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LEGISLATIVE ACTION

Senate	.	House
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05/08/2009 12:42 PM	.	
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The Conference Committee on CS for CS for SB 1780 recommended the following:

1           **Senate Conference Committee Amendment (with title**  
2 **amendment)**

3  
4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. Subsection (3) of section 15.16, Florida  
7 Statutes, is amended to read:

8           15.16 Reproduction of records; admissibility in evidence;  
9 electronic receipt and transmission of records; certification;  
10 acknowledgment.—

11           (3) The Department of State may cause to be received



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12 electronically any records that are required to be filed with it  
13 pursuant to chapter 55, chapter 117, chapter 118, chapter 495,  
14 chapter 606, chapter 607, chapter 608, chapter 610, chapter 617,  
15 chapter 620, chapter 621, chapter 679, chapter 713, or chapter  
16 865, through facsimile or other electronic transfers, for the  
17 purpose of filing such records. The originals of all such  
18 electronically transmitted records must be executed in the  
19 manner provided in paragraph (5)(b). The receipt of such  
20 electronic transfer constitutes delivery to the department as  
21 required by law. The department may use electronic transmissions  
22 for purposes of notice in the administration of chapters 55,  
23 117, 118, 495, 606, 607, 608, 610, 617, 620, 621, 679 and 713  
24 and s. 865.09. The Department of State may collect e-mail  
25 addresses for purposes of notice and communication in the  
26 performance of its duties and may require filers and registrants  
27 to furnish such e-mail addresses when presenting documents for  
28 filing.

29 Section 2. Sections 265.2861, 265.2862, 265.289, 265.608,  
30 265.609, 265.702, and 265.708, Florida Statutes, are repealed.

31 Section 3. Section 265.281, Florida Statutes, is amended to  
32 read:

33 265.281 Florida ~~Fine~~ Arts and Culture Act; short title.—  
34 Sections 265.281-265.709 ~~265.281-265.286~~ shall be known and may  
35 be cited as the "Florida ~~Fine~~ Arts and Culture Act ~~of 1980.~~"

36 Section 4. Section 265.282, Florida Statutes, is amended to  
37 read:

38 265.282 Legislative intent.—The Legislature recognizes the  
39 vast cultural resources available in Florida ~~the state~~ for the  
40 development, promotion, and enjoyment of arts and culture ~~the~~



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41 ~~fine arts.~~ It is the intent of the Legislature ~~by enactment of~~  
42 ~~this legislation~~ to provide ~~for maximum efficiency in providing~~  
43 state support for, and to gain ~~gaining~~ national and  
44 international recognition of, the efforts, works, and  
45 performances of Florida artists, ~~and~~ art agencies, museums, and  
46 nonprofit organizations. Furthermore, ~~it is the intent of the~~  
47 Legislature shall ~~to~~ foster and ensure, through the state arts  
48 administrative agency programs authorized in this act, that arts  
49 and culture have a significant and positive effect on Florida  
50 residents ~~created hereunder, the development of a receptive~~  
51 ~~elimate for the fine arts; to enrich culturally and benefit the~~  
52 ~~citizens of this state in their daily lives; to make Florida~~  
53 ~~visits and vacations all the more appealing to the world; and to~~  
54 ~~attract to Florida residency additional outstanding creators in~~  
55 ~~the fields of fine arts through appropriate programs of~~  
56 ~~publicity, education, coordination, grants, and activities, such~~  
57 ~~as sponsorship of art lectures and exhibitions and central~~  
58 ~~compilation and dissemination of information on the progress of~~  
59 ~~the fine arts in Florida.~~

60 Section 5. Section 265.283, Florida Statutes, is amended to  
61 read:

62 265.283 Definitions ~~relating to Florida Fine Arts Act of~~  
63 ~~1980.~~—The following definitions shall apply to ss. 265.281-  
64 265.709 ~~265.281-265.286~~:

65 (1) "Council" means the Florida ~~Arts~~ Council on Arts and  
66 Culture.

67 (2) "Department" means the Department of State.

68 (3) "Director" means the Director of the Division of  
69 Cultural Affairs of the Department of State.



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70 (4) "Division" means the Division of Cultural Affairs of  
71 the Department of State.

72 (5) "Panel" means a grant review panel.

73 (6) "Secretary" means the Secretary of State.

74 (7) "Arts and cultural disciplines" ~~"The arts" means any~~  
75 ~~and all artistic disciplines, which~~ include, but are not limited  
76 to, music, dance, theatre drama, theater programs, creative  
77 writing, literature, architecture, painting, sculpture, folk  
78 arts, photography, crafts, ~~and public media arts,~~ visual arts,  
79 programs of museums, ~~and the execution and exhibition of other~~  
80 such allied, major art forms.

81 (8) "Local arts agency" means a public or private nonprofit  
82 organization located in Florida and operating on a permanent  
83 basis for the primary purpose of strengthening, supporting, and  
84 stabilizing the activities of one or more county art and  
85 cultural constituencies.

86 (9) "Historical museum" means a department or agency of  
87 state or local government or a public or private nonprofit  
88 organization located in Florida and operating on a permanent  
89 basis for the primary purpose of sponsoring, producing, and  
90 exhibiting educational programs that are related to the  
91 historical resources of Florida.

92 (10) "Science museum" means a public or private nonprofit  
93 organization located in Florida and operating on a permanent  
94 basis for the primary purpose of sponsoring, producing, and  
95 exhibiting programs for the observation and study of various  
96 types of natural science and science technology.

97 (11) "Youth and children's museum" means a public or  
98 private nonprofit organization located in Florida and operating



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99 on a permanent basis for the primary purpose of sponsoring,  
100 producing, and exhibiting multidisciplinary and participatory  
101 programs for visitors who are 6 months to 15 years old, and  
102 their families, teachers, and caregivers.

103 (12) "State service organization" means a public or private  
104 nonprofit organization located in Florida operating on a  
105 permanent basis for the primary purpose of implementing programs  
106 that have cultural significance and that emphasize American  
107 creativity and the maintenance and encouragement of professional  
108 excellence.

109 (13) "Arts in education grants" means grants used to  
110 cultivate the learning and artistic development of all students  
111 and teachers by promoting, encouraging, and supporting arts and  
112 culture as an integral part of education and lifelong learning  
113 for residents and visitors.

114 (14) "Cultural support grants" means grants that provide  
115 support for general programs and specific cultural projects.

116 (15) "State touring program grants" means grants used to  
117 provide performances, activities, and exhibitions by Florida  
118 artists to communities.

119 (16) "Underserved arts community assistance program grants"  
120 means grants used by qualified organizations under the Rural  
121 Economic Development Initiative, pursuant to ss. 288.0656 and  
122 288.06561, for the purpose of economic and organizational  
123 development for underserved cultural organizations.

124 (17) "Culture Builds Florida grants" means grants used for  
125 the purpose of connecting the arts to key areas of the  
126 division's long-term strategic plan.

127 Section 6. Section 265.284, Florida Statutes, is amended to



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128 read:

129 265.284 Chief cultural officer; director of division;  
130 powers and duties.—

131 (1) The Secretary of State is the chief cultural officer of  
132 the state, ~~and the Division of Cultural Affairs is designated as~~  
133 ~~the state arts administrative agency.~~

134 (2) The division is the state arts administrative agency  
135 and Division of Cultural Affairs of the Department of State  
136 shall be headed by a director who shall serve at the pleasure of  
137 the secretary ~~of State.~~

138 (3) The division ~~of Cultural Affairs~~ shall directly  
139 administer and oversee ~~have direct administrative authority and~~  
140 ~~responsibility for~~ all of the programs authorized by this act.  
141 In furtherance thereof, the division shall ~~have the authority~~  
142 ~~to:~~

143 (a) Accept and administer state and federal funds  
144 appropriated by the Legislature or funds received from other  
145 public or private sources ~~provided for the fine arts, the~~  
146 ~~grants, and any program authorized by this act.~~

147 (b) Advance funds for grants on a quarterly basis.

148 (c) ~~(b)~~ ~~Subject to the approval of the Secretary of State,~~  
149 Enter into agreements for awarding grants or other ~~such~~  
150 contracts with any person, firm, performing arts company,  
151 educational institution, arts organization, corporation, or  
152 governmental agency as may be necessary or advisable to carry  
153 out its functions under this act.

154 ~~(c) Seek, and help assure, a uniformity of artwork within~~  
155 ~~state buildings and review all art content of existing public~~  
156 ~~buildings or buildings of state ownership for the purpose of~~



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157 ~~making recommendations to the Department of Management Services~~  
158 ~~as to matters of installation, relocation, restoration, removal,~~  
159 ~~or any other disposition of such works of art.~~

160 (d) Upon ~~On~~ request, or at its own initiative, consult with  
161 and advise other individuals, groups, organizations, or state  
162 agencies and officials, particularly the Governor and the  
163 Cabinet, concerning the acquisition by gift or purchase of fine  
164 art works, the appropriate use and display of state-owned art  
165 treasures for maximum public benefit, and the suitability of any  
166 structures or fixtures, including framing, primarily intended  
167 for ornamental or decorative purposes in the interior of public  
168 buildings.

169 (e) Accept on behalf of the state donations of money,  
170 property, art objects, and antiquities. Such donations of money  
171 and any cash income ~~which~~ may be received ~~by the division or~~  
172 ~~which were previously received by the Florida Fine Arts Council~~  
173 from the disposal of any donations of property, art objects, or  
174 antiquities, which shall be deposited into the Florida Fine Arts  
175 ~~a separate~~ Trust Fund and are hereby appropriated for ~~to~~ the use  
176 by ~~of~~ the division for the purposes authorized in ~~of~~ this act.

177 (f) Sponsor performances and exhibits; promote and  
178 encourage the study and appreciation of arts and culture; and  
179 collect, publish, and print pamphlets, papers, newsletters, and  
180 other materials related to arts and cultural programs available  
181 throughout the state.

182 (g) Conduct and support cultural programs and cultural  
183 exchanges by coordinating with the appropriate state agencies  
184 and other organizations.

185 (h) Accept funding and other forms of support for the



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186 purposes in this act.

187 (i) Notwithstanding s. 287.022 or s. 287.025(1) (e), enter  
188 into contracts to insure museum collections, artifacts, relics,  
189 and fine arts to which it holds title or which are on loan to  
190 the division.

191 (j) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
192 implement this subsection.

193 (4) There is created the Florida Fine Arts Trust Fund to be  
194 administered by the department and which ~~of State for the~~  
195 ~~purposes set forth by law. The Florida Fine Arts Trust Fund~~  
196 shall consist of moneys appropriated by the Legislature or ~~and~~  
197 ~~moneys contributed to the fund~~ from any other source.

198 ~~(5) The division is further authorized to:~~

199 ~~(a) Accept and administer moneys appropriated by the~~  
200 ~~Legislature, and moneys received from the Federal Government or~~  
201 ~~from other public or private sources, for the development of~~  
202 ~~nationally recognized Florida performing arts groups through a~~  
203 ~~state touring program. The division shall develop and establish~~  
204 ~~a selection procedure which will ensure maximum opportunity for~~  
205 ~~selection of and participation by Florida performing arts groups~~  
206 ~~in the state touring program.~~

207 ~~(b) Sponsor performances and exhibits; promote and~~  
208 ~~encourage the study and appreciation of fine arts; and collect,~~  
209 ~~publish, and print pamphlets, papers, newsletters, and other~~  
210 ~~materials relating to fine arts programs available throughout~~  
211 ~~the state.~~

212 ~~(c) Conduct and support cultural programs and cultural~~  
213 ~~exchanges in conjunction with the appropriate state agencies,~~  
214 ~~including the acceptance of funding, technical assistance, and~~





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215 ~~other forms of support for such purposes.~~

216 ~~(d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to~~  
217 ~~implement provisions of law conferring duties on it.~~

218 ~~(6) Notwithstanding any provision of s. 287.022 or s.~~  
219 ~~287.025(1)(c), the division may enter into contracts to insure~~  
220 ~~museum collections, artifacts, relics, and fine arts to which it~~  
221 ~~holds title.~~

222 Section 7. Section 265.285, Florida Statutes, is amended to  
223 read:

224 265.285 Florida ~~Arts~~ Council on Arts and Culture;  
225 membership, duties.-

226 (1) (a) The Florida ~~Arts~~ Council on Arts and Culture is  
227 created within ~~in~~ the department as an advisory body, as defined  
228 in s. 20.03(7), consisting ~~to consist~~ of 15 members. Seven  
229 members shall be appointed by the Governor, four members shall  
230 be appointed by the President of the Senate, and four members  
231 shall be appointed by the Speaker of the House of  
232 Representatives. The appointments, to be made in consultation  
233 with the Secretary of State, shall recognize the need for  
234 geographical representation. Council members appointed by the  
235 Governor shall be appointed for 4-year terms beginning on  
236 January 1 of the year of appointment. Council members appointed  
237 by the President of the Senate and the Speaker of the House of  
238 Representatives shall be appointed for 2-year terms beginning on  
239 January 1 of the year of appointment. A member of the council  
240 who serves two 4-year terms or two 2-year terms is not eligible  
241 for reappointment for 1 year following the expiration of the  
242 member's second term. A member whose term has expired shall  
243 continue to serve on the council until such time as a



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244 replacement is appointed. Any vacancy on the council shall be  
245 filled for the remainder of the unexpired term in the same  
246 manner as for the original appointment. Members should have a  
247 substantial history of community service in the performing or  
248 visual arts, which includes, but is not limited to, theatre,  
249 dance, folk arts, music, architecture, photography, ~~and~~  
250 literature, and media arts, or in the areas of science, history,  
251 or children's museums. In addition, it is desirable that members  
252 have successfully served on boards of cultural institutions such  
253 as museums and performing arts centers or are recognized as  
254 patrons of the arts.

255 (b) The members shall elect a chair from their number  
256 annually. The council shall meet at the call of its chair, at  
257 the request of the division ~~department~~, or at such times as may  
258 be prescribed by its rules. A majority of the members of the  
259 council constitutes a quorum, and a meeting may not be held with  
260 less than a quorum present. The affirmative vote of a majority  
261 of the members of the council present is necessary for any  
262 official action by the council.

263 ~~(c) The Secretary of State may appoint review panels~~  
264 ~~representing various artistic disciplines to assist the Florida~~  
265 ~~Arts Council in the grant review process. Review panel members~~  
266 ~~shall serve for 1-year terms. Each panel shall include~~  
267 ~~practicing artists or other persons actively involved in the~~  
268 ~~specific discipline for which the panel is to review grants. The~~  
269 ~~panels shall review grant applications and make recommendations~~  
270 ~~to the council concerning the relative merits of the applicants.~~  
271 ~~The division shall, by rule, establish criteria for reviewing~~  
272 ~~grant applications to ensure compliance with applicable federal~~



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273 ~~and state laws relating to discrimination and conflicts of~~  
274 ~~interest.~~

275 ~~(d) The council and panels shall provide a forum for public~~  
276 ~~comment prior to voting on any art grant application.~~

277 ~~(c)(e)~~ Members of the council and panels may ~~shall~~ not  
278 receive any compensation for their services but shall be  
279 reimbursed for travel and expenses incurred in the performance  
280 of their duties, as provided in s. 112.061.

281 ~~(d)(f)~~ If a member of the council is absent from two  
282 consecutive meetings or any two regularly scheduled meetings in  
283 any calendar year, the council member's appointment shall be  
284 terminated unless the original appointing authority determines  
285 that extenuating circumstances exist.

286 ~~(e)(g)~~ The original appointing authority may remove any of  
287 his or her appointees from the council for misconduct or  
288 malfeasance in office, neglect of duty, incompetence, or  
289 permanent inability to perform official duties or if there has  
290 been an adjudication that the member is guilty of a felony.

291 (2) The ~~duties of the~~ council shall be to:

292 (a) Advocate for arts and culture by encouraging the study  
293 and presentation of arts and cultural activities that are of  
294 public interest and encourage participation in such activities  
295 throughout the state.

296 ~~(b)(a)~~ Advise the secretary ~~of State~~ in ~~all~~ matters  
297 pertaining to arts and cultural art, ~~specifically with respect~~  
298 ~~to any programs~~ and grants administered ~~operated~~ by the division  
299 ~~department as authorized hereunder.~~

300 ~~(b) Stimulate and encourage throughout the state the study~~  
301 ~~and presentation of the arts and public interest and~~



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302 ~~participation therein.~~

303 ~~(c) Make such surveys as may be advisable of public and~~  
304 ~~private institutions which are engaged within the state in~~  
305 ~~artistic and cultural activities.~~

306 ~~(c)(d)~~ Encourage the participation in and appreciation of  
307 ~~the arts and culture~~ to meet the needs and aspirations of  
308 persons in all parts of the state.

309 ~~(d)(e)~~ Encourage public interest in the state's cultural  
310 heritage ~~of this state~~ and expand its ~~the~~ cultural resources ~~of~~  
311 ~~the state.~~

312 ~~(e)(f)~~ Encourage and assist freedom of artistic expression  
313 that is essential for the well-being of the arts.

314 ~~(f)(g)~~ Advise the secretary ~~of State~~ in ~~all~~ matters  
315 concerning the awarding of grants for ~~the arts and culture as~~  
316 authorized in ~~under~~ this act.

317 ~~(h) Promote the enhancement and beautification of the~~  
318 ~~interiors of the Capitol Building and other public buildings and~~  
319 ~~advise appropriate state officers, state agencies, and the~~  
320 ~~Department of Management Services in this regard.~~

321 ~~(g)(i)~~ Review applications for grants for the acquisition,  
322 renovation, or construction of cultural facilities and recommend  
323 a priority for the receipt of such grants, as provided in s.  
324 265.701.

325 Section 8. Section 265.286, Florida Statutes, is amended to  
326 read:

327 (Substantial rewording of section. See  
328 s. 265.286, F.S., for present text.)  
329 265.286 Art and cultural grants.-

330 (1) The secretary may appoint review panels consisting of



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331 members from various art and cultural disciplines and programs  
332 to assist the council in the grant review process. Each panel  
333 member shall be appointed to a 1-year term. Each panel shall  
334 consist of practicing artists or other professionals actively  
335 involved in the specific discipline or program for which the  
336 panel has been appointed. Each panel shall review and score  
337 grant applications and recommend to the council the applicants  
338 to which grants should be awarded. The panels shall submit lists  
339 of eligible applicants by score. The division shall adopt rules  
340 establishing a formula for such scoring.

341 (2) The council and each panel shall provide a forum for  
342 public comment before voting on any grant application.

343 (3) After the council reviews the lists of eligible  
344 applicants submitted by each review panel, it shall develop two  
345 lists, one of which must consist of eligible applicants for  
346 general program support funding and one of which must consist of  
347 eligible applicants for specific cultural project funding, and  
348 submit the lists to the secretary. The secretary shall review  
349 the council's recommendations and, beginning July 1, 2010,  
350 include the lists of approved applicants in the department's  
351 legislative budget request submitted to the Legislature.

352 (4) Project grants shall be funded from the secretary's  
353 approved list by score until all appropriated funds are  
354 depleted. If specific project grant funds are returned to the  
355 division, it shall award such funds to the next grant applicant  
356 on the secretary's list of approved applicants. General program  
357 support grants shall be awarded to applicants on the secretary's  
358 list in amounts determined by rule.

359 (5) The division shall fund:



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360           (a) Grants for general program support for science museums,  
361 youth and children's museums, historical museums, local arts  
362 agencies, state service organizations, and organizations that  
363 have cultural program activities in any of the art and cultural  
364 disciplines defined in s. 265.283(7).

365           (b) Grants for specific cultural projects for arts in  
366 education, museums, Culture Builds Florida, or nonprofit public  
367 or private organizations having cultural project activity in any  
368 of the art and cultural disciplines.

369           (c) Grants for a touring program that has a selection  
370 procedure that ensures the maximum opportunity for Florida  
371 artists and cultural groups.

372           (d) An individual artist fellowship program. The division  
373 shall establish a selection procedure that identifies individual  
374 artists of exceptional talent and demonstrated ability and  
375 distribute grant appropriations as provided by rule.

376           (e) Other programs consistent with the purpose of this act.

377           (6) The division shall adopt rules establishing:

378           (a) Eligibility criteria for the award of grants, which may  
379 include, but need not be limited to, application requirements,  
380 program quality, artistic quality, creativity, potential public  
381 exposure and benefit, the ability to properly administer grant  
382 funds, professional excellence, fiscal stability, state or  
383 regional impact, matching requirements, and other requirements  
384 to further the purposes of this act.

385           (b) Particular grant programs, categories of grants, and  
386 procedures necessary for the prudent administration of the grant  
387 programs.

388           (c) The panel review process, including, but not limited



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389 to, criteria for reviewing grant applications to ensure  
390 compliance with applicable federal and state law, including  
391 those related to discrimination and conflicts of interest. The  
392 division may not award any new grant that will, in whole or in  
393 part, inure to the personal benefit of any council or review  
394 panel member during the member's term of office if the council  
395 or panel member participated in the vote of the council or panel  
396 recommending the award. This paragraph does not prohibit the  
397 division from awarding a grant to an entity with which a council  
398 or panel member is associated.

399 (7) The division shall award grants:

400 (a) To supplement the financial support of artistic and  
401 cultural activities and programs that, without the assistance,  
402 may otherwise be unavailable to Florida residents.

403 (b) To activities and programs that have substantial  
404 artistic and cultural significance and emphasize creativity and  
405 professional excellence.

406 (c) To activities and programs that meet the professional  
407 standards or standards of authenticity of significant merit,  
408 regardless of origin.

409 (d) For other reasons consistent with this act.

410 (8) Eligible grantees must:

411 (a) Be a nonprofit, tax-exempt Florida corporation; or

412 (b) A local or state governmental entity, school district,  
413 community college, college, university, agency of state  
414 government, or artist engaged in or concerned with arts and  
415 cultural activities.

416 (9) In order to equitably distribute limited state funding,  
417 applicants may apply for and be awarded only one grant per



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418 annual grant cycle, except for cultural facilities, a cultural  
419 endowment, or touring program grants and individual artist  
420 fellowships.

421 (10) Of the total amount of grant funds available from all  
422 sources for grants, except cultural facilities and cultural  
423 endowments, 70 percent shall be awarded on at least a dollar-to-  
424 dollar matching basis. Up to 50 percent of the grantee's match  
425 may consist of in-kind funds. Up to 30 percent of all grant  
426 funds may be awarded on a nonmatching basis, including  
427 individual fellowships.

428 (11) The division shall adopt rules to administer and  
429 implement this section.

430 Section 9. Subsection (1) of section 607.1420, Florida  
431 Statutes, is amended to read:

432 607.1420 Grounds for administrative dissolution.—

433 (1) The Department of State may commence a proceeding under  
434 s. 607.1421 to administratively dissolve a corporation if:

435 (a) The corporation has failed to file its annual report  
436 and ~~or~~ pay the annual report filing fee by 5 p.m. Eastern Time  
437 on the third Friday in September ~~within the time required by~~  
438 this act;

439 (b) The corporation is without a registered agent or  
440 registered office in this state for 30 days or more;

441 (c) The corporation does not notify the Department of State  
442 within 30 days that its registered agent or registered office  
443 has been changed, that its registered agent has resigned, or  
444 that its registered office has been discontinued;

445 (d) The corporation has failed to answer truthfully and  
446 fully, within the time prescribed by this act, interrogatories





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447 propounded by the Department of State; or

448 (e) The corporation's period of duration stated in its  
449 articles of incorporation has expired.

450 Section 10. Subsections (1) and (2) of section 607.1421,  
451 Florida Statutes, are amended to read:

452 607.1421 Procedure for and effect of administrative  
453 dissolution.-

454 (1) If the Department of State determines that one or more  
455 grounds exist under s. 607.1420 for dissolving a corporation, it  
456 shall serve the corporation with ~~written~~ notice of its intention  
457 to administratively dissolve the corporation determination under  
458 s. 607.0504(2), stating the grounds therefor. If the corporation  
459 has provided the department with an electronic mail address,  
460 such notice shall be by electronic transmission. Administrative  
461 dissolution for failure to file an annual report shall occur on  
462 the fourth Friday in September of each year. The Department of  
463 State shall issue a certificate of dissolution to each dissolved  
464 corporation. Issuance of the certificate of dissolution may be  
465 by electronic transmission to any corporation that has provided  
466 the department with an electronic mail address.

467 (2) If the corporation does not correct each ground for  
468 dissolution under s. 607.1420(1)(b), (c), (d), or (e) or  
469 demonstrate to the reasonable satisfaction of the Department of  
470 State that each ground determined by the department does not  
471 exist within 60 days of issuance of the notice, the department  
472 shall administratively dissolve the corporation by issuing a  
473 certificate of dissolution that recites the ground or grounds  
474 for dissolution and its effective date. Issuance of the  
475 certificate of dissolution may be by electronic transmission to



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476 any corporation that has provided the department with an  
477 electronic mail address.

478 Section 11. Subsection (1) of section 607.1530, Florida  
479 Statutes, is amended to read:

480 607.1530 Grounds for revocation of authority to transact  
481 business.—The Department of State may commence a proceeding  
482 under s. 607.1531 to revoke the certificate of authority of a  
483 foreign corporation authorized to transact business in this  
484 state if:

485 (1) The foreign corporation has failed to file its annual  
486 report with the Department of State by 5 p.m. Eastern Time on  
487 the third Friday in September ~~within the time required by this~~  
488 ~~act.~~

489 Section 12. Subsections (1) and (2) of section 607.1531,  
490 Florida Statutes, are amended to read:

491 607.1531 Procedure for and effect of revocation.—

492 (1) If the Department of State determines that one or more  
493 grounds exist under s. 607.1530 for revocation of a certificate  
494 of authority, the Department of State shall serve the foreign  
495 corporation with ~~written~~ notice of its intent to revoke the  
496 foreign corporation's certificate of authority ~~such~~  
497 ~~determination under s. 607.15101.~~ If the foreign corporation has  
498 provided the department with an electronic mail address, such  
499 notice shall be by electronic transmission. Revocation for  
500 failure to file an annual report shall occur on the fourth  
501 Friday in September of each year. The department shall issue a  
502 certificate of revocation to each revoked corporation. Issuance  
503 of the certificate of revocation may be by electronic  
504 transmission to any corporation that has provided the department



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505 with an electronic mail address.

506 (2) If the foreign corporation does not correct each ground  
507 for revocation under s. 607.1530(2)-(7) or demonstrate to the  
508 reasonable satisfaction of the Department of State that each  
509 ground determined by the Department of State does not exist  
510 within 60 days after issuance of notice ~~is perfected under s.~~  
511 ~~607.15101~~, the Department of State shall revoke the foreign  
512 corporation's certificate of authority by issuing ~~signing~~ a  
513 certificate of revocation that recites the ground or grounds for  
514 revocation and its effective date. Issuance of the certificate  
515 of revocation may be by electronic transmission to any foreign  
516 corporation that has provided the department with an electronic  
517 mail address.

518 Section 13. Paragraph (a) of subsection (1) of section  
519 608.448, Florida Statutes, is amended to read:

520 608.448 Grounds for administrative dissolution.—

521 (1) The Department of State may commence a proceeding under  
522 s. 608.4481 to administratively dissolve a limited liability  
523 company if:

524 (a) The limited liability company has failed to file its  
525 annual report and ~~or~~ pay the annual report filing fee by 5 p.m.  
526 Eastern Time on the third Friday in September ~~within the time~~  
527 ~~required by this chapter.~~

528 Section 14. Subsections (1) and (2) of section 608.4481,  
529 Florida Statutes, are amended to read:

530 608.4481 Procedure for and effect of administrative  
531 dissolution.—

532 (1) If the Department of State determines that one or more  
533 grounds exist under s. 608.448 for dissolving a limited



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534 liability company, it shall serve the limited liability company  
535 with ~~written~~ notice of its intent to administratively dissolve  
536 the limited liability company determination, stating the grounds  
537 therefor. If the limited liability company has provided the  
538 department with an electronic mail address, such notice shall be  
539 by electronic transmission. Administrative dissolution for  
540 failure to file an annual report shall occur on the fourth  
541 Friday in September of each year. The Department of State shall  
542 issue a certificate of dissolution to each dissolved limited  
543 liability company. Issuance of the certificate of dissolution  
544 may be by electronic transmission to any limited liability  
545 company that has provided the department with an electronic mail  
546 address.

547 (2) If the limited liability company does not correct each  
548 ground for dissolution under s. 608.448(1)(b), (c), (d), or (e)  
549 or demonstrate to the reasonable satisfaction of the Department  
550 of State that each ground determined by the Department of State  
551 does not exist within 60 days after issuance of the notice, the  
552 Department of State shall administratively dissolve the limited  
553 liability company by issuing a certificate of dissolution that  
554 recites the ground or grounds for dissolution and its effective  
555 date. Issuance of the certificate of dissolution may be by  
556 electronic transmission to any limited liability company that  
557 has provided the department with an electronic mail address.

558 Section 15. Subsection (1) of section 608.512, Florida  
559 Statutes, is amended to read:

560 608.512 Grounds for revocation of authority to transact  
561 business.—The Department of State may commence a proceeding  
562 under s. 608.513 to revoke the certificate of authority of a



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563 foreign limited liability company authorized to transact  
564 business in this state if:

565 (1) The foreign limited liability company has failed to  
566 file its annual report with the Department of State by 5 p.m.  
567 Eastern Time on the third Friday in September ~~within the time~~  
568 ~~required by this chapter.~~

569 Section 16. Subsections (1) and (2) of section 608.513,  
570 Florida Statutes, are amended to read:

571 608.513 Procedure for and effect of revocation.—

572 (1) If the Department of State determines that one or more  
573 grounds exist under s. 608.512 for revocation of a certificate  
574 of authority, the Department of State shall serve the foreign  
575 limited liability company with ~~written~~ notice of its intent to  
576 revoke the foreign limited liability company's certificate of  
577 authority such determination under s. 608.5101. If the foreign  
578 limited liability company has provided the department with an  
579 electronic mail address, such notice shall be by electronic  
580 transmission. Revocation for failure to file an annual report  
581 shall occur on the fourth Friday in September of each year. The  
582 Department of State shall issue a certificate of revocation to  
583 each revoked foreign limited liability company. Issuance of the  
584 certificate of revocation may be by electronic transmission to  
585 any foreign limited liability company that has provided the  
586 department with an electronic mail address.

587 (2) If the foreign limited liability company does not  
588 correct each ground for revocation under s. 608.512(2)-(9) or  
589 demonstrate to the reasonable satisfaction of the Department of  
590 State that each ground determined by the Department of State  
591 does not exist within 60 days after issuance of notice ~~is~~



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592 ~~perfected under s. 608.5101~~, the Department of State shall  
593 revoke the foreign limited liability company's certificate of  
594 authority by issuing ~~signing~~ a certificate of revocation that  
595 recites the ground or grounds for revocation and its effective  
596 date. Issuance of the certificate of revocation may be by  
597 electronic transmission to any foreign limited liability company  
598 that has provided the department with an electronic mail  
599 address.

600 Section 17. Subsection (1) of section 617.1420, Florida  
601 Statutes, is amended to read:

602 617.1420 Grounds for administrative dissolution.-

603 (1) The Department of State may commence a proceeding under  
604 s. 617.1421 to administratively dissolve a corporation if:

605 (a) The corporation has failed to file its annual report  
606 and ~~or~~ pay the annual report filing fee by 5 p.m. Eastern Time  
607 on the third Friday in September ~~within the time required by~~  
608 ~~this act;~~

609 (b) The corporation is without a registered agent or  
610 registered office in this state for 30 days or more;

611 (c) The corporation does not notify the Department of State  
612 within 30 days after its registered agent or registered office  
613 has been changed, after its registered agent has resigned, or  
614 after its registered office has been discontinued;

615 (d) The corporation has failed to answer truthfully and  
616 fully, within the time prescribed by this act, interrogatories  
617 propounded by the Department of State; or

618 (e) The corporation's period of duration stated in its  
619 articles of incorporation has expired.

620 Section 18. Subsections (1) and (2) of section 617.1421,



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621 Florida Statutes, are amended to read:

622 617.1421 Procedure for and effect of administrative  
623 dissolution.—

624 (1) If the Department of State determines that one or more  
625 grounds exist under s. 617.1420 for administratively dissolving  
626 a corporation, it shall serve the corporation with ~~written~~  
627 notice of its intent determination under s. 617.0504(2) to  
628 administratively dissolve the corporation, stating the grounds  
629 therefor. If the corporation has provided the department with an  
630 electronic mail address, such notice shall be by electronic  
631 transmission. Administrative dissolution for failure to file an  
632 annual report shall occur on the fourth Friday in September of  
633 each year. The Department of State shall issue a certificate of  
634 dissolution to each dissolved corporation. Issuance of the  
635 certificate of dissolution may be by electronic transmission to  
636 any corporation that has provided the department with an  
637 electronic mail address.

638 (2) If the corporation does not correct each ground for  
639 dissolution under s. 617.1420(1)(b), (c), (d), or (e) or  
640 demonstrate to the reasonable satisfaction of the Department of  
641 State that each ground determined by the department does not  
642 exist within 60 days after issuance of the notice, the  
643 department shall administratively dissolve the corporation by  
644 issuing a certificate of dissolution that recites the ground or  
645 grounds for dissolution and its effective date. Issuance of the  
646 certificate of dissolution may be by electronic transmission to  
647 any corporation that has provided the department with an  
648 electronic mail address.

649 Section 19. Subsection (1) of section 617.1530, Florida



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650 Statutes, is amended to read:

651           617.1530 Grounds for revocation of authority to conduct  
652 affairs.—The Department of State may commence a proceeding under  
653 s. 617.1531 to revoke the certificate of authority of a foreign  
654 corporation authorized to conduct its affairs in this state if:

655           (1) The foreign corporation has failed to file its annual  
656 report with the Department of State by 5 p.m. Eastern Time on  
657 the third Friday in September ~~within the time required by this~~  
658 ~~act.~~

659           Section 20. Subsections (1) and (2) of section 617.1531,  
660 Florida Statutes, are amended to read:

661           617.1531 Procedure for and effect of revocation.—

662           (1) If the Department of State determines that one or more  
663 grounds exist under s. 617.1530 for revocation of a certificate  
664 of authority, the Department of State shall serve the foreign  
665 corporation with ~~written~~ notice of its intent to revoke the  
666 foreign corporation's certificate of authority ~~such~~  
667 ~~determination under s. 617.1510.~~ If the foreign corporation has  
668 provided the department with an electronic mail address, such  
669 notice shall be by electronic transmission. Revocation for  
670 failure to file an annual report shall occur on the fourth  
671 Friday in September of each year. The Department of State shall  
672 issue a certificate of revocation to each revoked corporation.  
673 Issuance of the certificate of revocation may be by electronic  
674 transmission to any foreign corporation that has provided the  
675 department with an electronic mail address.

676           (2) If the foreign corporation does not correct each ground  
677 for revocation under s. 617.1530(2)-(7) or demonstrate to the  
678 reasonable satisfaction of the Department of State that each





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679 ground determined by the Department of State does not exist  
680 within 60 days after issuance of notice ~~is perfected under s.~~  
681 ~~617.1510~~, the Department of State shall revoke the foreign  
682 corporation's certificate of authority by issuing ~~signing~~ a  
683 certificate of revocation that recites the ground or grounds for  
684 revocation and its effective date. Issuance of the certificate  
685 of revocation may be by electronic transmission to any foreign  
686 corporation that has provided the department with an electronic  
687 mail address.

688 Section 21. Subsections (1), (2), and (3) of section  
689 620.1809, Florida Statutes, are amended to read:

690 620.1809 Administrative dissolution.—

691 (1) The Department of State may dissolve a limited  
692 partnership administratively if the limited partnership does  
693 not, ~~within 60 days after the due date:~~

694 (a) Pay any fee or penalty due to the Department of State  
695 under this act ~~or other law;~~

696 (b) Deliver its annual report to the Department of State by  
697 5 p.m. Eastern Time on the third Friday in September;

698 (c) Appoint and maintain a registered agent as required by  
699 s. 620.1114; or

700 (d) Deliver for filing a statement of a change under s.  
701 620.1115 within 30 days after a change has occurred in the name  
702 of the registered agent or the registered office address.

703 (2) If the Department of State determines that a ground  
704 exists for administratively dissolving a limited partnership,  
705 the Department of State shall serve notice on the limited  
706 partnership of its intent to administratively dissolve the  
707 limited partnership ~~file a record of the determination and send~~



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708 ~~a copy to the limited partnership.~~ If the limited partnership  
709 has provided the department with an electronic mail address,  
710 such notice shall be by electronic transmission. Administrative  
711 dissolution for failure to file an annual report shall occur on  
712 the fourth Friday in September of each year. The Department of  
713 State shall issue a certificate of dissolution to each dissolved  
714 limited partnership. Issuance of the certificate of dissolution  
715 may be by electronic transmission to any limited partnership  
716 that has provided the department with an electronic mail  
717 address.

718 (3) If within 60 days after sending notice of dissolution,  
719 ~~the copy~~ the limited partnership does not correct each ground  
720 for dissolution under s. 620.1809(1)(a), (c), or (d) or  
721 demonstrate to the reasonable satisfaction of the Department of  
722 State that each ground determined by the Department of State  
723 does not exist, the Department of State shall administratively  
724 dissolve the limited partnership and issue a certificate ~~by~~  
725 ~~preparing, signing, and filing a declaration~~ of dissolution that  
726 states the grounds for dissolution. Issuance of the certificate  
727 of dissolution may be by electronic transmission to any limited  
728 partnership that has provided the department with an electronic  
729 mail address. ~~The Department of State shall send the limited~~  
730 ~~partnership a copy of the filed declaration.~~

731 Section 22. Section 620.1906, Florida Statutes, is amended  
732 to read:

733 620.1906 Revocation of certificate of authority.—

734 (1) A certificate of authority of a foreign limited  
735 partnership to transact business in this state may be revoked by  
736 the Department of State in the manner provided in subsections



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737 (2) and (3) if the foreign limited partnership does not:  
738 (a) Pay, within 60 days after the due date, any fee or  
739 penalty due to the Department of State under this act ~~or other~~  
740 ~~law~~;  
741 (b) Deliver, ~~within 60 days after the due date,~~ its annual  
742 report to the Department of State by 5 p.m. Eastern Time on the  
743 third Friday in September required under s. 620.1210;  
744 (c) Appoint and maintain an agent for service of process as  
745 required by s. 620.1114(2); or  
746 (d) Deliver for filing a statement of a change under s.  
747 620.1115 within 30 days after a change has occurred in the name  
748 or address of the agent.  
749 (2) If the Department of State determines that one or more  
750 grounds exist under s. 620.1906 for revocation of a foreign  
751 limited partnership, it shall notify the foreign limited  
752 partnership of its intent to revoke the foreign limited  
753 partnership's certificate of authority. If the foreign limited  
754 partnership has provided the department with an electronic mail  
755 address, such notice shall be by electronic transmission.  
756 Revocation for failure to file an annual report shall occur on  
757 the fourth Friday in September of each year. The Department of  
758 State shall issue a certificate of revocation to each revoked  
759 foreign limited partnership. Issuance of the certificate of  
760 revocation may be by electronic transmission to any foreign  
761 limited partnership that has provided the department with an  
762 electronic mail address. In order to revoke a certificate of  
763 authority, the Department of State must prepare, sign, and file  
764 a notice of revocation and send a copy to the foreign limited  
765 partnership. The notice must state:



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766 ~~(a) The effective date of the revocation, which must be at~~  
767 ~~least 60 days after the date the Department of State sends the~~  
768 ~~copy.~~

769 ~~(b) The foreign limited partnership's failures to comply~~  
770 ~~with subsection (1) which are the reason for the revocation.~~

771 (3) If within 60 days after sending a notice of revocation,  
772 the foreign limited partnership does not correct each ground for  
773 revocation under s. 620.1906(1) (a), (c), or (d), or demonstrate  
774 to the reasonable satisfaction of the Department of State that  
775 each ground determined by the department does not exist, the  
776 department shall revoke the foreign limited partnership's  
777 authority to transact business in this state and issue a  
778 certificate of revocation that states the grounds for  
779 revocation. Issuance of the certificate of revocation may be by  
780 electronic transmission to any foreign limited partnership that  
781 has provided the department with an electronic mail address.

782 ~~(4)(3) The authority of the foreign limited partnership to~~  
783 ~~transact business in this state ceases on the effective date of~~  
784 ~~the certificate notice of revocation unless before that date the~~  
785 ~~foreign limited partnership cures each failure to comply with~~  
786 ~~subsection (1) stated in the notice. If the foreign limited~~  
787 ~~partnership cures the failures, the Department of State shall so~~  
788 ~~indicate on the filed notice.~~

789 Section 23. Subsection (3) of section 620.9003, Florida  
790 Statutes, is amended to read:

791 620.9003 Annual report.—

792 (3) The Department of State may administratively revoke the  
793 statement of qualification of a partnership that fails to file  
794 its annual report and pay the required filing fee by 5 p.m.



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795 Eastern Time on the third Friday in September. The Department of  
796 State shall serve 60-day notice on the limited liability  
797 partnership of its intent to revoke the statement of  
798 qualification. If the partnership has provided the department  
799 with an electronic mail address, such notice shall be by  
800 electronic transmission. Revocation for failure to file an  
801 annual report shall occur on the fourth Friday in September of  
802 each year. The Department of State shall issue a certificate of  
803 revocation of the statement of qualification to each revoked  
804 partnership. Issuance of the certificate of revocation of the  
805 statement of qualification may be by electronic transmission to  
806 any partnership that has provided the department with an  
807 electronic mail address. The Secretary of State may  
808 ~~administratively revoke the statement of qualification of a~~  
809 ~~partnership that fails to file an annual report when due or to~~  
810 ~~pay the required filing fee. The Secretary of State shall~~  
811 ~~provide the partnership at least 60 days' written notice of~~  
812 ~~intent to revoke the statement. The notice is effective 5 days~~  
813 ~~after it is deposited in the United States mail addressed to the~~  
814 ~~partnership at its chief executive office set forth in the last~~  
815 ~~filed statement of qualification or annual report. The notice~~  
816 ~~must specify the annual report that has not been filed, the fee~~  
817 ~~that has not been paid, and the date on or after which the~~  
818 ~~revocation will become effective. The revocation is not~~  
819 ~~effective if the annual report is filed and the fee is paid~~  
820 ~~before the effective date of the revocation.~~

821 Section 24. Subsection (1) of section 679.525, Florida  
822 Statutes, is amended to read:

823 679.525 Processing fees.—



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824 (1) Except as otherwise provided in subsection (3), the  
825 nonrefundable processing fee for filing and indexing a record  
826 under this part, other than an initial financing statement of  
827 the kind described in s. 679.5021(3), is:

828 (a) For filing an initial financing statement, \$25 for the  
829 first page, which shall include the cost of filing a termination  
830 statement for the financing statement;

831 (b) For filing an amendment, \$12 for the first page;

832 (c) For indexing by additional debtor, secured party, or  
833 assignee, \$3 per additional name indexed;

834 (d) For use of a nonapproved form, \$5;

835 (e) For each additional page attached to a record, \$3;

836 (f) For a certified copy of a financing statement and any  
837 and all associated amendments, \$30; ~~and~~

838 (g) For a photocopy of a filed record, \$1 per page; ~~and~~

839 (h) For filing an initial financing statement, an  
840 additional \$10 for the first page. Receipts from this fee shall  
841 be deposited into the General Revenue Fund and are not included  
842 in the receipts for purposes of calculating the contractor's  
843 compensation for performing services regarding the Florida  
844 Secured Transaction Registry.

845 Section 25. Paragraph (b) of subsection (6) of section  
846 865.09, Florida Statutes, is amended to read:

847 865.09 Fictitious name registration.—

848 (6) RENEWAL.—

849 (b) In the last year of the registration, the division  
850 shall notify the owner or registrant of the expiration of the  
851 fictitious name ~~mail to the last reported mailing address or to~~  
852 ~~the address of any registered owner of a name a statement of~~



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853 ~~renewal.~~ If the owner or registrant of the fictitious name has  
854 provided the department with an electronic mail address, such  
855 notice shall be by electronic transmission.

856 Section 26. This act shall take effect upon becoming a law.  
857

858 ===== T I T L E A M E N D M E N T =====

859 And the title is amended as follows:

860 Delete everything before the enacting clause  
861 and insert:

862 A bill to be entitled  
863 An act relating to the Department of State; amending  
864 s. 15.16, F.S.; authorizing the Department of State to  
865 use electronic transmission to notify and communicate  
866 in the performance of its duties; authorizing the  
867 department to collect e-mail addresses and require  
868 filers and registrants to furnish such e-mail  
869 addresses for presenting documents and filing;  
870 repealing ss. 265.2861, 265.2862, 265.289, 265.608,  
871 265.609, 265.702, and 265.708, F.S., relating to the  
872 Cultural Institutions Program and Trust Fund, general  
873 support program for cultural institutions, audit  
874 information and admission fees for state theater  
875 contract organizations, science museums and grants,  
876 youth and children's museum and grants, regional  
877 cultural facilities, and historical museum grants;  
878 amending s. 265.281, F.S.; renaming the "Florida Fine  
879 Arts Act of 1980" as the "Florida Arts and Culture  
880 Act"; amending s. 265.282, F.S.; revising legislative  
881 intent to include the promotion of activities



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882 involving arts and culture; providing support for  
883 museums and nonprofit organizations; amending s.  
884 265.283, F.S.; revising and providing definitions;  
885 amending s. 265.284, F.S.; revising the duties and  
886 responsibilities of the Division of Cultural Affairs  
887 within the department to administer funds, sponsor  
888 events encouraging arts and cultural programs, and  
889 enter into certain contracts; requiring that the  
890 division adopt rules; amending s. 265.285, F.S.;  
891 renaming the "Florida Arts Council" as the "Florida  
892 Council on Arts and Culture"; requiring that the  
893 council meet at the request of the division; deleting  
894 provisions authorizing the Secretary of State to  
895 appoint review panels; revising the duties of the  
896 council; amending s. 265.286, F.S.; authorizing the  
897 Secretary of State to appoint review panels  
898 representing arts and cultural disciplines and  
899 programs to assist the council in the grant review  
900 process; providing membership; providing terms;  
901 providing duties and responsibilities; requiring that  
902 the council review grant application lists; requiring  
903 that the secretary review the council's  
904 recommendations and submit approved lists to the  
905 Legislature by a specified date; establishing  
906 procedures for the awarding and funding of grants;  
907 authorizing the division to provide funding for  
908 certain programs and areas; requiring that the  
909 division adopt rules establishing eligibility  
910 criteria, grant programs, and the panel review





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911 process; requiring that the division award grants  
912 under certain circumstances; establishing eligibility  
913 requirements for grantees; limiting grant awards to  
914 one recipient per grant cycle; providing exceptions;  
915 providing a formula for the distribution of matching  
916 and nonmatching funds; providing for certain in-kind  
917 funds; deleting provisions relating to the division's  
918 authority to expend appropriated funds for grants;  
919 deleting provisions establishing criteria for such  
920 grants; amending ss. 607.1420 and 607.1421, F.S.;  
921 revising provisions relating to the administrative  
922 dissolution of a corporation by the department to  
923 conform to changes made by the act; amending ss.  
924 607.1530 and 607.1531, F.S.; revising provisions  
925 relating to revocation of a certificate of authority  
926 to conform to changes made by the act; amending ss.  
927 608.448 and 608.4481, F.S.; revising provisions  
928 relating to administrative dissolution of a limited  
929 liability company to conform to changes made by the  
930 act; amending ss. 608.512 and 608.513, F.S.; revising  
931 provisions relating to the revocation of a certificate  
932 of authority of a foreign limited liability company to  
933 conform to changes made by the act; amending ss.  
934 617.1420, 617.1421, 617.1530, 617.1531, 620.1809,  
935 620.1906, and 620.9003, F.S.; conforming provisions to  
936 changes made by the act; amending s. 679.525, F.S.,  
937 relating to processing fees; requiring an additional  
938 fee for filing an initial financing statement;  
939 providing for deposit of receipts into the General



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940 Revenue Fund; prohibiting inclusion of receipts for  
941 calculating contractor's compensation for performing  
942 services; amending s. 865.09, F.S.; revising  
943 provisions relating to notice of the expiration of a  
944 fictitious name registration; requiring that the  
945 department serve such notice by electronic  
946 transmission if the owner or registrant of the  
947 fictitious name has provided an electronic mail  
948 address to the department; providing an effective  
949 date.