

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

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

5 15.16 Reproduction of records; admissibility in
6 evidence; electronic receipt and transmission of records;
7 certification; acknowledgment.--

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

13 Section 2. Paragraph (f) of subsection (2) of section
14 288.816, Florida Statutes, is amended to read:

15 288.816 Intergovernmental relations.--

16 (2) The secretary shall be responsible for all
17 consular relations between the state and all foreign
18 governments doing business in Florida. The secretary shall
19 monitor United States laws and directives to ensure that all
20 federal treaties regarding foreign privileges and immunities
21 are properly observed. The secretary shall promulgate rules
22 which shall:

23 (f) Establish a system of communication to provide all
24 state and local law enforcement agencies with information
25 regarding proper procedures relating to the arrest or
26 incarceration of a foreign citizen. ~~Florida law enforcement~~
27 ~~agencies shall inform the Department of State when such arrest~~
28 ~~or incarceration occurs. The secretary in turn shall notify~~
29 ~~the appropriate foreign governmental official. The secretary~~
30 ~~shall annually report on the actions taken to inform law~~
31 ~~enforcement agencies, and on the cooperation from such~~

1 ~~agencies, to the President of the Senate and the Speaker of~~
2 ~~the House of Representatives.~~

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

6 679.401 Place of filing; erroneous filing; removal of
7 collateral.--

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

10 (c) In all other cases, by filing under the Florida
11 Secured Transaction Registry ~~in the office of the Department~~
12 ~~of State.~~

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

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

20 679.4015 Florida Secured Transaction Registry.--

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

22 (a) "Florida Secured Transaction Registry" or
23 "registry" means the central database in which all initial
24 financing statements, amendments, assignments, and other
25 statements of change authorized to be filed under this chapter
26 are filed, maintained, and retrieved. The term does not apply
27 to documents that are filed under this chapter with the clerk
28 of a circuit court.

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

30 (c) "Materials and records" includes, but is not
31 limited to, databases, source or object codes, and any

1 software relating to the Florida Secured Transaction Registry
2 or other filing system under this chapter, regardless of the
3 original source of its creation or maintenance.

4 (2) The department shall perform the duties of the
5 filing office and filing officer under this chapter until
6 October 1, 2001, or until the effective date of a contract
7 executed by the department for the performance of these
8 duties, whichever occurs later. At that time, the department
9 shall cease serving as the filing office and filing officer
10 under this chapter, and thereafter, except to the extent the
11 department may reclaim those duties under paragraph (3)(d),
12 the department is not responsible for the performance of the
13 duties of the filing office or filing officer under this
14 chapter, including determinations of whether filings under
15 this chapter satisfy the requirements of law.

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

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

23 1. Is comparable and compatible with the department's
24 current filing system.

25 2. Is open to the public and accessible through the
26 Internet, to permit the review of all current filings of the
27 department and all future filings in the registry, in
28 compliance with chapter 119.

29 3. Provides for oversight and compliance audits by the
30 department.

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1 4. Requires records maintenance in compliance with
2 this chapter and chapter 119.

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

6 (b) Under chapter 287, the department has the
7 authority to determine and select the most qualified
8 respondents to the request for qualifications and to negotiate
9 and enter into one or more contracts as provided in this
10 section.

11 (c) The contract may not be assignable or otherwise
12 transferable without the express written consent of the
13 department.

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

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1 over any disputes pertaining to this section or any contract
2 executed under this section.

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

10 (5) The department shall develop performance standards
11 to ensure that the Florida Secured Transaction Registry is
12 accurate and complete and that the users thereof are being
13 well-served. Periodically, the department shall verify that
14 these performance standards are being met or modified as may
15 be needed from time to time.

16 Section 5. Section 901.26, Florida Statutes, is
17 amended to read:

18 (Substantial rewording of section.

19 See s. 901.26, F.S., for present text.)

20 901.26 Arrest and detention of foreign
21 nationals.--Failure to provide consular notification under the
22 Vienna Convention on Consular Relations or other bilateral
23 consular conventions shall not be a defense in any criminal
24 proceeding against any foreign national and shall not be cause
25 for the foreign national's discharge from custody.

26 Section 6. (1) The Coastal Management Program of the
27 Department of Community Affairs and the Division of Historical
28 Resources of the Department of State shall undertake a study
29 of the lighthouses in the state. The study must determine the
30 location, ownership, condition, and historical significance of
31 all lighthouses in the state and ensure that all historically

1 significant lighthouses are nominated for inclusion on the
2 National Register of Historic Places. The study must assess
3 the condition and restoration needs of historic lighthouses
4 and develop plans for appropriate future public access and
5 use. The Coastal Management Program and the Division of
6 Historical Resources shall take a leadership role in
7 implementing plans to stabilize lighthouses and associated
8 structures and to preserve and protect them from future
9 deterioration. When possible, the lighthouses and associated
10 buildings should be made available to the public for
11 educational and recreational purposes. The Department of
12 Community Affairs should consider these responsibilities to be
13 a priority of the Florida Coastal Management Program, and
14 implementation of this act should be a priority in the use of
15 coastal management funds.

16 (2) The Department of Community Affairs and the
17 Department of State shall request in their annual legislative
18 budget requests funding necessary to carry out the duties and
19 responsibilities specified in this act. Funds for the
20 rehabilitation of lighthouses should be allocated through
21 matching grants-in-aid to state and local government agencies
22 and to nonprofit organizations. The Department of Community
23 Affairs may assist the Division of Historical Resources in
24 projects to accomplish lighthouse identification, assessment,
25 restoration, and interpretation.

26 (3) There are appropriated in fiscal year 2001-2002
27 the sums of \$50,000 from nonrecurring general revenue to the
28 Department of State and \$50,000 from nonrecurring general
29 revenue to the Department of Community Affairs to implement
30 the study required by this section.

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

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