

By Senator Grall

29-01373-23

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1                   A bill to be entitled  
2       An act relating to records electronically filed with  
3       the Department of State; amending s. 15.16, F.S.;  
4       authorizing the department to implement certain  
5       systems relating to electronically filed records;  
6       providing requirements and authorizations for the  
7       department relating to such systems; providing an  
8       effective date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12       Section 1. Subsection (3) of section 15.16, Florida  
13       Statutes, as amended by chapter 2022-190, Laws of Florida, is  
14       amended to read:

15       15.16 Reproduction of records; admissibility in evidence;  
16       electronic receipt and transmission of records; certification;  
17       acknowledgment.—

18       (3) (a) The Department of State may cause to be received  
19       electronically any records that are required or authorized to be  
20       filed with it pursuant to chapter 48, chapter 55, chapter 117,  
21       chapter 118, chapter 495, chapter 605, chapter 606, chapter 607,  
22       chapter 610, chapter 617, chapter 620, chapter 621, chapter 679,  
23       chapter 713, or chapter 865, through facsimile or other  
24       electronic transfers, for the purpose of filing such records.  
25       The originals of all such electronically transmitted records  
26       must be executed in the manner provided in paragraph (5) (b). The  
27       receipt of such electronic transfer constitutes delivery to the  
28       department as required by law. The department may use electronic  
29       transmissions for purposes of notice in the administration of

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30 chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620,  
31 621, 679, and 713 and s. 865.09. The Department of State may  
32 collect e-mail addresses for purposes of notice and  
33 communication in the performance of its duties and may require  
34 filers and registrants to furnish such e-mail addresses when  
35 presenting documents for filing.

36 (b) The department may implement a password-protected  
37 system for any record electronically received pursuant to  
38 paragraph (a) and may require filers to produce supplemental  
39 materials to use such system, including, but not limited to, an  
40 original signature of the filer and verification of credentials.  
41 The department may also implement a password-protected system  
42 that allows entities organized under the chapters specified in  
43 paragraph (a) to identify authorized account holders for the  
44 purpose of electronically filing records related to the entity.  
45 If the department implements such a system, it must send to each  
46 e-mail address on file with the Division of Corporations on  
47 January 1, 2024, a code to participate in a password-protected  
48 system. The department may require verification of the identity  
49 of an authorized account holder before the account holder is  
50 authorized to electronically file a record with the department.

51 Section 2. This act shall take effect July 1, 2023.