

By Senator Simpson

18-00880A-14

2014776\_\_

1                   A bill to be entitled  
2       An act relating to business entities; amending s.  
3       605.0213, F.S.; revising the filing fees of a limited  
4       liability company; making technical changes; amending  
5       s. 607.0122, F.S.; revising the filing fees for a  
6       corporation; making technical changes; amending s.  
7       607.01401, F.S.; defining the term "department";  
8       creating s. 607.1623, F.S.; requiring a fee to be  
9       imposed for late annual reports; specifying the fee;  
10      repealing s. 607.193, F.S., relating to a supplemental  
11      corporate fee; amending 617.0122, F.S.; revising the  
12      filing fees of a corporation not for profit; making  
13      technical changes; amending s. 620.1102, F.S.;  
14      defining the term "department"; amending s. 620.1109,  
15      F.S.; revising the filing fees of a limited  
16      partnership; making technical changes; amending s.  
17      620.8101, F.S.; defining the term "department";  
18      amending s. 620.81055, F.S.; revising the filing fees  
19      of a partnership; making technical changes; amending  
20      ss. 339.12, 605.0118, 607.0505, 610.104, and 631.0515,  
21      F.S.; conforming cross-references to changes made in  
22      the act; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Section 605.0213, Florida Statutes, is amended  
27 to read:

28       605.0213 Fees of the department.—

29       (1) The ~~fees of the~~ department shall collect the following

18-00880A-14

2014776\_\_

30 fees on documents delivered to the department for filing under  
31 this chapter are as follows:

32 ~~(1) For furnishing a certified copy, \$30.~~

33 (a)(2) For filing Original articles of organization and  
34 initial registered agent designation or articles of revocation  
35 of dissolution, \$125 \$100.

36 (b)(3) For filing a Foreign limited liability company's  
37 application for a certificate of authority to transact business  
38 and initial registered agent designation, \$125 \$100.

39 (c)(4) For filing a Certificate of merger of limited  
40 liability companies or other business entities, \$25 per  
41 constituent party to the merger, unless a specific fee is  
42 required for a party under other applicable law.

43 (d)(5) For filing an Annual report, \$125 \$50.

44 (e)(6) For filing an Application for reinstatement after an  
45 administrative or judicial dissolution or a revocation of  
46 authority to transact business, \$100.

47 (f)(7) For filing a Certificate designating a registered  
48 agent or changing a registered agent, \$25.

49 (g)(8) For filing a Registered agent's statement of  
50 resignation from a an active limited liability company, \$25 \$85.

51 ~~(9) For filing a registered agent's statement of~~  
52 ~~resignation from a dissolved limited liability company, \$25.~~

53 (h)(10) For filing a Certificate of conversion of a limited  
54 liability company, \$25.

55 (i) Articles of revocation of dissolution, \$25.

56 (j)(11) For filing Any other limited liability company  
57 document, \$25.

58 ~~(12) For furnishing a certificate of status, \$5.~~

18-00880A-14

2014776\_\_

59           (2) The department shall collect the following fees on  
 60 documents furnished by the department:

- 61           (a) Certified copy, \$8.75.
- 62           (b) Certificate of status, \$5.

63           Section 2. Section 607.0122, Florida Statutes, is amended  
 64 to read:

65           607.0122 Fees of the department ~~for filing documents and~~  
 66 ~~issuing certificates.-~~

67           (1) ~~The department of State~~ shall collect the following  
 68 fees on ~~when the documents described in this section are~~  
 69 delivered to the department for filing:

70           (a) ~~(1)~~ Original articles of incorporation and initial  
 71 registered agent designation, \$70:-\$35.

72           (b) ~~(2)~~ Application for registered name, \$25:-\$87.50.

73           (c) ~~(3)~~ Application for renewal of registered name, \$25:-  
 74 \$87.50.

75           (d) ~~(4)~~ Corporation's statement of change of registered  
 76 agent or registered office or both if not included on the annual  
 77 report, \$25:-\$35.

78           (e) ~~(5)~~ Designation of and acceptance by registered agent,  
 79 \$25:-\$35.

80           (f) ~~(6)~~ Agent's statement of resignation, \$25 ~~from active~~  
 81 ~~corporation: \$87.50.~~

82           ~~(7) Agent's statement of resignation from an inactive~~  
 83 ~~corporation: \$35.~~

84           (g) ~~(8)~~ Amendment of articles of incorporation, \$25:-\$35.

85           (h) ~~(9)~~ Restatement of articles of incorporation with  
 86 amendment of articles, \$25:-\$35.

87           (i) ~~(10)~~ Articles of merger or share exchange, \$25 ~~for each~~

18-00880A-14

2014776\_\_

88 ~~party thereto: \$35.~~

89 (j) ~~(11)~~ Articles of dissolution, \$25: ~~\$35.~~

90 (k) ~~(12)~~ Articles of revocation of dissolution, \$25: ~~\$35.~~

91 (l) ~~(13)~~ Application for reinstatement following  
92 administrative dissolution, ÷ \$600.

93 (m) ~~(14)~~ Application for certificate of authority to  
94 transact business in this state by a foreign corporation and  
95 initial registered agent designation, \$70: ~~\$35.~~

96 (n) ~~(15)~~ Application for amended certificate of authority,  
97 \$25: ~~\$35.~~

98 (o) ~~(16)~~ Application for certificate of withdrawal by a  
99 foreign corporation, \$25: ~~\$35.~~

100 (p) ~~(17)~~ Annual report, \$125: ~~\$61.25.~~

101 (q) ~~(18)~~ Articles of correction, \$25: ~~\$35.~~

102 ~~(19) Application for certificate of status: \$8.75.~~

103 (r) ~~(20)~~ Certificate of domestication of a foreign  
104 corporation, \$25: ~~\$50.~~

105 ~~(21) Certified copy of document: \$52.50.~~

106 ~~(22) Serving as agent for substitute service of process:~~  
107 ~~\$87.50.~~

108 ~~(23) Supplemental corporate fee: \$88.75.~~

109 (s) ~~(24)~~ Any other document required or permitted to be  
110 filed by this act, \$25: ~~\$35.~~

111 (2) The department shall collect the following fees on  
112 documents furnished by the department:

113 (a) Certified copy, \$8.75.

114 (b) Certificate of status, \$8.75.

115 (3) The department shall collect a fee of \$8.75 to serve as  
116 an agent for substitute service of process.

18-00880A-14

2014776\_\_

117 Section 3. Present subsections (8) through (31) of section  
118 607.01401, Florida Statutes, are redesignated as subsections (9)  
119 through (32), respectively, and a new subsection (8) is added to  
120 that section, to read:

121 607.01401 Definitions.—As used in this act, unless the  
122 context otherwise requires, the term:

123 (8) "Department" means the Department of State.

124 Section 4. Section 607.1623, Florida Statutes, is created  
125 to read:

126 607.1623 Annual report late fee.—

127 (1) In addition to the fees required under ss. 605.0213,  
128 607.0122, and 620.1109, the department shall collect one of the  
129 following late fees:

130 (a) If the annual report fee is remitted after May 1, \$125.

131 (b) If the annual report fee is remitted after May 31,  
132 \$250.

133 (c) If the annual report fee is remitted after June 30,  
134 \$375.

135 (d) If the annual report fee is remitted after July 31,  
136 \$400.

137 (2) A late fee under subsection (1) may not be collected if  
138 a business entity is administratively dissolved or its  
139 certificate of authority is revoked due to its failure to file  
140 an annual report and the entity subsequently applies for  
141 reinstatement and pays the applicable reinstatement fee.

142 Section 5. Section 607.193, Florida Statutes, is repealed.

143 Section 6. Section 617.0122, Florida Statutes, is amended  
144 to read:

145 617.0122 Fees of the department ~~for filing documents and~~

18-00880A-14

2014776\_\_

146 ~~issuing certificates.-~~

147 (1) The department ~~of State~~ shall collect the following  
148 fees on documents delivered to the department for filing:

149 (a)~~(1)~~ Original articles of incorporation and initial  
150 registered agent designation, \$70:-\$35.

151 (b)~~(2)~~ Application for registered name, \$25:-\$87.50.

152 (c)~~(3)~~ Application for renewal of registered name, \$25:-  
153 \$87.50.

154 (d)~~(4)~~ Corporation's statement of change of registered  
155 agent or registered office or both if not included on the annual  
156 report, \$25:-\$35.

157 (e)~~(5)~~ Designation of and acceptance by registered agent,  
158 \$25:-\$35.

159 (f)~~(6)~~ Agent's statement of resignation, \$25 ~~from active~~  
160 ~~corporation: \$87.50.~~

161 ~~(7) Agent's statement of resignation from inactive~~  
162 ~~corporation: \$35.~~

163 (g)~~(8)~~ Amendment of articles of incorporation, \$25:-\$35.

164 (h)~~(9)~~ Restatement of articles of incorporation with  
165 amendment of articles, \$25:-\$35.

166 (i)~~(10)~~ Articles of merger, \$25 ~~for each party thereto:~~  
167 \$35.

168 (j)~~(11)~~ Articles of dissolution, \$25:-\$35.

169 (k)~~(12)~~ Articles of revocation of dissolution, \$25:-\$35.

170 (l)~~(13)~~ Application for reinstatement following  
171 administrative dissolution, :- \$175.

172 (m)~~(14)~~ Application for certificate of authority to  
173 transact business in this state by a foreign corporation and  
174 initial registered agent designation, \$70:-\$35.

18-00880A-14

2014776\_\_

175 (n) ~~(15)~~ Application for amended certificate of authority,  
176 \$25: ~~\$35.~~

177 (o) ~~(16)~~ Application for certificate of withdrawal by a  
178 foreign corporation, \$25: ~~\$35.~~

179 (p) ~~(17)~~ Annual report, ÷ \$61.25.

180 (q) ~~(18)~~ Articles of correction, \$25: ~~\$35.~~

181 ~~(19) Application for certificate of status: \$8.75.~~

182 ~~(20) Certified copy of document: \$52.50.~~

183 ~~(21) Serving as agent for substitute service of process:~~  
184 ~~\$87.50.~~

185 (r) ~~(22)~~ Certificate of conversion of a limited agricultural  
186 association to a domestic corporation, \$25: ~~\$35.~~

187 (s) ~~(23)~~ Any other document required or permitted to be  
188 filed by this chapter, \$25: ~~\$35.~~

189 (2) The department shall collect the following fees on  
190 documents furnished by the department:

191 (a) Certified copy, \$8.75.

192 (b) Certificate of status, \$8.75.

193 (3) The department shall collect a fee of \$8.75 to serve as  
194 an agent for substitute service of process.

195 (4) A ~~Any~~ citizen support organization that is required by  
196 rule of the Department of Environmental Protection to be formed  
197 as a nonprofit organization and is under contract with the  
198 department is exempt from the ~~any~~ fees required for  
199 incorporation as a nonprofit organization, and the Secretary of  
200 State may not assess ~~any~~ such fees if the citizen support  
201 organization is certified by the Department of Environmental  
202 Protection to the Secretary of State as being under contract  
203 with the Department of Environmental Protection.

18-00880A-14

2014776\_\_

204 Section 7. Present subsections (5) through (26) of section  
205 620.1102, Florida Statutes, are redesignated as subsections (6)  
206 through (27), respectively, and a new subsection (5) is added to  
207 that section, to read:

208 620.1102 Definitions.—As used in this act:

209 (5) "Department" means the Department of State.

210 Section 8. Section 620.1109, Florida Statutes, is amended  
211 to read:

212 620.1109 Fees of the department ~~of State; fees.~~—

213 (1) The department shall collect the following fees on  
214 documents delivered to the department for filing ~~In addition to~~  
215 ~~the supplemental corporate fee of \$88.75 imposed pursuant to s.~~  
216 ~~607.193, the fees of the Department of State under this act are~~  
217 ~~as follows:~~

218 ~~(1) For furnishing a certified copy, \$52.50 for the first~~  
219 ~~15 pages plus \$1.00 for each additional page.~~

220 (a) (2) For filing an Original certificate of limited  
221 partnership and initial registered agent designation, \$1,000  
222 \$965.

223 (b) (3) For filing an Original application for registration  
224 as a foreign limited partnership and initial registered agent  
225 designation, \$1,000 ~~\$965.~~

226 (c) (4) For filing Certificate of conversion, \$25 ~~\$52.50.~~

227 (d) (5) For filing Certificate of merger, \$25 ~~\$52.50 for~~  
228 ~~each party thereto.~~

229 (e) (6) For filing a Reinstatement application, \$500 for  
230 each calendar year or part thereof the limited partnership was  
231 administratively dissolved or foreign limited partnership was  
232 revoked in the records of the Department of State.



18-00880A-14

2014776\_\_

- 233        (f) ~~(7)~~ For filing an Annual report, \$125 ~~\$411.25~~.
- 234        (g) ~~(8)~~ For filing a Certificate:
- 235        ~~(a)~~ designating a registered agent, \$25 ~~\$35~~;
- 236        (h) ~~(b)~~ Certificate changing a registered agent or
- 237 registered office address, \$25 ~~\$35~~;
- 238        (i) ~~(e)~~ Certificate resigning as a registered agent, \$25.
- 239 ~~\$87.50; or~~
- 240        (j) ~~(d)~~ Certificate of amendment or restatement of the
- 241 certificate of limited partnership, \$25 ~~\$52.50~~;
- 242        (k) ~~(9)~~ For filing a Statement of termination, \$25 ~~\$52.50~~.
- 243        (l) ~~(10)~~ For filing a Notice of cancellation for foreign
- 244 limited partnership, \$25 ~~\$52.50~~.
- 245        ~~(11)~~ For furnishing a Certificate of status or
- 246 authorization, ~~\$8.75~~.
- 247        (m) ~~(12)~~ For filing a Certificate of dissolution, \$25
- 248 ~~\$52.50~~.
- 249        (n) ~~(13)~~ For filing a Certificate of revocation of
- 250 dissolution, \$25 ~~\$52.50~~.
- 251        (o) ~~(14)~~ For filing Any other domestic or foreign limited
- 252 partnership document, \$25 ~~\$52.50~~.
- 253        (2) The department shall collect the following fees on
- 254 documents furnished by the department:
- 255        (a) Certified copy, \$8.75.
- 256        (b) Certificate of status or authorization, \$8.75.
- 257        Section 9. Present subsections (4) through (16) of section
- 258 620.8101, Florida Statutes, are redesignated as subsections (5)
- 259 through (17), respectively, and a new subsection (4) is added to
- 260 that section, to read:
- 261        620.8101 Definitions.—As used in this act, the term:

18-00880A-14

2014776\_\_

- 262 (4) "Department" means the Department of State.
- 263 Section 10. Section 620.81055, Florida Statutes, is amended
- 264 to read:
- 265 620.81055 Fees of the department ~~for filing documents and~~
- 266 ~~issuing certificates;~~ powers and authority of the department ~~of~~
- 267 State.-
- 268 (1) The department ~~of State~~ shall collect the following
- 269 fees on ~~when~~ documents ~~authorized by this act~~ are delivered to
- 270 the department ~~of State~~ for filing:
- 271 (a) Partnership registration statement, ÷ \$50.
- 272 (b) Statement of partnership authority, ÷ \$25.
- 273 (c) Statement of denial, ÷ \$25.
- 274 (d) Statement of dissociation, ÷ \$25.
- 275 (e) Statement of dissolution, ÷ \$25.
- 276 (f) Statement of qualification, ÷ \$25.
- 277 (g) Statement of foreign qualification, ÷ \$25.
- 278 (h) Limited liability partnership annual report, ÷ \$25.
- 279 (i) Certificate of merger, ÷ ~~for each party thereto:~~ \$25.
- 280 (j) Amendment to any statement or registration, ÷ \$25.
- 281 (k) Cancellation of any statement or registration, ÷ \$25.
- 282 ~~(l) Certified copy of any recording or part thereof:~~
- 283 ~~\$52.50.~~
- 284 ~~(m) Certificate of status: \$8.75.~~
- 285 (l) (n) Certificate of conversion, ÷ \$25.
- 286 (m) (o) Any other document required or permitted to be filed
- 287 by this act, ÷ \$25.
- 288 (2) The department shall collect the following fees on
- 289 documents furnished by the department:
- 290 (a) Certified copy, \$8.75.

18-00880A-14

2014776\_\_

291 (b) Certificate of status, \$8.75.

292 (3)~~(2)~~ The department ~~of State~~ has the power and authority  
293 reasonably necessary to ~~enable it to~~ administer this act  
294 efficiently, to perform the duties imposed upon it by this act,  
295 and to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
296 implement the provisions of this act conferring duties upon it.

297 Section 11. Paragraph (a) of subsection (4) of section  
298 339.12, Florida Statutes, is amended to read:

299 339.12 Aid and contributions by governmental entities for  
300 department projects; federal aid.—

301 (4) (a) Prior to accepting the contribution of road bond  
302 proceeds, time warrants, or cash for which reimbursement is  
303 sought, the department shall enter into agreements with the  
304 governing body of the governmental entity for the project or  
305 project phases in accordance with specifications agreed upon  
306 between the department and the governing body of the  
307 governmental entity. The department in no instance is to receive  
308 from such governmental entity an amount in excess of the actual  
309 cost of the project or project phase. By specific provision in  
310 the written agreement between the department and the governing  
311 body of the governmental entity, the department may agree to  
312 reimburse the governmental entity for the actual amount of the  
313 bond proceeds, time warrants, or cash used on a highway project  
314 or project phases that are not revenue producing and are  
315 contained in the department's adopted work program, or any  
316 public transportation project contained in the adopted work  
317 program. Subject to appropriation of funds by the Legislature,  
318 the department may commit state funds for reimbursement of such  
319 projects or project phases. Reimbursement to the governmental

18-00880A-14

2014776\_\_

320 entity for such a project or project phase must be made from  
321 funds appropriated by the Legislature, and reimbursement for the  
322 cost of the project or project phase is to begin in the year the  
323 project or project phase is scheduled in the work program as of  
324 the date of the agreement. Funds advanced pursuant to this  
325 section, which were originally designated for transportation  
326 purposes and so reimbursed to a county or municipality, shall be  
327 used by the county or municipality for any transportation  
328 expenditure authorized under s. 336.025(7). Also, cities and  
329 counties may receive funds from persons, and reimburse those  
330 persons, for the purposes of this section. Such persons may  
331 include, but are not limited to, those persons defined in s.  
332 607.01401(20) ~~s. 607.01401(19)~~.

333 Section 12. Subsection (3) of section 605.0118, Florida  
334 Statutes, is amended to read:

335 605.0118 Delivery of record.—

336 (3) If a check is mailed to the department for payment of  
337 an annual report fee ~~or the annual fee required under s.~~  
338 ~~607.193~~, the check shall be deemed to have been received by the  
339 department as of the postmark date appearing on the envelope or  
340 package transmitting the check if the envelope or package is  
341 received by the department.

342 Section 13. Paragraph (b) of subsection (1) and subsections  
343 (5) and (6) of section 607.0505, Florida Statutes, are amended  
344 to read:

345 607.0505 Registered agent; duties.—

346 (1)

347 (b) Each such corporation, foreign corporation, or alien  
348 business organization which fails to have and continuously

18-00880A-14

2014776\_\_

349 maintain a registered office and a registered agent as required  
350 in this section will be liable to this state for \$500 for each  
351 year, or part of a year, during which the corporation, foreign  
352 corporation, or alien business organization fails to comply with  
353 these requirements; but such liability will be forgiven in full  
354 upon the compliance by the corporation, foreign corporation, or  
355 alien business organization with the requirements of this  
356 subsection, even if such compliance occurs after an action to  
357 collect such liability is instituted. The Department of Legal  
358 Affairs may file an action in the circuit court for the judicial  
359 circuit in which the corporation, foreign corporation, or alien  
360 business organization is found or transacts business, or in  
361 which real property belonging to the corporation, foreign  
362 corporation, or alien business organization is located, to  
363 petition the court for an order directing that a registered  
364 agent be appointed and that a registered office be designated,  
365 and to obtain judgment for the amount owed under this  
366 subsection. In connection with such proceeding, the Department  
367 of Legal Affairs may, without prior approval by the court, file  
368 a lis pendens against real property owned by the corporation,  
369 foreign corporation, or alien business organization, which lis  
370 pendens shall set forth the legal description of the real  
371 property and shall be filed in the public records of the county  
372 where the real property is located. If the lis pendens is filed  
373 in any county other than the county in which the action is  
374 pending, the lis pendens which is filed must be a certified copy  
375 of the original lis pendens. The failure to comply timely or  
376 fully with an order directing that a registered agent be  
377 appointed and that a registered office be designated will result

18-00880A-14

2014776\_\_

378 in a civil penalty of not more than \$1,000 for each day of  
379 noncompliance. A judgment or an order of payment entered  
380 pursuant to this subsection will become a judgment lien against  
381 any real property owned by the corporation, foreign corporation,  
382 or alien business organization when a certified copy of the  
383 judgment or order is recorded as required by s. 55.10. The  
384 Department of Legal Affairs will be able to avail itself of, and  
385 is entitled to use, any provision of law or of the Florida Rules  
386 of Civil Procedure to further the collecting or obtaining of  
387 payment pursuant to a judgment or order of payment. The state,  
388 through the Attorney General, may bid, at any judicial sale to  
389 enforce its judgment lien, any amount up to the amount of the  
390 judgment or lien obtained pursuant to this subsection. All  
391 moneys recovered under this subsection shall be treated as  
392 forfeitures under ss. 895.01-895.09 and used or distributed in  
393 accordance with the procedure set forth in s. 895.09. A  
394 corporation, foreign corporation, or alien business organization  
395 which fails to have and continuously maintain a registered  
396 office and a registered agent as required in this section may  
397 not defend itself against any action instituted by the  
398 Department of Legal Affairs or by any other agency of this state  
399 until the requirements of this subsection have been met.

400 (5) If a corporation, foreign corporation, or alien  
401 business organization fails without lawful excuse to comply  
402 timely or fully with a subpoena issued pursuant to subsection  
403 (2), the Department of Legal Affairs may file an action in the  
404 circuit court for the judicial circuit in which the corporation,  
405 foreign corporation, or alien business organization is found or  
406 transacts business or in which real property belonging to the

18-00880A-14

2014776\_\_

407 corporation, foreign corporation, or alien business organization  
408 is located, for an order compelling compliance with the  
409 subpoena. The failure without a lawful excuse to comply timely  
410 or fully with an order compelling compliance with the subpoena  
411 will result in a civil penalty of not more than \$1,000 for each  
412 day of noncompliance with the order. In connection with such  
413 proceeding, the Department of Legal Affairs may, without prior  
414 approval by the court, file a lis pendens against real property  
415 owned by the corporation, foreign corporation, or alien business  
416 organization, which lis pendens shall set forth the legal  
417 description of the real property and shall be filed in the  
418 public records of the county where the real property is located.  
419 If the lis pendens is filed in any county other than the county  
420 in which the action is pending, the lis pendens which is filed  
421 must be a certified copy of the original lis pendens. A judgment  
422 or an order of payment entered pursuant to this subsection will  
423 become a judgment lien against any real property owned by the  
424 corporation, foreign corporation, or alien business organization  
425 when a certified copy of the judgment or order is recorded as  
426 required by s. 55.10. The Department of Legal Affairs will be  
427 able to avail itself of, and is entitled to use, any provision  
428 of law or of the Florida Rules of Civil Procedure to further the  
429 collecting or obtaining of payment pursuant to a judgment or  
430 order of payment. The state, through the Attorney General, may  
431 bid, at any judicial sale to enforce its judgment lien, an  
432 amount up to the amount of the judgment or lien obtained  
433 pursuant to this subsection. All moneys recovered under this  
434 subsection shall be treated as forfeitures under ss. 895.01-  
435 895.09 and used or distributed in accordance with the procedure

18-00880A-14

2014776\_\_

436 set forth in s. 895.09.

437 (6) Information provided to, and records and transcriptions  
438 of testimony obtained by, the Department of Legal Affairs  
439 pursuant to this section are confidential and exempt from the  
440 provisions of s. 119.07(1) while the investigation is active.  
441 For purposes of this section, an investigation shall be  
442 considered "active" while such investigation is being conducted  
443 with a reasonable, good faith belief that it may lead to the  
444 filing of an administrative, civil, or criminal proceeding. An  
445 investigation does not cease to be active so long as the  
446 Department of Legal Affairs is proceeding with reasonable  
447 dispatch and there is a good faith belief that action may be  
448 initiated by the Department of Legal Affairs or other  
449 administrative or law enforcement agency. Except for active  
450 criminal intelligence or criminal investigative information, as  
451 defined in s. 119.011, and information which, if disclosed,  
452 would reveal a trade secret, as defined in s. 688.002, or would  
453 jeopardize the safety of an individual, all information,  
454 records, and transcriptions become public record when the  
455 investigation is completed or ceases to be active. The  
456 Department of Legal Affairs may ~~shall~~ not disclose confidential  
457 information, records, or transcriptions of testimony except  
458 pursuant to the authorization by the Attorney General in any of  
459 the following circumstances:

460 (a) To a law enforcement agency participating in or  
461 conducting a civil investigation under chapter 895, or  
462 participating in or conducting a criminal investigation.

463 (b) In the course of filing, participating in, or  
464 conducting a judicial proceeding instituted pursuant to this



18-00880A-14

2014776\_\_

465 section or chapter 895.

466 (c) In the course of filing, participating in, or  
467 conducting a judicial proceeding to enforce an order or judgment  
468 entered pursuant to this section or chapter 895.

469 (d) In the course of a criminal or civil proceeding.

470

471 A person or law enforcement agency which receives any  
472 information, record, or transcription of testimony that has been  
473 made confidential by this subsection shall maintain the  
474 confidentiality of such material and shall not disclose such  
475 information, record, or transcription of testimony except as  
476 provided for herein. Any person who willfully discloses any  
477 information, record, or transcription of testimony that has been  
478 made confidential by this subsection, except as provided for  
479 herein, is guilty of a misdemeanor of the first degree,  
480 punishable as provided in s. 775.082 or s. 775.083. If any  
481 information, record, or testimony obtained pursuant to  
482 subsection (2) is offered in evidence in any judicial  
483 proceeding, the court may, in its discretion, seal that portion  
484 of the record to further the policies of confidentiality set  
485 forth herein.

486 Section 14. Subsection (12) of section 610.104, Florida  
487 Statutes, is amended to read:

488 610.104 State authorization to provide cable or video  
489 service.—

490 (12) Beginning 5 years after approval of the  
491 certificateholder's initial certificate of franchise issued by  
492 the department, and every 5 years thereafter, the  
493 certificateholder shall update the information contained in the

18-00880A-14

2014776\_\_

494 original application for a certificate of franchise. At the time  
495 of filing the information update, the certificateholder shall  
496 pay a processing fee of \$1,000. Any certificateholder that fails  
497 to file the updated information and pay the processing fee on  
498 the 5-year anniversary dates shall be subject to cancellation of  
499 its state-issued certificate of franchise authority if, upon  
500 notice given to the certificateholder at its last address on  
501 file with the department, the certificateholder fails to file  
502 the updated information and pay the processing fee within 30  
503 days after the date notice was mailed. The application and  
504 processing fees imposed in this section shall be paid to the  
505 Department of State for deposit into the Clearing Funds Trust  
506 Fund for immediate transfer by the Chief Financial Officer to  
507 the General Inspection Trust Fund of the Department of  
508 Agriculture and Consumer Services. The Department of Agriculture  
509 and Consumer Services shall maintain a separate account within  
510 the General Inspection Trust Fund to distinguish cable franchise  
511 revenues from all other funds. The application, any amendments  
512 to the certificate, or information updates must be accompanied  
513 by a fee to the Department of State equal to that for filing  
514 articles of incorporation under s. 607.0122 ~~pursuant to s.~~  
515 ~~607.0122(1)~~.

516 Section 15. Section 631.0515, Florida Statutes, is amended  
517 to read:

518 631.0515 Appointment of receiver; insurance holding  
519 company.—A delinquency proceeding pursuant to this chapter  
520 constitutes the sole and exclusive method of dissolving,  
521 liquidating, rehabilitating, reorganizing, conserving, or  
522 appointing a receiver of a Florida corporation which is not

18-00880A-14

2014776\_\_

523 insolvent as defined by s. 607.01401(17) ~~s. 607.01401(16)~~; which  
524 through its shareholders, board of directors, or governing body  
525 is deadlocked in the management of its affairs; and which  
526 directly or indirectly owns all of the stock of a Florida  
527 domestic insurer. The department may petition for an order  
528 directing it to rehabilitate such corporation if the interests  
529 of policyholders or the public will be harmed as a result of the  
530 deadlock. The department shall use due diligence to resolve the  
531 deadlock. Whether or not the department petitions for an order,  
532 the circuit court does ~~shall~~ not have jurisdiction ~~pursuant to~~  
533 ~~s. 607.271, s. 607.274, or s. 607.277~~ to dissolve, liquidate, or  
534 appoint receivers with respect to, a Florida corporation that  
535 ~~which~~ directly or indirectly owns all of the stock of a Florida  
536 domestic insurer and that ~~which~~ is not insolvent as defined by  
537 s. 607.01401(17) ~~s. 607.01401(16)~~. However, a managing general  
538 agent or holding company with a controlling interest in a  
539 domestic insurer in this state is subject to jurisdiction of the  
540 court under the provisions of s. 631.025.

541 Section 16. This act shall take effect January 1, 2015.