



574270

LEGISLATIVE ACTION

Senate

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House

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04/27/2017 11:23 AM

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Senator Passidomo moved the following:

Senate Amendment (with title amendment)

Between lines 483 and 484

insert:

Section 10. Section 732.528, Florida Statutes, is created
to read:

732.528 Liability coverage; receivership of qualified
custodians.-

(1) A qualified custodian shall:

(a) Post and maintain a blanket surety bond of at least
\$250,000 to secure the faithful performance of all duties and



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12 obligations required under this act. The bond must be made
13 payable to the Governor and his or her successors in office for
14 the benefit of all persons who store electronic records with a
15 qualified custodian and their estates, beneficiaries,
16 successors, and heirs and be conditioned on the faithful
17 performance of all duties and obligations under this act. The
18 terms of the bond must cover the acts or omissions of the
19 qualified custodian and each agent or employee of the qualified
20 custodian; or

21 (b) Maintain a liability insurance policy that covers any
22 losses sustained by any person who stores electronic records
23 with a qualified custodian and their estates, beneficiaries,
24 successors, and heirs which are caused by errors or omissions by
25 the qualified custodian and each agent or employee of the
26 qualified custodian. The policy must cover losses of up to at
27 least \$250,000 in the aggregate.

28 (2) The Attorney General may petition a court of competent
29 jurisdiction for the appointment of a receiver to manage the
30 electronic records of a qualified custodian for proper delivery
31 and safekeeping if any of the following conditions exist:

32 (a) The qualified custodian is ceasing operation.

33 (b) The qualified custodian intends to close the facility
34 and adequate arrangements have not been made for proper delivery
35 of the electronic records in accordance with this act.

36 (c) The Attorney General determines that conditions exist
37 which present a danger that electronic records will be lost or
38 misappropriated.

39 (d) The qualified custodian fails to maintain and post a
40 surety bond or maintain insurance required by this section.



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

And the title is amended as follows:

Between lines 55 and 56

insert:

732.528, F.S.; requiring a qualified custodian to post
and maintain a blanket surety bond, subject to certain
requirements, or to maintain a certain liability
insurance policy; authorizing the Attorney General to
petition a court for the appointment of a receiver to
manage certain records under certain conditions;
amending s.