

1 A bill to be entitled
2 An act relating to the Department of State;
3 directing the Department of Community Affairs
4 and the Department of State to conduct a study
5 of lighthouses in the state; providing
6 requirements of the study; providing for
7 planning and funding responsibilities;
8 directing each department to make a budget
9 request for funding purposes; providing an
10 appropriation; amending s. 15.16, F.S.;
11 authorizing the department to waive certain
12 advertising requirements; amending s. 288.809,
13 F.S.; revising membership of the Florida
14 Intergovernmental Relations Foundation;
15 amending s. 288.816, F.S.; deleting a
16 requirement that certain law enforcement
17 agencies notify the department of certain
18 arrests and incarcerations; amending s.
19 679.401, F.S.; specifying the Florida Secured
20 Transaction Registry as a place for certain
21 filings; creating s. 679.4015, F.S.;
22 establishing the Florida Secured Transaction
23 Registry; prescribing duties of the
24 department; prescribing standards for the
25 registry; providing powers and duties of
26 contracting entities performing services with
27 respect to the registry; amending s. 901.26,
28 F.S.; providing that failure to provide certain
29 consular notification shall not be a defense in
30 a criminal proceeding or a cause for release of
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1 a foreign national from custody; providing
2 effective dates.

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

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

27 (2) The Department of Community Affairs and the
28 Department of State shall request in their annual legislative
29 budget requests funding necessary to carry out the duties and
30 responsibilities specified in this act. Funds for the
31 rehabilitation of lighthouses should be allocated through

1 matching grants-in-aid to state and local government agencies
2 and to nonprofit organizations. The Department of Community
3 Affairs may assist the Division of Historical Resources in
4 projects to accomplish lighthouse identification, assessment,
5 restoration, and interpretation.

6 (3) There are hereby appropriated in fiscal year
7 2001-2002 the sums of \$50,000 from nonrecurring General
8 Revenue to the Department of State and \$50,000 from
9 nonrecurring General Revenue to the Department of Community
10 Affairs to implement the study required by this section.

11 (4) This section shall take effect upon this act
12 becoming a law.

13 Section 2. Subsection (6) of section 15.16, Florida
14 Statutes, is amended to read:

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

18 (6) Notwithstanding s. 865.09(3)(d), the Department of
19 State may waive the requirement that a person advertise the
20 intention to register a fictitious name if the department
21 indexes the fictitious name registration in a central database
22 available to the public on the Internet ~~use government or~~
23 ~~private sector contractors in the promotion or provision of~~
24 ~~any electronic filing services.~~

25 Section 3. Subsection (3) of section 288.809, Florida
26 Statutes, is amended to read:

27 288.809 Florida Intergovernmental Relations
28 Foundation; use of property; board of directors; audit.--

29 (3) BOARD OF DIRECTORS.--The board of directors of the
30 foundation shall be ~~composed of seven members~~ appointed by the
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1 Secretary of State, of whom no more than three shall be
2 employees or elected officials of the state.

3 Section 4. Paragraph (f) of subsection (2) of section
4 288.816, Florida Statutes, is amended to read:

5 288.816 Intergovernmental relations.--

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

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

24 Section 5. Effective October 1, 2001, paragraph (c) of
25 subsection (1) and subsection (5) of section 679.401, Florida
26 Statutes, are amended to read:

27 679.401 Place of filing; erroneous filing; removal of
28 collateral.--

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

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1 (c) In all other cases, by filing under the Florida
2 Secured Transaction Registry ~~in the office of the Department~~
3 ~~of State.~~

4 (5) Notwithstanding the preceding subsections, and
5 subject to s. 679.302(3), the proper place to file in order to
6 perfect a security interest in collateral, including fixtures,
7 of a transmitting utility is under the Florida Secured
8 Transaction Registry ~~the office of the Department of State.~~

9 Section 6. Section 679.4015, Florida Statutes, is
10 created to read:

11 679.4015 Florida Secured Transaction Registry.--

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

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

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

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

26 (2) The department shall perform the duties of the
27 filing office and filing officer under this chapter until
28 October 1, 2001, or until the effective date of a contract
29 executed by the department for the performance of these
30 duties, whichever occurs later. At that time, the department
31 shall cease serving as the filing office and filing officer

1 under this chapter, and thereafter, except to the extent the
2 department may reclaim those duties under paragraph (3)(d),
3 the department is not responsible for the performance of the
4 duties of the filing office or filing officer under this
5 chapter, including determinations of whether filings under
6 this chapter satisfy the requirements of law.

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

11 (a) The qualifications shall, at a minimum, provide
12 for the organization and maintenance of the Florida Secured
13 Transaction Registry, which:

14 1. Is comparable and compatible with the department's
15 current filing system.

16 2. Is open to the public and accessible through the
17 Internet, to permit the review of all current filings of the
18 department and all future filings in the registry, in
19 compliance with chapter 119.

20 3. Provides for oversight and compliance audits by the
21 department.

22 4. Requires records maintenance in compliance with
23 this chapter and chapter 119.

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

27 (b) Under chapter 287, the department has the
28 authority to determine and select the most qualified
29 respondents to the request for qualifications and to negotiate
30 and enter into one or more contracts as provided in this
31 section.

1 (c) The contract may not be assignable or otherwise
2 transferable without the express written consent of the
3 department.

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

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

30 (5) The department shall develop performance standards
31 to ensure that the Florida Secured Transaction Registry is

1 accurate and complete and that the users thereof are being
2 well-served. Periodically, the department shall verify that
3 these performance standards are being met or modified as may
4 be needed from time to time.

5 Section 7. Section 901.26, Florida Statutes, is
6 amended to read:

7 (Substantial rewording of section.

8 See s. 901.26, F.S., for existing text.)

9 901.26 Arrest and detention of foreign
10 nationals.--Failure to provide consular notification under the
11 Vienna Convention on Consular Relations or other bilateral
12 consular conventions shall not be a defense in any criminal
13 proceeding against any foreign national and shall not be cause
14 for the foreign national's discharge from custody.

15 Section 8. Except as otherwise provided herein, this
16 act shall take effect upon becoming a law.

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