

Bill No. SB 2126

Amendment No.      Barcode 785896

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

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Senator Garcia moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsection (6) of section 15.16, Florida Statutes, is amended 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 ~~use government or private sector contractors in the promotion or provision of any electronic filing services.~~

Section 2. Subsection (3) of section 288.809, Florida Statutes, is amended to read:

288.809 Florida Intergovernmental Relations

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1 Foundation; use of property; board of directors; audit.--

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

6 Section 3. Paragraph (f) of subsection (2) of section  
7 288.816, Florida Statutes, is amended to read:

8 288.816 Intergovernmental relations.--

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

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

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

30 679.401 Place of filing; erroneous filing; removal of  
31 collateral.--

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

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

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

11           Section 5. Section 679.4015, Florida Statutes, is  
12 created to read:

13           679.4015 Florida Secured Transaction Registry.--

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

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

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

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

28           (2) The department shall perform the duties of the  
29 filing office and filing officer under this chapter until  
30 October 1, 2001, or until the effective date of a contract  
31 executed by the department for the performance of these

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1 duties, whichever occurs later. At that time, the department  
2 shall cease serving as the filing office and filing officer  
3 under this chapter, and thereafter, except to the extent the  
4 department may reclaim those duties under paragraph (3)(d),  
5 the department is not responsible for the performance of the  
6 duties of the filing office or filing officer under this  
7 chapter, including determinations of whether filings under  
8 this chapter satisfy the requirements of law.

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

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

16 1. Is comparable and compatible with the department's  
17 current filing system.

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

22 3. Provides for oversight and compliance audits by the  
23 department.

24 4. Requires records maintenance in compliance with  
25 this chapter and chapter 119.

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

29 (b) Under chapter 287, the department has the  
30 authority to determine and select the most qualified  
31 respondents to the request for qualifications and to negotiate

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1 and enter into one or more contracts as provided in this  
2 section.

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

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

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

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1           (5) The department shall develop performance standards  
2 to ensure that the Florida Secured Transaction Registry is  
3 accurate and complete and that the users thereof are being  
4 well-served. Periodically, the department shall verify that  
5 these performance standards are being met or modified as may  
6 be needed from time to time.

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

9           (Substantial rewording of section.

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

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

17           Section 7. (1) The Coastal Management Program of the  
18 Department of Community Affairs and the Division of Historical  
19 Resources of the Department of State shall undertake a study  
20 of the lighthouses in the state. The study must determine the  
21 location, ownership, condition, and historical significance of  
22 all lighthouses in the state and ensure that all historically  
23 significant lighthouses are nominated for inclusion on the  
24 National Register of Historic Places. The study must assess  
25 the condition and restoration needs of historic lighthouses  
26 and develop plans for appropriate future public access and  
27 use. The Coastal Management Program and the Division of  
28 Historical Resources shall take a leadership role in  
29 implementing plans to stabilize lighthouses and associated  
30 structures and to preserve and protect them from future  
31 deterioration. When possible, the lighthouses and associated

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1 buildings should be made available to the public for  
2 educational and recreational purposes. The Department of  
3 Community Affairs should consider these responsibilities to be  
4 a priority of the Florida Coastal Management Program, and  
5 implementation of this act should be a priority in the use of  
6 coastal management funds.

7 (2) The Department of Community Affairs and the  
8 Department of State shall request in their annual legislative  
9 budget requests funding necessary to carry out the duties and  
10 responsibilities specified in this act. Funds for the  
11 rehabilitation of lighthouses should be allocated through  
12 matching grants-in-aid to state and local government agencies  
13 and to nonprofit organizations. The Department of Community  
14 Affairs may assist the Division of Historical Resources in  
15 projects to accomplish lighthouse identification, assessment,  
16 restoration, and interpretation.

17 (3) There are appropriated in fiscal year 2001-2002  
18 the sums of \$50,000 from nonrecurring general revenue to the  
19 Department of State and \$50,000 from nonrecurring general  
20 revenue to the Department of Community Affairs to implement  
21 the study required by this section.

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

24 Section 8. Except as otherwise expressly provided in  
25 this act, this act shall take effect upon becoming a law.  
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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete everything before the enacting clause

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1            request for funding purposes; providing an  
2            appropriation; providing effective dates.  
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