



203012

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Banking and Insurance (Richter) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 33 - 114

and insert:

(3) In addition to the methods listed in subsection (1) for sending a document, a sender may post a document to a secure electronic account or website where the document can be accessed.

(a) Before a document may be posted to an electronic account or website, the recipient must sign a separate written



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11 authorization solely for the purpose of authorizing the sender  
12 to post documents on the electronic account or website. The  
13 written authorization must:

14 1. Enumerate the documents that may be posted in this  
15 manner.

16 2. Contain specific instructions for accessing the  
17 electronic account or website, including the security procedures  
18 required to access the electronic account or website, such as a  
19 username and password.

20 3. Advise the recipient that a separate notice will be sent  
21 when a document is posted to the electronic account or website  
22 and the manner in which the separate notice will be sent.

23 4. Advise the recipient that the authorization to receive  
24 documents by electronic posting may be amended or revoked at any  
25 time and include specific instructions for revoking or amending  
26 the authorization, including the address designated for the  
27 purpose of receiving notice of the revocation or amendment.

28 5. Advise the recipient that posting a document on the  
29 electronic account or website may commence a limitations period  
30 as short as 6 months even if the recipient never actually  
31 accesses the electronic account or website or the document.

32 (b) Once the recipient signs the written authorization, the  
33 sender must provide a separate notice to the recipient when a  
34 document is posted to the electronic account or website. As used  
35 in this subsection, the term "separate notice" means a notice  
36 sent to the recipient by means other than electronic posting  
37 which identifies each document posted to the electronic account  
38 or website and provides instructions for accessing the posted  
39 document. The separate notice requirement is satisfied if the



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40 recipient accesses the document on the electronic account or  
41 website.

42 (c) A document sent by electronic posting is deemed  
43 received by the recipient on the earlier of the date that the  
44 separate notice is received or the date that the recipient  
45 accesses the document on the electronic account or website.

46 (d) At least annually after a recipient signs a written  
47 authorization, a sender shall send a notice advising the  
48 recipient that posting a document on the electronic account or  
49 website may commence a limitations period as short as 6 months  
50 even if the recipient never accesses the electronic account or  
51 website or the document and that the authorization to receive  
52 documents by electronic posting may be amended or revoked at any  
53 time. This notice must be given by means other than electronic  
54 posting and may not be accompanied by any other written  
55 communication. Failure to provide such notice within 380 days  
56 after the last notice is deemed to automatically revoke the  
57 authorization to receive documents in the manner permitted under  
58 this subsection 380 days after the last notice is sent.

59 (e) The notice required in paragraph (d) may be in  
60 substantially the following form: "You have authorized receipt  
61 of documents through posting to an electronic account or website  
62 where the documents can be accessed. This notice is being sent  
63 to advise you that a limitations period, which may be as short  
64 as 6 months, may be running as to matters disclosed in a trust  
65 accounting or other written report of a trustee posted to the  
66 electronic account or website even if you never actually access  
67 the electronic account or website or the documents. You may  
68 amend or revoke the authorization to receive documents by



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69 electronic posting at any time. If you have any questions,  
70 please consult your attorney."

71 (f) A sender may rely on the recipient's authorization  
72 until the recipient amends or revokes the authorization by  
73 sending a notice to the address designated for that purpose in  
74 the authorization. The recipient, at any time, may amend or  
75 revoke an authorization to have documents posted on the  
76 electronic account or website.

77 (g) A document provided to a recipient solely through  
78 electronic posting must remain accessible to the recipient on  
79 the electronic account or website for at least 4 years after the  
80 date that the document is deemed received by the recipient. The  
81 electronic account or website must allow the recipient to  
82 download or print the document. This subsection does not affect  
83 or alter the duties of a trustee to keep clear, distinct, and  
84 accurate records pursuant to s. 736.0810 or affect or alter the  
85 time periods for which the trustee must maintain those records.

86 (h) To be effective, the posting of a document to an  
87 electronic account or website must be done in accordance with  
88 this subsection. The sender has the burden of

89  
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete lines 4 - 12

93 and insert:

94 sender to post a document to a secure electronic  
95 account or website upon the authorization of a  
96 recipient; providing for effective authorization for  
97 such posting; requiring a sender to provide a separate



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98 notice once a document is electronically posted;  
99 specifying when a document sent electronically is  
100 deemed received by the recipient; requiring a sender  
101 to provide notice of the beginning of a limitations  
102 period and authority of a recipient to amend or revoke