

CHAPTER 2023-53

Senate Bill No. 948

An act relating to records electronically filed with the Department of State; amending s. 15.16, F.S.; authorizing the department to implement certain systems relating to electronically filed records; providing requirements and authorizations for the department relating to such systems; providing an effective date.

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

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

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

(3)(a) The Department of State may cause to be received electronically any records that are required or authorized to be filed with it pursuant to chapter 48, chapter 55, chapter 117, chapter 118, chapter 495, chapter 605, chapter 606, chapter 607, chapter 610, chapter 617, chapter 620, chapter 621, chapter 679, chapter 713, or chapter 865, through facsimile or other electronic transfers, for the purpose of filing such records. The originals of all such electronically transmitted records must be executed in the manner provided in paragraph (5)(b). The receipt of such electronic transfer constitutes delivery to the department as required by law. The department may use electronic transmissions for purposes of notice in the administration of chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620, 621, 679, and 713 and s. 865.09. The Department of State may collect e-mail addresses for purposes of notice and communication in the performance of its duties and may require filers and registrants to furnish such e-mail addresses when presenting documents for filing.

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

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

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.