
| 3. | Amount of Euros paid to claimants | 8,312,148 Euros |
| 4. | Requests already settled | 21,264 |
| 5. | Claims pending | 757 |

EXHIBIT II
ALLIANZ AG

A. International Insurer: Allianz Aktiengesellschaft (Allianz AG)

According to its report, Allianz AG is a German holding company headquartered and domiciled in Munich, Germany. Allianz AG is one of the six European insurance groups that signed the August 25, 1998, Memorandum of Understanding (MOU) establishing the ICHEIC to address Holocaust insurance claims. Allianz AG was one of the twelve members of ICHEIC. Allianz was also a charter member of the German Foundation initiative. Under its terms, all claims that have been or may have been asserted against German companies and their non-German affiliates arising out of the Nazi era and World War II were to be resolved exclusively through the German Foundation. The Foundation designated the International Commission as one of the organizations responsible for reviewing and paying Holocaust era insurance claims.

B. Subsidiaries Licensed in Florida:

1. Allianz Global Risks US Insurance Company
2. Allianz Underwriters Insurance Company
3. Allianz Life Insurance Company of North America and its subsidiary Life USA Insurance Company
4. Allianz Global Corporate & Specialty SE
5. Fireman's Fund Insurance Company Group
6. Jefferson Insurance Company of New York and its subsidiary Monticello Insurance Company
7. Allianz Reinsurance America, Inc.
8. AGA Service Company DBA Allianz Global Assistance

C. Subsidiaries with Potential Policies to Holocaust Victims:

Allianz AG reported that certain unspecified European subsidiaries issued policies to insureds that later became victims of the Holocaust. Following is a list of all European subsidiaries reported.

Domiciled in Germany

1. Allianz Versicherungs-AG
2. Deutsche Versicherungs-AG
3. Frankfurter Versicherungs-AG

C. Subsidiaries with Potential Policies to Holocaust Victims (cont.):

Domiciled in Germany

4. Bayerische Versicherungsbank-AG
5. Allianz Globus Marine
6. Versicherungs-Aktiengesellschaft
7. Vereinte Versicherung-AG
8. Vereinte Reichsschutzversicherung-AG
9. Hermes Kreditversicherungs-AG
10. Allianz Lebensversicherungs-AG
11. Deutsche Lebensversicherungs-AG
12. Vereinte Lebensversicherungs-AG
13. Vereinte Krankenversicherung-AG

Domiciled in Austria

1. Wiener Allianz Versicherungs-AG
2. Anglo-Elementar Versicherungs-AG
3. Wiener Allianz Lebensversicherungs-AG

Domiciled in Belgium

1. Allianz Nederland NV
2. ELVIA Assurances S.A.

Domiciled in Czech Republic

1. Allianz Pojist'ovna, A.S.

Domiciled in Denmark

1. Allianz Nordeuropa Forsikringsaktieselskabet
2. Domus Forsikringsaktieselskabet

Domiciled in France

1. Allianz Assurances
2. Rhin et Moselle Assurances
3. Compagnie Gendrale d' Assurances et de Reassurances
4. Les Assurances Federales Ward
5. Allianz Vie
6. Rhin et Moselle Assurances Francuses
7. Compagnie d' Assurances sur la vue
8. Compagnie Generale de Prevoyance

Domiciled in Great Britain

1. Comhill Insurance PLC

C. Subsidiaries with Potential Policies to Holocaust Victims (cont.):

Domiciled in Greece

1. Allianz General Insurance Company, S.A.
2. Allianz Life Insurance Company, S.A.

Domiciled in Hungary

1. Hungaria Biztosito RT

Domiciled in Ireland

1. Comhill Insurance PLC

Domiciled in Italy

1. Riunione Adriatica di Sicurta' S.p.A. (RAS)
2. Lloyd Adriatico S.p.A
3. Allianz Subalpha
4. Societe di Assicurazioni e Riassicurazioni S.p.A.

Domiciled in Luxembourg

1. International Reinsurance Company S.A.

Domiciled in Netherlands

1. Allianz Nederland N.V.
2. ELVIA Schadeverzekeringen N.V.
3. ELVIA Levensverzekeringen N.V.
4. ELVIA Zorgverzekeringen N.V.

Domiciled in Poland

1. Allianz BGZ Polska S.A.
2. Allianz BGZ Polska Zycle S.A.

Domiciled in Portugal

1. Portugal Previdente Compania de Seguros S.A.

Domiciled in Russian Federation

1. Closed Joint Stock Insurance Company
2. Ost-West Allianz

Domiciled in Slovak Republic

1. Allianz Poistovna

Domiciled in Spain

1. Allianz-RAS Seguros y Reaseguros S.A.
2. Eurovida S.A. Compania de Seguros y Reaseguros

C. Subsidiaries with Potential Policies to Holocaust Victims (cont.):

Domiciled in Switzerland

1. ELVIA Schweizerische Verichenunga-Gesellschaft
2. Berner Allgemeine Versicherungs-Gesellschaft
3. Allianz Versicherund (Schweiz) AG
4. Alba Altgerneine Versicherungs-Gesellschaft
5. ELVIA Leben Schweizerische
6. Lebensversicherungs-Gesellschaft
7. Berner Lebensversicherungs-Gesellschaft
8. Allianz Lebensversicherungs (Schweiz) AG
9. ELVIA Reisversicherungs-Gesellschaft

Domiciled in Turkey

1. Sark Hayat Sigorta A.S.
2. Sark Sigorta T.A.S.

D. Number and Total Value of Policies Reported:

Not Provided

E. Summary of Claims Filed:

| | <u>Number</u> |
|--|---------------|
| The following claims information was reported: | |
| 1. Claims/inquiries filed | 8,116 |
| 2. Claims paid or approved by the Company | 2,907 |
| 3. Amount of dollars paid to claimants | \$29,488,894 |
| 4. Claims pending | 0 |
| 5. Claims denied | 5,529 |
| 6. Appeals | 759 |
| 7. Amount of dollars paid on appeals | \$2,641,399 |

EXHIBIT III
AXA GROUP

A. International Insurer: AXA Group (AXA)

AXA reported that it is a French holding company engaged in insurance, asset management and related financial services primarily in Europe, North America and the Asia-Pacific region. A member of the AXA Group was one of the original signatories to the Letter of Intent, dated April 8, 1998, and AXA is one of the six European insurance groups that have signed the Memorandum of Understanding (MOU) establishing the ICHEIC to address Holocaust insurance claims. AXA was one of the twelve members of ICHEIC.

B. Subsidiaries Licensed in Florida:

1. AXA Equitable Life and Annuity Company
2. AXA Equitable Life Insurance Company
4. AXA Insurance Company
5. Catlin Indemnity Company
6. Catlin Insurance Company
7. Catlin Specialty Insurance Company
8. Greenwich Insurance Company
9. Indian Harbor Insurance Company
10. T.H.E. Insurance Company
11. XL Bermuda LTD
12. XL Insurance America
13. XL Insurance Company of NY
14. XL Reinsurance America Inc.
15. XL Select Insurance Company
16. XL Specialty Insurance Company

C. Subsidiaries with Potential Policies to Holocaust Victims:

Domiciled in France

1. AXA Conseil Vie
2. Argovie
3. Argos
4. AXA Assistance (7 companies)
5. AXA Assurances IARD
6. AXA Assurances Vie
7. AXA Cessions
8. AXA Conseil IARD
9. AXA Courtage IARD

10. AXA Collectives
11. AXA Global Risks
12. AXA Re' Finance
13. AXA Reassurance
14. AXIVA
15. Direct Assurances IARD
16. Direct Assurances Vie
17. Juridica
18. La Reunion Francaise
19. NSM Vie
20. Saint Georges Re'
21. SPS Reassurance
22. Thema Vie
23. UAP-Collectives
24. UAP-Incendie-Accidents
25. UAP-Vie
26. CGRM (Cie Gen. De Reassurance de Monte Carlo)

Domiciled in Germany

1. AXA Colonia Konzern AG(43 Companies)
2. AXA Tellit Direkt Versicherung AG
3. AXA Leben Versicherung AG
4. Colonia Lebensversicherung AG
5. Colonia Versicherung AG
6. Deutsche Artzeversicherung AG
7. Nordstern Allgemeine Versicherung AG
8. Nordstern Lebensversicherung AG
9. Tellit Direkt Lebensversicherung AG

Domiciled in Austria

1. Nordstern Colonia

Domiciled in Belgium

1. AXA Belguim
2. De Kortrijkske
3. GB Lex SA
4. Juris SA
5. Royale Belge (5 Companies)

Domiciled in The Netherlands

1. AXA Leven
2. Group UAP Nieuwrotterdam Group (6 Companies)

Domiciled in Italy

1. Allsecures Assicurazioni Spa
2. Allsecures Vita Spa

Domiciled in Italy (cont.)

3. AXA Assecurazioni Spa
4. Centurion Assecurazioni Spa
5. UAP Italiana Spa
6. UAP Vita Spa

Domiciled in Luxembourg

1. AXA Assurances Luxembourg
2. AXA Assurances Vie Luxembourg
3. Futur Re
4. PanEurolife
5. Paneurore
6. Royale UAP Luxembourg

Domiciled in Switzerland

1. AXA Compagnie d'Assurances
2. AXA Compagnie d'Assurances sur la Vie

D. Number and Total Value of Policies Reported:

France

AXA France Assurance has established a database, the “French database,” that includes policies issued prior to 1946. Although the database does not include 100% of the policies issued, it includes mostly unpaid policies. Under supervision of the “Matteoli Commission,” AXA France has identified approximately 100 policies that may have been issued to Holocaust victims. AXA estimates the total surrender value of these “Identified French Policies” as of the end of 1938 to be approximately \$383,000 US dollars, based on the currency exchange at the time of their response.

AXA became the first insurance group to undergo the International Commission’s peer review audit process. This audit involved an international audit firm appointed by the International Commission reviewing and verifying the Holocaust related audit work performed by AXA’s appointed independent auditor on the archive research and organizational efforts of AXA. AXA has received official confirmation from the International Commission regarding its compliance with the audit standards established by the International Commission.

Germany

AXA Colonia has established a database, the “German database,” which includes policies issued prior to 1946. However, the database does not account for 100% of the policies issued. AXA asserts that most of these policies have been settled. The database includes unpaid and partially unpaid policies. To date, approximately 190 potential claims have been identified as being held by Holocaust victims. AXA estimates the total surrender

value of these “Identified German Policies” as of the end of 1938 to be approximately \$163,000 US dollars, based on the currency exchange at the time of their report.

AXA Germany participated in furnishing the German Foundation with a comprehensive list of policyholder names for inclusion in the global German policyholder list being compiled by the German insurance regulatory authorities that was published on the ICHEIC website.

The German operations of AXA have also received official confirmation from the International Commission as to its compliance with the audit standards established by the International Commission.

Belgium

AXA Royale Belge has established a database, the “Belgian database,” which includes policies issued prior to 1946. Although the database does not include 100% of the policies issued, it includes mostly unpaid policies. A copy of the database has been provided to the “Commission Buysse,” for the identification of unpaid policies issued to Holocaust victims.

E. Summary of Claims Filed:

| The following claims information was reported: | | <u>Number</u> |
|--|--|---------------|
| 1. | Claims filed | 2094 |
| 2. | Claims paid or approved by the Company | 862 |
| 3. | Amount of dollars paid to claimants | \$ 10,407,507 |
| 4. | Claims pending | 0 |
| 5. | Claims denied | 1,232 |
| 6. | Appeals | 114 |
| 7. | Amount of dollars paid on appeals | \$ 63,053 |

XHIBIT IV
GENERALI

A. International Insurer: Assicurazioni Generali, S.p.a. (Generali)

Generali reported that its home office is located in Trieste, Italy, where it is regulated by the Italian Insurance Supervisory Authority. Generali is Italy's largest insurance company and is part of the Generali Group. The Generali Group consists of over 270 companies directly or indirectly controlled by the parent company. The Generali Group carries on insurance operations in some 50 markets over five continents, through a network of more than 100 local units (branches and subsidiary companies) as well as through a number of specialized offices.

In the early part of 1998, Generali acquired a controlling stake in the German holding company Aachener und Munchener Beteiligings – AG (AMB), increasing its shareholding following a public purchase offer. Generali's German subsidiaries, including AMB, are covered by the German Foundation initiative and have contributed funds to that initiative in a wholly independent manner (and in addition to all other funds associated with Generali's agreement with ICHEIC). Generali's Dutch subsidiaries are likewise participants in the Sjoa Foundation. In terms of written premiums, the Generali Group is the fourth largest insurer in Europe and ranks among the 25 largest insurers in the world. Generali is one of the six European insurance groups that signed the August 25, 1998, Memorandum of Understanding (MOU) establishing the ICHEIC to address Holocaust insurance claims. Generali was a member of ICHEIC.

B. Subsidiaries Licensed in Florida:

1. Generali – U.S. Branch

C. Subsidiaries with Potential Policies to Holocaust Victims:

Generali reported that it directly issued policies in Italy from 1920 to 1945 to people who may have become victims of the Holocaust. Generali also issued policies to potential Holocaust victims through 100%-owned branches in Czechoslovakia, Hungary, Poland, and other European nations. Generali reported that its branches in communist countries were confiscated and or nationalized following World War II and that all of the assets and liabilities of the branches became the assets and liabilities of the nationalized companies. As a result, Generali maintains that it has no legal liability for any policies issued by those branches. However, Generali has agreed to pay claims on policies of nationalized branches on an *ex-gratia* basis.

Generali also reported legal relationships with insurance companies throughout Europe from 1920 to 1945. Specific affiliates of Generali were not identified and no specific policy information was provided for any entities.

D. Number and Total Value of Policies Reported:

Significant efforts to determine this information were described. Generali reported that a list of all of its policies in force in Eastern and Central Europe as of December 31, 1937, has been provided to ICHEIC. The list, which is comprised of 89,000 names, has been turned over to Yad Vashem, the Holocaust History Museum located in Israel, for processing. Yad Vashem has determined that 8,740 of the names correspond to known victims of the Holocaust. A value of the potential unpaid claims has not been determined.

E. Summary of Claims Filed:

| The following claims information was reported: | | <u>Number</u> |
|--|--|---------------|
| 1. | Claims filed | 10,138 |
| 2. | Claims paid or approved by the Company | 4568 |
| 3. | Amount of dollars paid to claimants | \$120,223,488 |
| 4. | Claims pending | 0 |
| 5. | Claims denied | 5570 |
| 6. | Appeals | 784 |
| 7. | Amount of dollars paid on appeals | \$2,586,725 |

EXHIBIT V
MUNICH RE

A. International Insurer: Muenchener Rueckversicherungs-Gesellschaft AG (Munich Re).

Munich Re reported that it is an international holding company domiciled in Munich, Germany. Munich Re controls nearly 40 other companies worldwide.

B. Subsidiaries Licensed in Florida:

1. American Alternative Insurance Corporation
2. Munich American Reassurance Company
3. Munich Re US Life Corporation
4. Munich Reinsurance America, Inc.
5. Great Lakes Insurance SE
6. American Modern Insurance Company of Florida Inc.
7. American Modern Home Insurance Company
8. American Modern Property & Casualty Insurance Company
9. American Modern Select Insurance Company
10. American Modern Surplus Lines Insurance Company
11. AXA Art Insurance Corporation

C. Subsidiaries with Potential Policies to Holocaust Victims:

| <u>Company Name</u> | <u>Domicile</u> |
|---|-----------------|
| 1. D.A.S. Deutscher Automobil Schutz Allgemeine Rechtsschutz Versicherungs-Aktiengesellschaft, Muenches | Germany |
| 2. D.A.S. S. a. belge d'assurances de Protection Juridique, Brussel | Belgium |
| 3. D.A.S. Rechtsschutz-Versicherungs-AG, Luzern | Switzerland |
| 4. DKV Deutsche Krankenversicherung Aktiengesellschaft, Berlin/Koln (DKV) | Germany |
| 5. Union Medica La Fuencisla S.A. Compania de Seguros, Saragossa | Spain |
| 6. Compagnie Europeene d'assurances S.A., Neuilly | France |

| | | |
|-----|--|-------------|
| 7. | Europaeiske Rejseforsikring A/S, Kopenhagen (EPAD) | Denmark |
| 8. | Europäische Reiseversicherung Aktiengesellschaft, Muenchen (ERV) | Germany |
| 9. | Europeiska Forsakringsaktiebolaget, Stockholm (EPAS) | Sweden |
| 10. | Hamburg-Mannheimer N.V., Bursel (HMNV) | Belgium |
| 11. | Hamburg-Mannheimer Sachversicherungs-AG, Hamburg (HMS) | Germany |
| 12. | Hamburg-Mannheimer Versicherungs-Aktien-Gesellschaft, Hamburg, (HMV) | Germany |
| 13. | Karlsruher Beamten-Versicherung AG, Karlsruhe (KBV) | Germany |
| 14. | Karlsruher Versicherung Aktiengesellschaft, Karlsruhe (KLV) | Germany |
| 15. | Karlsruher Versicherung Aktiengesellschaft, Karlsruhe (KV) | Germany |
| 16. | Magdeburger Hellas S.A., Athens | Greece |
| 17. | Nieuwe Hollandse Lloyd Levensverzekeringmaatschappij N.V., Woerden | Netherlands |
| 18. | Nieuwe Hollandse Lloyd Schadeverzekeringmaatschappij N.V., Woerden (NHLS) | Netherlands |
| 19. | VICTORIA Krankenversicherung Aktiengesellschaft, Duesseldorf (VICKra) | Germany |
| 20. | VICTORIA Lebensversicherung Aktiengesellschaft, Berlin (VICL) | Germany |
| 21. | VICTORIA MERIDIONAL Compania Anonima de Seguros y Reaseguros, S.A., Madrid | Spain |
| 22. | VICTORIA Seguros de Vida, S.A., Lissabon | Portugal |
| 23. | VICTORIA Versicherung Aktiengesellschaft, Berlin (VICVAG) | Germany |
| 24. | VICTORIA-VOLKSBANKEN Versicherungsaktiengesellschaft, Wien (VICVOL) | Germany |

D. Number and Total Value of Policies Reported:

| | <u>Number</u> | <u>Value</u> |
|----------------------|---------------|--------------|
| VICTORIA-VOLKSBANKEN | 50 | not reported |
| All Other Companies | 0 | 0 |

Munich Re reported that it cannot determine if any of the 50 unpaid policies were issued to victims of the Holocaust. Munich Re reported that it has no liability under

German Law (German Law requires restitution by the German Government) and therefore reported 0 unpaid policies for all other companies.

E. Summary of Claims Filed:

A list of claims was not provided. The following claims information was reported:

| | <u>Number</u> |
|---|---------------|
| 1. <u>Victoria Lebens</u> | |
| Claims filed | 700 |
| No reference to former contractual relation with company | 388 |
| Contractual relation with the company | 214 |
| Claims already compensated for by Germany | 82 |
| Not sufficient information to reconstruct former contract | 132 |

This includes informal inquiries and claims reported for policies issued in Eastern Europe where insurer assets were seized (Munich Re asserts that it has no liability for such claims), and claims not payable by the insurer but eligible for restitution.

| | |
|-------------------------------|----|
| 2. <u>All Other Companies</u> | |
| Informal inquiries | 56 |
| Claims paid | 15 |
| Claims pending | 1 |

Following the agreement between ICHEIC, the German Foundation, and the Association of German Insurers (GDV) regarding the handling of claims submitted to ICHEIC, Victoria has received from the GDV an additional 8,505 “unnamed claims,” i.e. claims that do not specify a particular insurance company.

EXHIBIT VI
PRUDENTIAL plc

A. International Insurer: Prudential plc (Prudential)

Prudential is a European insurance holding company domiciled in the United Kingdom. Policies were issued in Poland prior to World War II by a Prudential Affiliate, Przewozose, now a defunct Polish insurance company.

Prudential plc is the parent company for the holding company system of which Jackson National Life Insurance Company (Jackson), the reporting company, is a part. On October 19, 2019, Prudential plc, demerged its European insurance business into an independent and separately listed group. As a result of the demerger, Jackson and the holding company system, which it is a part of, no longer has policies reportable under the Holocaust Victims Insurance Act. This report is regarding the 4,623 life insurance policies in force in Poland prior to World War II, and covers the period of January 1, 2019 through October 21, 2019.

B. Subsidiaries Licensed in Florida:

1. Jackson National Life Insurance Company

C. Subsidiaries with Potential Policies to Holocaust Victims:

Domiciled in Poland

1. Przewozose

D. Number and Total Value of Policies Reported:

Prudential reported 4,623 issued and in-force life policies as of July 31, 1939. Other than a few policies identified as being owned by or insuring Holocaust victims, Prudential reported it has no knowledge as to which if any of the remaining policies were owned by or had an insured or beneficiary who was a Holocaust victim.

Prudential has paid claims on 1,422 of the 4,623 life policies. Powszechny Zaklad Ubezpieczen Spolka Akcyjna (PZU), the Polish state insurance company, has paid claims on 833 of the policies on behalf of the Polish Government. In addition, during 2003, following correspondence with the German insurance company Allianz, Prudential has identified that a further four policies were settled by Allianz during the war years when part of the combined Prudential/Przewozosc portfolio under the Allianz administration. The remaining 2,364 policies remain unpaid because either Prudential or PZU has not

received a claim, received an unsupportable claim, or the claim status is pending. The remaining unpaid policies include 1,866 policies for which Prudential has no knowledge of the names of the original policyholders.

E. Summary of Claims Filed:

| The following claims information was reported: | | <u>Number</u> |
|--|---|---------------|
| 1. | Claims in-force as of July 31, 1939 | 4623 |
| 2. | Claims paid or approved | 2259 |
| 3. | Claims pending | 4 |
| 4. | Claims lapsed – lack of requested information | 158 |
| 5. | Claims referred to Polish Liquidator | 51 |
| 6. | Claims denied | 525 |

EXHIBIT VII
SWISS RE

A. International Insurer: Swiss Reinsurance Company (Swiss Re)

Swiss Re is an international reinsurance company domiciled in Switzerland.

B. Subsidiaries Licensed in Florida:

1. First Specialty Insurance Corporation
2. North American Elite Insurance Company
3. North American Capacity Insurance Company
4. North American Specialty Insurance Company
5. Swiss Re International SE
6. Swiss Re Life & Health America Inc.
7. Swiss Re Purchasing Group For Insurance Agents
8. Swiss Re Specialty Insurance (UK) Limited
9. Swiss Reinsurance America Corporation
10. Swiss Reinsurance Company LTD
11. Washington International Insurance Company
12. Westport Insurance Company

C. Subsidiaries with Potential Policies to Holocaust Victims:

Swiss Re reported that it is a professional reinsurer, and has never issued direct insurance policies. As a result of an internal investigation started in 1996, Swiss Re has determined that neither it nor any of its subsidiaries issued policies on a direct basis during the period of 1920 to 1945, inclusive.

However, it was reported in 1998 that Swiss Re and a subsidiary, Union Reinsurance Company (Union Re), issued standby guarantees as an accommodation to certain of their ceding company clients. These standby guarantees offer a secondary source of payment to policyholders in the event of the ceding company's default or insolvency.

D. Number and Total Value of Policies Reported:

Swiss Re reported that neither it nor any of its subsidiaries have accurate information regarding the number or total value of policies issued by direct insurers. According to Swiss Re, only direct insurers can make such information available. Swiss Re did not provide the total number and value of standby guarantees described above but

referred to a \$1.25 billion Swiss class action settlement that addresses all Holocaust related disputes involving covered entities such as Swiss Re.

E. Summary of Claims Filed:

Swiss Re reported that claims received before and during the war were forwarded to solvent insurers and received notification from the insurers of payments made. Swiss Re does not know if claimants were fully satisfied. Claim requests received after the war were paid directly by Swiss Re. Swiss Re believes there were no pending claims as of the date of their report.

Swiss Re reported that any potential Holocaust related claims made against it are covered by a \$1.25 billion Swiss class action settlement that addresses all Holocaust related disputes involving covered entities such as Swiss Re.

EXHIBIT VIII
VOYA FINANCIAL

A. International Insurer: ING Groep N.V. (ING)

ING Groep N.V., is a member of the Verbond van Verzekeraars (the ‘Dutch Association of Insurers’) which, together with the Centraal Joods Overleg Externe Belangen (the ‘Central Jewish Board of the Netherlands’), established the Stichting Individuele Verzekeringaanspraken Sjoa (the ‘Sjoa Foundation’) to process all Holocaust era insurance claims in the Netherlands. ING Groep N.V. currently owns in excess of ten percent of the outstanding common shares of Voya Financial.

B. Subsidiaries Licensed in Florida:

1. Voya Retirement Insurance and Annuity Company
2. Midwestern United Life Insurance Company
3. ReliaStar Life Insurance Company
4. ReliaStar Life Insurance Company of New York
5. Security Life of Denver Insurance Company

C. Subsidiaries with Potential Policies to Holocaust Victims:

Domiciled in Belgium

1. RVS
2. De Vaderlandsche/Patriotique

Domiciled in The Netherlands

1. Nationale-Nederlanden
2. Tiel-Utrecht
3. RVS

D. Number and Total Value of Policies Reported:

Following World War II, the Dutch Government reinstated all policies confiscated by the Nazis. An agreement was entered into between the Dutch life insurers and the government of The Netherlands called the ‘Veegen Agreement.’ Under the Veegen Agreement, the life insurers transferred all known benefits payable to Holocaust victims to the Government. ING is a member of the Dutch Association of Insurers. The International Commission, of which the Dutch Association of Insurers is a member, had agreed to process all Dutch related claims through the Sjoa Foundation.

E. Summary of Claims Filed through the Sjoa Foundation:

| The following claims information was reported: | | <u>Number</u> |
|--|--|-----------------|
| 1. | Claims filed | 22,021 |
| 2. | Claims paid or approved by Soja Foundation | 2,086 |
| 3. | Amounts of euros paid to claimants | 8,312,148 Euros |
| 4. | Requests already settled | 21,264 |
| 5. | Claims pending | 757 |

EXHIBIT IX
ZURICH

A. International Insurer: Zurich Insurance Company (Zurich)

Zurich is an international insurance holding company domiciled in Zurich, Switzerland. Zurich is one of the six European insurance groups that signed the August 25, 1998, Memorandum of Understanding (MOU) establishing the ICHEIC to address Holocaust insurance claims. Zurich was a member of ICHEIC.

B. Subsidiaries Licensed in Florida:

1. American Guarantee and Liability Insurance Company
2. American Zurich Insurance Company
3. Centre Life Insurance Company
4. Colonial American Casualty & Surety Company
5. Empire Fire and Marine Insurance Company
6. Farmers Insurance Exchange
7. Farmers New World Life Insurance Company
8. Fidelity and Deposit Company of Maryland
9. Fire Insurance Exchange
10. Mid-Century Insurance Company
11. Steadfast Insurance Company
12. Texas Farmers Insurance Company
13. Truck Insurance Exchange
14. Universal Underwriters Insurance Company
15. Zurich American Insurance Company of Illinois
16. Zurich American Insurance Company
17. Zurich American Life Insurance Company

C. Subsidiaries with Potential Policies to Holocaust Victims:

Domiciled in Switzerland

1. Zurich Life Insurance Company
2. Geneva Life Insurance Company

Domiciled in Germany

1. Agrippina Life Insurance Company

D. Number and Total Value of Policies Reported:

A census list of Jewish residents in Germany during the relevant years was compiled under the auspices of the German financial regulatory authorities. This list was then matched against a comprehensive list of insurance company records as well as ICHEIC's claims files.

Our search processes and procedures have been reviewed by independent auditors, acting in the name and under the auspices of ICHEIC. Zurich is in compliance with the standards set by ICHEIC.

E. Summary of Claims Filed:

| The following claims information was reported: | | <u>Number</u> |
|--|--|---------------|
| 1. | Claims filed | 231 |
| 2. | Claims paid or approved by the Company | 94 |
| 3. | Amount of dollars paid to claimants | \$2,338,477 |
| 4. | Claims pending | 0 |
| 5. | Claims denied | 137 |
| 6. | Appeals | 36 |
| 7. | Amount of dollars paid on appeals | \$126,212 |

BANK FEE WAIVER PROGRAM

HOLOCAUST VICTIMS ASSISTANCE PROGRAM FLORIDA DEPARTMENT OF FINANCIAL SERVICES

What We Do

The Florida Department of Financial Services provides assistance to Florida Holocaust survivors seeking to recover proceeds from an insurance policy issued to a Holocaust victim and restitution for Nazi-confiscated bank accounts, art and property. Although many of the deadlines have passed for submitting claims to compensation programs, it may be possible to submit a claim directly with the financial institution or with remaining open restitution funds. The Florida Department of Financial Services also provides education and assistance to Holocaust Survivors regarding restitution programs from Germany, Poland, Czech Republic, France, Austria, Hungary and others. Information and assistance is also provided to individuals seeking access to much needed home health care services.

Who is Eligible?

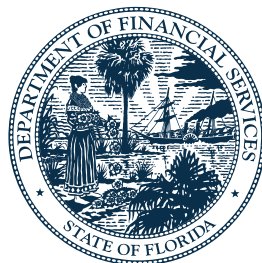
Any person who was displaced, persecuted or discriminated against due to the racial, religious, ethnic, social and political policies of the Nazis and their collaborators. Additionally, individuals who were refugees or were in hiding are also eligible.

Fee Waiver Program

The Florida Department of Financial Services assists survivors in obtaining wire transfer fee waivers on all European reparation payments. An estimated 12,500 Holocaust survivors in Florida were being assessed an international wire transfer fee, ranging from \$10 to \$40 per transaction. This transaction fee amounted to a 10 percent tax on each payment the survivor receives, a significant financial burden considering that a vast majority of survivors rely on these payments. Currently, 24 financial institutions in Florida are participating in the Fee Waiver Program and have agreed to waive the wire transfer fee on reparation payments. Survivors who are being assessed an international wire transfer fee from a European settlement fund are encouraged to seek assistance from our office.

Where can I get further information?

For additional information on recovering Holocaust-era financial proceeds from a Nazi-confiscated insurance policy, bank account, looted art or information on the Fee Waiver Program, please call our toll-free number, 1-800-388-4069 or visit the Florida Department of Financial Services website at www.MyFloridaCFO.com/Division/Consumers/Holocaust/. These services are provided free of charge by the State of Florida.



Florida Department of Financial Services
Holocaust Victims Assistance Program
200 East Gaines Street
Tallahassee, FL 32399





Holocaust Survivor Fee Waiver Program

JIMMY PATRONIS, CHIEF FINANCIAL OFFICER, STATE OF FLORIDA

The right thing to do is the only thing to do.

An estimated 12,500 Holocaust survivors and their families in Florida were being assessed an international wire transfer fee, ranging from \$10 to \$40 a transaction. This transfer fee amounted to a 10 percent tax on each payment the survivor receives, a significant financial burden considering that vast majority rely on these payments. I am partnering with financial institutions in Florida to waive the wire transfer fee on reparation payments.

I encourage you to visit our website at www.MyFloridaCFO.com/Division/Consumers/Holocaust which includes a list of participating financial institutions in Florida, additional information and contact numbers regarding Holocaust restitution claims, a generic fee waiver form for financial institutions and the Holocaust Victims Assistance Act.

While nothing we do will ever fully repay those who suffered through this atrocity, I will do all I can to keep money in their pockets.

What else can we do to help?

You can reach us by phone: 1-877-693-5236 or via email: FeeWaiverHelp@myfloridacfo.com

Participating Institutions

AmTrust Bank, Bank of America, Branch Banking and Trust (BB&T), Citizens Bank and Trust, Executive National Bank, First Bank of Florida, Florida Commerce Credit Union, Gold Coast Federal Credit Union, GTE Financial, HSBC Bank USA, N.A., JPMorgan Chase Bank, Priority One Credit Union, Regions Bank, Seacoast National Bank, Stonegate Bank, SUN Credit Union, SunTrust Bank, TD Bank, USF Federal Credit Union, Vystar Credit Union, Wells Fargo

If you are a Holocaust Survivor and your bank is not participating in the program, please contact us and we will reach out to your financial institution on your behalf.



Holocaust Survivor Fee Waiver Program

JIMMY PATRONIS, CHIEF FINANCIAL OFFICER, STATE OF FLORIDA

The right thing to do is the only thing to do.

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What else can we do to help?

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Participating Institutions

AmTrust Bank, Bank of America, Branch Banking and Trust (BB&T), Citizens Bank and Trust, Executive National Bank, First Bank of Florida, Florida Commerce Credit Union, Gold Coast Federal Credit Union, GTE Financial, HSBC Bank USA, N.A., JPMorgan Chase Bank, Priority One Credit Union, Regions Bank, Seacoast National Bank, Stonegate Bank, SUN Credit Union, SunTrust Bank, TD Bank, USF Federal Credit Union, Vystar Credit Union, Wells Fargo

If you are a Holocaust Survivor and your bank is not participating in the program, please contact us and we will reach out to your financial institution on your behalf.

Dear Survivor,

I am reaching out to you as your state Chief Financial Officer with one goal in mind – to protect the restitution payments from the German government to which you are entitled. I recently learned that each payment is assessed a wire transfer fee by the utilized financial institution ranging from \$10 to \$40 per transaction. It is my priority to ensure your deserved payments are not subject to unnecessary fees. Given the current economic climate of Florida and the nation, I recognize the fees impose an additional financial burden on you and your families.

I am encouraging every financial institution throughout Florida to voluntarily waive the wire transfer fees for each Holocaust Survivor receiving restitution payments from the German government. Although waiving the wire transfer fee will never offset the suffering you endured, it is a simple gesture of compassion to acknowledge the hardships you have endured.

Enclosed is a list of financial institutions that are voluntarily agreeing to waive the wire transfer fees on restitution payments. If your financial institution is not currently participating in this voluntary program, please let me know so that I can reach out to them on your behalf. I have attached a simple reply card that will assist you in providing the necessary information.

Thank you for the opportunity to serve as your Chief Financial Officer. I am humbled and honored by this privilege that you have entrusted to me.

With Warm Regards,

Jimmy Patronis
Chief Financial Officer
State of Florida

Re: Holocaust Survivors Voluntary Fee Waiver Restitution Program

Dear CFO Patronis,

My bank is currently not participating in voluntary fee waiver program for restitution payment from the German Government. Please contact them on my behalf and ask them to participate in this program. The following is the contact information for my local bank.

Bank Name: _____

Banking Contact Name (if known): _____

Bank Address: _____

Bank Phone: _____

My name: _____

My Address: _____

My Phone: _____

My Email: _____

Best way to reach me:

- Mail
- Phone
- Email

Thank you.

Please return to:
Jimmy Patronis
Chief Financial Officer of Florida
200 E Gaines Street
Tallahassee, FL 32399

Generic Fee Waiver Forms for Financial Institutions

Effective March 2011, _____, a financial institution operating in Florida, agrees to voluntarily waive the wire-transfer or processing fees to our customers for wire-transfer payments for Holocaust-related reparations or restitution. Upon receipt of a written request and reasonable documentation from our customers, we will waive all of our fees associated with processing these wire-transfer payments.

Name of Institution (please print) _____

Signatory (please print): _____

Title (please print): _____

Signature: _____

Contact Telephone Number: _____

Information to be posted on Website (please print)

Name of Financial Institution:

Address for Sending Written Requests:

City _____ State _____ Zip _____

Contact Telephone Number for Questions (preferably toll-free): _____

Send this form to:

Lynn Grossman
Florida Department of Financial Services
200 E. Gaines Street
Room 624G
Tallahassee, Fl 32399-4205
850-413-4160

FLORIDA HOLOCAUST VICTIMS ASSISTANCE EXHIBIT

FLORIDA HOLOCAUST ERA INSURANCE EXHIBIT

Enclosed is a copy of the Florida Holocaust Era Insurance Exhibit that was created and has been permanently displayed at the Holocaust Memorial Resource and Education Center of Florida in Maitland, FL. The Holocaust Memorial Resource and Education Center of Florida is providing outreach to Holocaust Survivors in the Maitland/Orlando area of the state to educate Survivors, and their heirs, on how to pursue filing claims on existing potential and actual insurance claims.

HOLOCAUST ERA INSURANCE: The Investors

Before World War II insurance was viewed as a sound investment for European Jews. Known in some circles as “the poor man’s Swiss Bank”, life insurance policies provided for the family if the wage-earner died, and sheltered the family assets so they would be available for future generations.

Representatives from major insurance companies – including a fair number of Jewish agents – traveled all over Eastern Europe, selling policies in even the smallest villages and shtetls. For many families, the purchase of life insurance, dowry insurance, and education insurance was considered a priority. One of the largest insurers, Generali, was founded in 1831 by a group of Jewish merchants attracted to this fertile market. It used the Lion of Judah as its corporate logo.



There is no way to identify the exact number of policies, but economists estimate that in 1938 there were 870,000 life insurance policies held by Jewish families living in areas that were later occupied by Germany, believed to be worth over \$2 billion in today’s dollars. Others estimate the values even higher, perhaps as much as \$18 billion.

Because of the economic and political climate in prewar Europe, many policyholders sought guarantees that payment could be in gold or in U.S. dollars, payable anywhere in the world.



During the war, of course, the safety and security of insurance investments changed radically. As Nazis closed down shops, forced families into ghettos, and deported people to camps, some policyholders were unable to continue paying premiums. Others cashed in policies to pay onerous Flight Taxes, converted them to paid-up policies, or simply abandoned them in their rush to emigrate.

The Nazi government was able to take away insurance rights directly. Many Jews were arbitrarily deprived of their citizenship, resulting in their assets being seized. In April 1938, Jews in Germany and Austria were legally required to list all property they owned, including real estate, bank accounts and insurance policies. In July of that year, they were mandated to carry identity cards, and by October the passports held by Jews were marked with a red letter “J.”



Banks, insurance companies and other institutions holding Jewish assets were required to report these accounts to German financial authorities. This seizure of Jewish assets extended to companies outside of Germany, although these companies were under no legal obligation to comply with Nazi demands. Many companies in Switzerland, Austria and The Netherlands complied with demands to transfer assets based on Nazi assurances that, in the event of repayment claims in the future, the German state would indemnify the companies.

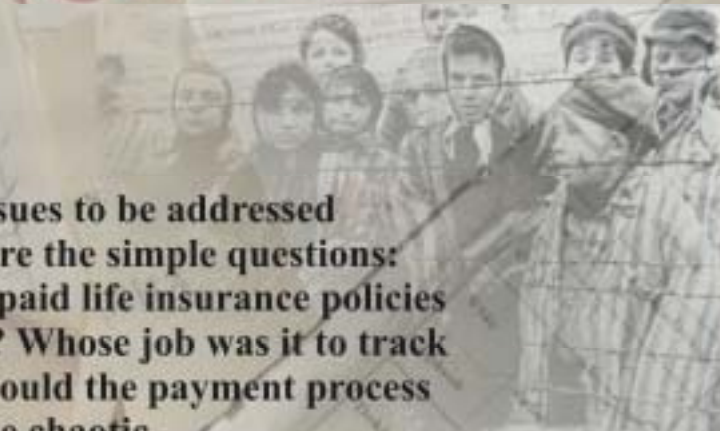
Ironically, the assets from insurance companies, deposited in banks and invested in factories, provided a substantial amount of the capital that Hitler needed to support his quest for domination.



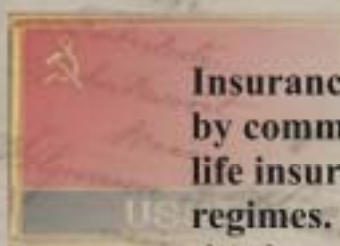
HOLOCAUST ERA INSURANCE: After the War



Among the myriad of issues to be addressed at the end of the war were the simple questions: what to do about the unpaid life insurance policies held by European Jews? Whose job was it to track beneficiaries, and how could the payment process be made to work in those chaotic early years?



For the rare cases where complete documentation existed – a physical copy of a valid insurance policy, and a policyholder still living – it would seem easy enough for the owner of the policy to contact the insurance company to cash it in, convert it, or at least to confirm the policy was still in effect. Unfortunately, even under those ideal circumstances the benefits had often disappeared.



Insurance companies in the Eastern Bloc were taken over by communist governments, and therefore claimed that life insurance policies were nullified by the new Socialist regimes. Furthermore, insurance companies claimed that the devastation of war destroyed many of their records, so even if the policyholder by some miracle had managed to survive and keep their insurance paperwork intact, the company would not pay unless their own records confirmed that the policy was still valid.



In most cases, however, collecting on a life insurance policy was hampered by the horrors of the Holocaust itself. People fleeing for their lives, or grabbed off the streets, did not have the luxury of time to collect policies and place them for safekeeping. Insurance policies and other important papers, hastily buried in jars and suitcases, seldom reappeared after the war.



Tales have been told, over and over, of individuals and families being ordered to report to railway stations for deportation “and bring your important papers with you.” The suitcases and their contents were then confiscated by the Nazis and the policies cashed in.

Most troubling and inhumane was the insistence of insurance companies that they would not pay on life insurance if no death certificate existed. Six million Jews died. There were no death certificates for them or any official paperwork available to surviving family members.

Immediately after the war, and decades thereafter, the efforts to redeem policies were met by an almost universal failure to honor legitimate claims.

By the mid-1950's, insurance companies confronted with Holocaust-era claims began asserting that the policies that they may have written – no matter the value of the policy, the circumstances of its purchase, or the fate of the insured – were no longer a matter to be addressed. Insurance company payments made through German restitution efforts, they claimed, substituted for payments on any and all policies, relieving them of responsibility for further action. Insurance companies thus absolved themselves of responsibility, and governments failed to take even small steps to protect the rights of policyholders and their heirs. It appeared, at least for a time, that the issue would never be addressed in a fair and compassionate way.

HOLOCAUST ERA INSURANCE: Justice Denied

Very little progress was made in settling Holocaust-era insurance claims for several decades after the War. Survivors and beneficiaries of policyholders were met with obstacles and resistance at every level. "Statute of Limitations" arguments began to be applied, often quite arbitrarily.

There were thousands of Jews who had concrete knowledge of policies, but fewer than 20% of potential claimants had the name of the insurance company and enough information to press a suit in court. Many of them, however, could provide at least a starting point: the location of the building where Papa went to pay his premiums, the name of the agent who sold all the policies in the community, or the logo on small gifts the agent left behind.

But even the most straight forward claims were summarily dismissed. Appeals to insurance companies, embassies, and state departments went unanswered.



The fall of the Berlin Wall in 1989, followed by the collapse of the Soviet Union in 1991, and a rash of individual and class-action lawsuits filed in the 1990s against Swiss, German, Austrian, French and Italian companies by victim families, brought to light more information about stolen assets. "Reparations" and "Justice" initiatives were beginning to turn the tide.



Just as significantly, by the mid 1990s, the very youngest Survivors were in their 50s, and those with clear memories of family assets before the war were approaching 70. As health and memory failed, this appeared to be the last opportunity for them to regain their assets.

Finally, a breakthrough came in December 1996. The family of a policyholder named Mor Stern was able to locate a copy of his annuity policy, fully paid until 1944 and worth the equivalent of \$15,000 at the time of his death. Unlike previous, unsuccessful lawsuits, this case was not filed as a class-action suit but as an individual claim. It was also different because it was not filed in federal courts, but in California state courts since the company, Generali, did business in California. Two months later, three other individual lawsuits were filed in the state.

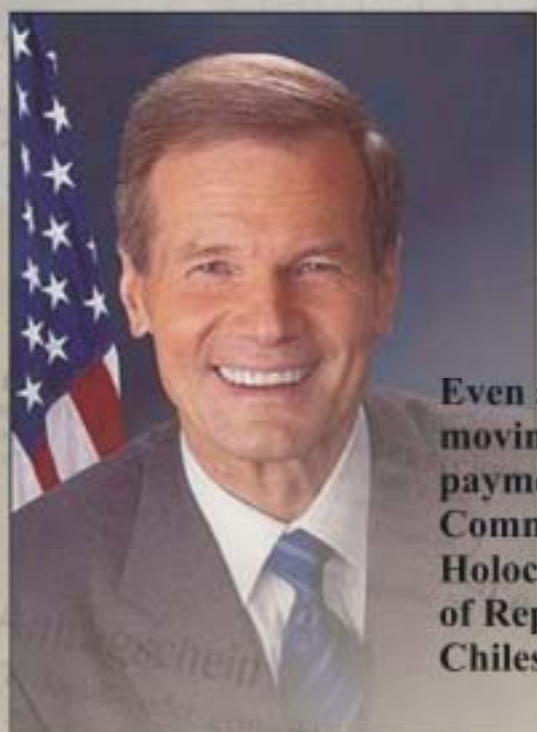
In support of these claims, the California legislature enacted their Holocaust Victim Insurance Act, specifically giving the state jurisdiction over the claim and extending the time in which to file a claim to 2010. After many legal proceedings, the case was settled in favor of the family in November 1999.

With the increased legal and public attention to the issue, in 1997, the U.S. National Association of Insurance Commissioners (the NAIC) created a working group to determine the scope of the problem and to persuade insurers to initiate a dialogue to develop a mechanism to settle claims equitably. By late 1998, there was a Memorandum of Understanding signed between six European insurers, the NAIC, and representatives of Jewish organizations.

From this initiative, the International Commission on Holocaust Era Insurance Claims ("the ICHEIC") was created. The goal was to create a process that relaxed the standards of proof necessary to successfully file a claim, and to assure that funding was available from insurers to pay off on these long-held policies.

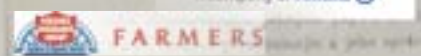


HOLOCAUST ERA INSURANCE: The Florida Experience



Even as the International Commission on Holocaust Era Insurance was moving forward, Florida initiated an effort to assist Survivors in obtaining payment of their insurance policies. At the urging of then State Insurance Commissioner (now U.S. Senator) Bill Nelson, legislation creating the Florida Holocaust Victims Insurance Act passed unanimously in both the State House of Representatives and the Senate. It was signed into law by Governor Lawton Chiles on May 22, 1998.

Florida assumed regulatory authority over these European insurance companies because, as multinational corporations, they sold policies in the state through their various subsidiaries. Insurers with familiar names like Colonial Penn, Fireman's Fund and Mid-Century – all offsprings of major European companies – were licensed and actively selling in United States markets.



It was a critical issue for the State because Florida has one of the largest Survivor populations in the nation, third after New York and California. There were over 15 million Jewish residents of Florida in 1998, and an estimated 8% of their households included a Survivor or a child of a Survivor.



Unfortunately, the Survivor population of Florida, as elsewhere, is at risk of being destitute in their later years. In the year 1995, 76% of them were age 65 or older. One fourth of them lived alone, and half of them had an annual household income of under \$25,000, including 20% who lived below the official federal poverty line. The availability of payments from long-held insurance policies could make a life-changing difference to Florida's Survivors and their families. In response to this need, Florida made available, free of charge, information and advocacy for every Florida Holocaust Survivor or beneficiary who believed he or she had a claim.

With the support of the program operated by the Florida Department of Financial Services and the efforts of the ICHEIC, by mid-2008, there were 5,177 claims filed with European insurance companies from a total of 2,136 Florida claimants. This claims process resulted in offers totaling over 9 million dollars to Florida Holocaust Survivors.

Settlement amounts range from \$2,000 to almost a quarter million dollars. Additionally, humanitarian payments of \$1,000 have been received by 1,400 Florida residents, for a total of \$1,400,000. In addition, ICHEIC has offered Florida residents over \$180,000 for payment on policies for companies that are no longer in existence.



Anyone with a Holocaust-era life insurance policy, policy number, correspondence or other credible evidence of coverage is urged to contact the Florida Department of Financial Services toll free at 1-800-388-4069. Assistance in filing a claim is available until July.

HOLOCAUST ERA INSURANCE: Making Claims

The Holocaust Era Claims process established by the International Commission on Holocaust Era Claims (ICHEIC) owed its success to four unique mechanisms built into the claims agreement.

First, the participating insurance companies agreed to release available lists of policyholders who held life insurance policies between 1920 and 1945. This process included research of insurance company records, census records, and national archives, often listing alternative spellings for many family names. The disruption of war and the severing of family ties made the lists one of the most critical components of the project. (The ability to get settlements was somewhat narrowed by a U.S. Supreme Court decision, *American Insurance Association v Garamendi*, which limited the power of individual states to demand that of foreign companies release names of policy holders whose beneficiaries have not been located.)



Second, outreach was required to reach potential claimants, including information on where to find policyholder lists in order to determine whether a valid policy existed. ICHEIC provided a number of print ads, with a toll-free number, aimed at survivor families. Multilingual announcements were distributed to Survivor associations and Jewish organizations.

Third, insurance companies had to accept relaxed standards of proof for Holocaust-era policy claims. This would include eliminating the need for death certificates and for the beneficiary to produce the original policy. Simplified forms were created so that beneficiaries would understand exactly what kinds of documentation were required to perfect a claim.

Fourth, advocates were put in place to help claimants deal with the process, with government offices able to provide incentives and penalties in order to gain the fullest cooperation from insurers. In addition to the larger issues of listing names and policy research, states such as Florida have been on the forefront of smaller forms of relief, such as encouraging banks to waive transfer fees and bank commissions of monies from Holocaust-era policies.

Since the end of ICHEIC's efforts, beneficiaries have fewer options for making claims. In the state of Florida, however, the state efforts remain in place, offering some consumer support. At the very least, policyholders and heirs may be entitled to modest "Humanitarian" payments made through the Conference on Material Claims Against Germany (also known as the Claims Conference) which administers compensation programs for slave labor, hardship funds, victims of medical experiments, refugee compensation, victim pensions, and Survivor Help Centers.

The payment of long overdue claims are a financial benefit to heirs and an acknowledgment of wrong-doing that spans over half a century. But honoring Holocaust-era claims is more than simply fulfilling a contract. It is acknowledging the existence and value of people who perished, and is sometimes the only link that remains to a world, a people, and a time that has since been lost.

Claims Conference

CONFERENCE ON
JEWISH MATERIAL CLAIMS
AGAINST GERMANY

HOLOCAUST ERA INSURANCE: Unfinished Business

In general, even optimistic reports on Holocaust era insurance claims view it as a limited success. ICHEIC supporters point out that thousands of payments were made before the program ended in 2007, and many – perhaps most – of these claims would have had no success if there had not been specific rules and a functional structure in place to support beneficiaries' claims.

In spite of significant outreach efforts, it is likely that many potential claimants were not aware of the efforts to support cashing in policies. Language barriers, isolation, infirmity and even an unwillingness to confront wartime memories presented very real obstacles.

Because of a widespread feeling that the claims process did not achieve enough during its limited time, there have been efforts, supported by the National Association of Insurance Commissioners, Survivor groups, and legislators, to continue the task. While individuals can still make claims on Holocaust era insurance using the relaxed standards set up a decade ago, the information they provide must be more complete and more compelling.

Proposals to reopen an international process have been met with resistance. As previous success grew from cooperation rather than litigation, some fear that litigation of previously settled claims would be counterproductive. In addition, insurance companies that have been at least somewhat cooperative were promised immunity from further legal action, a process called 'legal peace.'

There is a continuing need to ensure that the most comprehensive list of policyholder names is published and available. Some 500,000 names of policyholders were provided to ICHEIC and are now available on the Yad Vashem website. Unfortunately, some of the names were made public only a few months before ICHEIC's filing deadline. Even so, it can be argued that Germany largely met its obligation to provide policyholder names under current rules.

For Eastern European countries, the number of Jewish policyholders published is minimal. The most notable shortcomings are in Hungary, Poland and Rumania, all of which had large pre-Holocaust Jewish populations. Even in most Western European countries, the number of published names has been somewhat limited. To address this issue, Eastern European insurance archives need to be further examined and, most importantly, these Eastern European insurance companies should publish the names of their Holocaust era policyholders.

Keeping an effective application process ongoing is essential. We must ensure that Holocaust Survivors and their families can continue to pursue their claims.



ICHEIC CLAIMANT FILM

ICHEIC CLAIMANT FILM

The Florida Department of Financial Services assisted ICHEIC in producing an eight minute film featuring the stories of three Florida Holocaust survivors during World War II and the positive resolution of their European insurance claims through the International Commission.

To view the film, visit the United States Holocaust Memorial Museum website at <https://icheic.ushmm.org/> under the Final Reports on the right of the screen at the bottom there will be “ICHEIC Claimant Film”. Click on one of the “Download Film In...” depending on which format you have to view the short film in.