

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Grant, J. offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line 92 and insert:

6 732.521 Short title.—Sections 732.521-732.528 may be cited

7 Between lines 298 and 299, insert:

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

10 732.528 Indemnity Requirements of Qualified Custodians--

11 (1) A qualified custodian must meet one of the following
12 requirements:

13 (a) Post and maintain a blanket surety bond of at least
14 \$250,000 to secure the faithful performance of all duties and
15 obligations required under this Act. The bond shall be made
16 payable to the Governor and his or her successors in office for

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17 the benefit of all persons who store electronic records with a
18 qualified custodian and their estates, beneficiaries,
19 successors, and heirs and conditioned on the faithful
20 performance of all duties and obligations under this Act. The
21 terms of the bond must cover the acts or omissions of the
22 qualified custodian, and each agent or employee of the qualified
23 custodian.; or

24 (b) Maintain a liability insurance policy that covers any
25 losses sustained by any person who stores electronic records
26 with a qualified custodian and their estates, beneficiaries,
27 successors, and heirs caused by errors, omissions, or any
28 intentional misconduct committed by the qualified custodian, and
29 each agent or employee of the qualified custodian. The policy
30 must cover losses up to \$250,000 for each incident.

31 (2) The Attorney General may petition a court of competent
32 jurisdiction for the appointment of a receiver to manage the
33 electronic records of a qualified custodian for proper delivery
34 and safekeeping, when any of the following conditions exist:

35 (a) The qualified custodian is ceasing operation;

36 (b) The qualified custodian intends to close the facility
37 and adequate arrangements have not been made for proper delivery
38 of the electronic records in accordance with this Act;

39 (c) The Attorney General determines that conditions exist
40 which present a danger that electronic records will be lost or
41 misappropriated;

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

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46 **T I T L E A M E N D M E N T**

47 Remove line 51 and insert:

48 information confidential; creating s. 732.528, F.S.; providing
49 indemnity requirements for qualified custodians; providing the
50 Attorney General standing to petition a court for the
51 appointment of a receiver to manage electronic records of a
52 qualified custodian under certain conditions; amending s.
53 733.201, F.S.;