

By Senator Garcia

39-1364-01

1                                   A bill to be entitled  
2           An act relating to filings administered by the  
3           Department of State; providing legislative  
4           findings and intent; amending s. 679.401, F.S.;  
5           prescribing places of filing for secured  
6           transactions; creating s. 679.4015, F.S.;  
7           establishing the Florida Secured Transaction  
8           Registry; prescribing duties of the Department  
9           of State; prescribing standards for the  
10          registry; providing an effective date.

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

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14           Section 1. The Legislature finds that, consistent with  
15 the revisions of the Uniform Commercial Code drafted by the  
16 National Conference of Commissioners on Uniform State Laws,  
17 the need for government regulation of this state's secured  
18 transaction registry no longer exists. The benefits to the  
19 lending industry in this state in self-administration of a  
20 registry that affects only that sector are consistent with the  
21 legislative policy of reducing the regulation and involvement  
22 of government in commerce and business.

23           Section 2. Paragraph (c) of subsection (1) and  
24 subsection (5) of section 679.401, Florida Statutes, are  
25 amended to read:

26           679.401 Place of filing; erroneous filing; removal of  
27 collateral.--

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

30           (c) In all other cases, by filing in the office of the  
31 Department of State or as otherwise provided by law.

1           (5) Notwithstanding the preceding subsections, and  
2 subject to s. 679.302(3), the proper place to file in order to  
3 perfect a security interest in collateral, including fixtures,  
4 of a transmitting utility is the office of the Department of  
5 State or as otherwise provided by law.

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

8           679.4015 Florida Secured Transaction Registry.--

9           (1) There is created the Florida Secured Transaction  
10 Registry. The Department of State shall cease serving as the  
11 designated filing officer and filing office specified in this  
12 part no later than October 1, 2001.

13           (2) The Department of State shall immediately develop  
14 and issue a request for qualifications seeking capable parties  
15 to perform both the administrative and operational functions  
16 being performed immediately before the effective date of this  
17 act by the department as a filing officer and filing office  
18 under the Uniform Commercial Code.

19           (a) The qualifications must, at a minimum, provide for  
20 the organization and maintenance of the Florida Secured  
21 Transaction Registry as the centralized Uniform Commercial  
22 Code filing and retrieval system, which:

23           1. Is comparable and compatible with the existing  
24 filing system;

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

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 part and chapter 119; and

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, for a period  
6 of 5 years.

7           (b) Notwithstanding chapter 287, the Department of  
8 State shall select from the respondents the most qualified  
9 entities based on the department's qualifications and  
10 negotiate a contract.

11           (c) The Department of State shall develop performance  
12 standards to assure that the filing system is accurate and  
13 complete and that its users are being well-served.  
14 Periodically, the department shall verify that these  
15 performance standards are being met, and it may modify them as  
16 needed from time to time.

17           Section 4. Except as otherwise provided in this act,  
18 this act shall take effect upon becoming a law.

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21           SENATE SUMMARY

22           Establishes a Florida Secured Transaction Registry to  
23           serve as the filing office for secured transactions under  
24           the Uniform Commercial Code. Provides duties of the  
25           Department of State with respect to the selection of an  
26           administrator of the registry and requires the department  
27           to establish performance standards to determine the  
28           quality of service under the registry.