

Bill No. HB 1157, 1st Eng.

Amendment No. Barcode 201348

| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
|---------------|----------------|--------------|
|---------------|----------------|--------------|

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Garcia moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Subsections (6) and (7) of section 15.16, Florida Statutes, are redesignated as subsections (7) and (8), respectively, and a new subsection (6) is added to that section to read:

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

(6) Notwithstanding s. 865.09(3)(d), the Department of State may waive the requirement that a person advertise the intention to register a fictitious name if the department indexes the fictitious name registration in a central database available to the public on the Internet.

Section 2. Paragraph (f) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.--

Bill No. HB 1157, 1st Eng.

Amendment No. ____ Barcode 201348

1 (2) The secretary shall be responsible for all
 2 consular relations between the state and all foreign
 3 governments doing business in Florida. The secretary shall
 4 monitor United States laws and directives to ensure that all
 5 federal treaties regarding foreign privileges and immunities
 6 are properly observed. The secretary shall promulgate rules
 7 which shall:

8 (f) Establish a system of communication to provide all
 9 state and local law enforcement agencies with information
 10 regarding proper procedures relating to the arrest or
 11 incarceration of a foreign citizen. ~~Florida law enforcement~~
 12 ~~agencies shall inform the Department of State when such arrest~~
 13 ~~or incarceration occurs. The secretary in turn shall notify~~
 14 ~~the appropriate foreign governmental official. The secretary~~
 15 ~~shall annually report on the actions taken to inform law~~
 16 ~~enforcement agencies, and on the cooperation from such~~
 17 ~~agencies, to the President of the Senate and the Speaker of~~
 18 ~~the House of Representatives.~~

19 Section 3. Effective October 1, 2001, paragraph (c) of
 20 subsection (1) and subsection (5) of section 679.401, Florida
 21 Statutes, are amended to read:

22 679.401 Place of filing; erroneous filing; removal of
 23 collateral.--

24 (1) The proper place to file in order to perfect a
 25 security interest is as follows:

26 (c) In all other cases, by filing under the Florida
 27 Secured Transaction Registry ~~in the office of the Department~~
 28 ~~of State.~~

29 (5) Notwithstanding the preceding subsections, and
 30 subject to s. 679.302(3), the proper place to file in order to
 31 perfect a security interest in collateral, including fixtures,

Bill No. HB 1157, 1st Eng.

Amendment No. ____ Barcode 201348

1 of a transmitting utility is under the Florida Secured
2 Transaction Registry ~~the office of the Department of State.~~

3 Section 4. Section 679.4015, Florida Statutes, is
4 created to read:

5 679.4015 Florida Secured Transaction Registry.--

6 (1) As used in this section, the term:

7 (a) "Florida Secured Transaction Registry" or
8 "registry" means the central database in which all initial
9 financing statements, amendments, assignments, and other
10 statements of change authorized to be filed under this chapter
11 are filed, maintained, and retrieved. The term does not apply
12 to documents that are filed under this chapter with the clerk
13 of a circuit court.

14 (b) "Department" means the Department of State.

15 (c) "Materials and records" includes, but is not
16 limited to, databases, source or object codes, and any
17 software relating to the Florida Secured Transaction Registry
18 or other filing system under this chapter, regardless of the
19 original source of its creation or maintenance.

20 (2) The department shall perform the duties of the
21 filing office and filing officer under this chapter until
22 October 1, 2001, or until the effective date of a contract
23 executed by the department for the performance of these
24 duties, whichever occurs later. At that time, the department
25 shall cease serving as the filing office and filing officer
26 under this chapter, and thereafter, except to the extent the
27 department may reclaim those duties under paragraph (3)(d),
28 the department is not responsible for the performance of the
29 duties of the filing office or filing officer under this
30 chapter, including determinations of whether filings under
31 this chapter satisfy the requirements of law.

Bill No. HB 1157, 1st Eng.

Amendment No. ____ Barcode 201348

1 (3) The department shall immediately develop and issue
2 a request for qualifications seeking capable entities to
3 perform the duties currently being performed by the department
4 as the filing office and filing officer under this chapter.

5 (a) The qualifications shall, at a minimum, provide
6 for the organization and maintenance of the Florida Secured
7 Transaction Registry in a matter that:

8 1. Is comparable and compatible with the department's
9 current filing system.

10 2. Is open to the public and accessible through the
11 Internet, to permit the review of all current filings of the
12 department and all future filings in the registry, in
13 compliance with chapter 119.

14 3. Provides for oversight and compliance audits by the
15 department.

16 4. Requires records maintenance in compliance with
17 this chapter and chapter 119.

18 5. Maintains the current level of filing fees and
19 procedures for the deposit of revenues with the department as
20 specified in chapter 15, net of operating costs.

21 (b) Under chapter 287, the department has the
22 authority to determine and select the most qualified
23 respondents to the request for qualifications and to negotiate
24 and enter into one or more contracts as provided in this
25 section.

26 (c) The contract may not be assignable or otherwise
27 transferable without the express written consent of the
28 department.

29 (d) Notwithstanding the terms and conditions of the
30 contract, the department and the state retain sole and
31 exclusive ownership of the materials and records in the

Bill No. HB 1157, 1st Eng.

Amendment No. Barcode 201348

1 registry, have the right to inspect and make copies of the
2 materials and records in the registry, and have the right to
3 immediately reclaim and take possession and control of the
4 original materials and records in the registry if an entity
5 under contract with the department does not, or cannot,
6 perform the terms and conditions of the contract for any
7 reason or commences an insolvency proceeding. If the
8 department reclaims control of the materials and records in
9 the registry, the department shall provide for the
10 uninterrupted fulfillment of the duties of the filing office
11 and filing officer under this chapter. The department is
12 entitled to injunctive relief if an entity fails to turn over
13 the materials and records upon demand, and the Circuit Court
14 for Leon County, Florida, has exclusive original jurisdiction
15 over any disputes pertaining to this section or any contract
16 executed under this section.

17 (4) The department retains authority under this
18 chapter to approve the forms required to be filed under this
19 chapter. If authorized by the contract with the department,
20 the entity performing the duties of the filing office may
21 certify a copy of a financing statement, or an amendment
22 thereto, which shall be admissible in a state or federal court
23 or in a proceeding before any other tribunal.

24 (5) The department shall develop performance standards
25 to ensure that the Florida Secured Transaction Registry is
26 accurate and complete and that the users thereof are being
27 well-served. Periodically, the department shall verify that
28 these performance standards are being met or modified as may
29 be needed from time to time.

30 Section 5. Section 901.26, Florida Statutes, is
31 amended to read:

Bill No. HB 1157, 1st Eng.

Amendment No. ____ Barcode 201348

1 (Substantial rewording of section.
2 See s. 901.26, F.S., for present text.)
3 901.26 Arrest and detention of foreign
4 nationals.--Failure to provide consular notification under the
5 Vienna Convention on Consular Relations or other bilateral
6 consular conventions shall not be a defense in any criminal
7 proceeding against any foreign national and shall not be cause
8 for the foreign national's discharge from custody.

9 Section 6. (1) The Coastal Management Program of the
10 Department of Community Affairs and the Division of Historical
11 Resources of the Department of State shall undertake a study
12 of the lighthouses in the state. The study must determine the
13 location, ownership, condition, and historical significance of
14 all lighthouses in the state and ensure that all historically
15 significant lighthouses are nominated for inclusion on the
16 National Register of Historic Places. The study must assess
17 the condition and restoration needs of historic lighthouses
18 and develop plans for appropriate future public access and
19 use. The Coastal Management Program and the Division of
20 Historical Resources shall take a leadership role in
21 implementing plans to stabilize lighthouses and associated
22 structures and to preserve and protect them from future
23 deterioration. When possible, the lighthouses and associated
24 buildings should be made available to the public for
25 educational and recreational purposes. The Department of
26 Community Affairs should consider these responsibilities to be
27 a priority of the Florida Coastal Management Program, and
28 implementation of this act should be a priority in the use of
29 coastal management funds.

30 (2) The Department of Community Affairs and the
31 Department of State shall request in their annual legislative

Bill No. HB 1157, 1st Eng.

Amendment No. Barcode 201348

1 budget requests funding necessary to carry out the duties and
2 responsibilities specified in this act. Funds for the
3 rehabilitation of lighthouses should be allocated through
4 matching grants-in-aid to state and local government agencies
5 and to nonprofit organizations. The Department of Community
6 Affairs may assist the Division of Historical Resources in
7 projects to accomplish lighthouse identification, assessment,
8 restoration, and interpretation.

9 (3) There are appropriated in fiscal year 2001-2002
10 the sums of \$50,000 from nonrecurring general revenue to the
11 Department of State and \$50,000 from nonrecurring general
12 revenue to the Department of Community Affairs to implement
13 the study required by this section.

14 (4) This section shall take effect upon this act
15 becoming a law.

16 Section 7. Except as otherwise expressly provided in
17 this act, this act shall take effect upon becoming a law.

18
19

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

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled
26 An act relating to the Department of State;
27 amending s. 15.16, F.S.; authorizing the
28 department to waive certain advertising
29 requirements; amending s. 288.816, F.S.;
30 deleting a requirement that certain law
31 enforcement agencies notify the department of

Bill No. HB 1157, 1st Eng.

Amendment No. ____ Barcode 201348

1 certain arrests and incarcerations; amending s.
2 679.401, F.S.; specifying the Florida Secured
3 Transaction Registry as a place for certain
4 filings; creating s. 679.4015, F.S.;
5 establishing the Florida Secured Transaction
6 Registry; prescribing duties of the department;
7 prescribing standards for the registry;
8 providing powers and duties of contracting
9 entities performing services with respect to
10 the registry; amending s. 901.26, F.S.;
11 providing that failure to provide certain
12 consular notification shall not be a defense in
13 a criminal proceeding or a cause for release of
14 a foreign national from custody; directing the
15 Department of Community Affairs and the
16 Department of State to conduct a study of
17 lighthouses in the state; providing
18 requirements of the study; providing for
19 planning and funding responsibilities;
20 directing each department to make a budget
21 request for funding purposes; providing an
22 appropriation; providing effective dates.

23
24
25
26
27
28
29
30
31