

Bill No. SB 2126

Amendment No.      Barcode 355304

	CHAMBER ACTION	
<u>Senate</u>		<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. SB 2126

Amendment No. \_\_\_\_ Barcode 355304

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. SB 2126

Amendment No. \_\_\_\_ Barcode 355304

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. SB 2126

Amendment No.      Barcode 355304

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. SB 2126

Amendment No. \_\_\_\_ Barcode 355304

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. SB 2126

Amendment No.      Barcode 355304

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. SB 2126

Amendment No.      Barcode 355304

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. SB 2126

Amendment No. \_\_\_\_ Barcode 355304

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