

Committee Substitute for  
Committee Substitute for Senate Bill No. 1780

An act relating to the Department of State; amending s. 15.16, F.S.; authorizing the Department of State to use electronic transmission to notify and communicate in the performance of its duties; authorizing the department to collect e-mail addresses and require filers and registrants to furnish such e-mail addresses for presenting documents and filing; repealing ss. 265.2861, 265.2862, 265.289, 265.608, 265.609, 265.702, and 265.708, F.S., relating to the Cultural Institutions Program and Trust Fund, general support program for cultural institutions, audit information and admission fees for state theater contract organizations, science museums and grants, youth and children's museum and grants, regional cultural facilities, and historical museum grants; amending s. 265.281, F.S.; renaming the "Florida Fine Arts Act of 1980" as the "Florida Arts and Culture Act"; amending s. 265.282, F.S.; revising legislative intent to include the promotion of activities involving arts and culture; providing support for museums and nonprofit organizations; amending s. 265.283, F.S.; revising and providing definitions; amending s. 265.284, F.S.; revising the duties and responsibilities of the Division of Cultural Affairs within the department to administer funds, sponsor events encouraging arts and cultural programs, and enter into certain contracts; requiring that the division adopt rules; amending s. 265.285, F.S.; renaming the "Florida Arts Council" as the "Florida Council on Arts and Culture"; requiring that the council meet at the request of the division; deleting provisions authorizing the Secretary of State to appoint review panels; revising the duties of the council; amending s. 265.286, F.S.; authorizing the Secretary of State to appoint review panels representing arts and cultural disciplines and programs to assist the council in the grant review process; providing membership; providing terms; providing duties and responsibilities; requiring that the council review grant application lists; requiring that the secretary review the council's recommendations and submit approved lists to the Legislature by a specified date; establishing procedures for the awarding and funding of grants; authorizing the division to provide funding for certain programs and areas; requiring that the division adopt rules establishing eligibility criteria, grant programs, and the panel review process; requiring that the division award grants under certain circumstances; establishing eligibility requirements for grantees; limiting grant awards to one recipient per grant cycle; providing exceptions; providing a formula for the distribution of matching and nonmatching funds; providing for certain in-kind funds; deleting provisions relating to the division's authority to expend appropriated funds for grants; deleting provisions establishing criteria for such grants; amending ss. 607.1420 and 607.1421, F.S.; revising provisions relating to the administrative dissolution of a corporation by the department to conform to changes made by the act; amending ss. 607.1530 and

607.1531, F.S.; revising provisions relating to revocation of a certificate of authority to conform to changes made by the act; amending ss. 608.448 and 608.4481, F.S.; revising provisions relating to administrative dissolution of a limited liability company to conform to changes made by the act; amending ss. 608.512 and 608.513, F.S.; revising provisions relating to the revocation of a certificate of authority of a foreign limited liability company to conform to changes made by the act; amending ss. 617.1420, 617.1421, 617.1530, 617.1531, 620.1809, 620.1906, and 620.9003, F.S.; conforming provisions to changes made by the act; amending s. 679.525, F.S., relating to processing fees; requiring an additional fee for filing an initial financing statement; providing for deposit of receipts into the General Revenue Fund; prohibiting inclusion of receipts for calculating contractor's compensation for performing services; amending s. 865.09, F.S.; revising provisions relating to notice of the expiration of a fictitious name registration; requiring that the department serve such notice by electronic transmission if the owner or registrant of the fictitious name has provided an electronic mail address to the department; providing an effective date.

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

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

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

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

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

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

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

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

265.282 Legislative intent.—The Legislature recognizes the vast cultural resources available in Florida ~~the state~~ for the development, promotion, and enjoyment of arts and culture ~~the fine arts~~. It is the intent of the Legislature ~~by enactment of this legislation to provide for maximum efficiency in providing state support for, and to gain~~ gaining national and international recognition of, the efforts, works, and performances of Florida artists, ~~and art agencies, museums, and nonprofit organizations~~. Furthermore, it is the intent of the Legislature shall to foster and ensure, through the state arts administrative agency programs authorized in this act, that arts and culture have a significant and positive effect on Florida residents created hereunder, the development of a receptive climate for the fine arts; to enrich culturally and benefit the citizens of this state in their daily lives; to make Florida visits and vacations all the more appealing to the world; and to attract to Florida residency additional outstanding creators in the fields of fine arts through appropriate programs of publicity, education, coordination, grants, and activities, such as sponsorship of art lectures and exhibitions and central compilation and dissemination of information on the progress of the fine arts in Florida.

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

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

- (1) “Council” means the Florida ~~Arts Council~~ on Arts and Culture.
- (2) “Department” means the Department of State.
- (3) “Director” means the Director of the Division of Cultural Affairs of the Department of State.
- (4) “Division” means the Division of Cultural Affairs of the Department of State.
- (5) “Panel” means a grant review panel.
- (6) “Secretary” means the Secretary of State.
- (7) “Arts and cultural disciplines” ~~“The arts” means any and all artistic disciplines, which include, but are not limited to, music, dance, theatre drama, theater programs, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, and public media arts, visual arts, programs of museums, and the execution and exhibition of other such allied, major art forms.~~
- (8) “Local arts agency” means a public or private nonprofit organization located in Florida and operating on a permanent basis for the primary purpose of strengthening, supporting, and stabilizing the activities of one or more county art and cultural constituencies.

(9) “Historical museum” means a department or agency of state or local government or a public or private nonprofit organization located in Florida

and operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting educational programs that are related to the historical resources of Florida.

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

(11) “Youth and children’s museum” means a public or private nonprofit organization located in Florida and operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting multidisciplinary and participatory programs for visitors who are 6 months to 15 years old, and their families, teachers, and caregivers.

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

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

(14) “Cultural support grants” means grants that provide support for general programs and specific cultural projects.

(15) “State touring program grants” means grants used to provide performances, activities, and exhibitions by Florida artists to communities.

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

(17) “Culture Builds Florida grants” means grants used for the purpose of connecting the arts to key areas of the division’s long-term strategic plan.

Section 6. Section 265.284, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

~~(c) Seek, and help assure, a uniformity of artwork within state buildings and review all art content of existing public buildings or buildings of state ownership for the purpose of making recommendations to the Department of Management Services as to matters of installation, relocation, restoration, removal, or any other disposition of such works of art.~~

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

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

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

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

(h) Accept funding and other forms of support for the purposes in this act.

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

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

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

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

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

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

~~(c) Conduct and support cultural programs and cultural exchanges in conjunction with the appropriate state agencies, including the acceptance of funding, technical assistance, and other forms of support for such purposes.~~

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

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

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

265.285 Florida Arts Council on Arts and Culture; membership, duties.—

(1)(a) The Florida Arts Council on Arts and Culture is created within in the department as an advisory body, as defined in s. 20.03(7), consisting to consist of 15 members. Seven members shall be appointed by the Governor, four members shall be appointed by the President of the Senate, and four members shall be appointed by the Speaker of the House of Representatives. The appointments, to be made in consultation with the Secretary of State, shall recognize the need for geographical representation. Council members appointed by the Governor shall be appointed for 4-year terms beginning on January 1 of the year of appointment. Council members appointed by the President of the Senate and the Speaker of the House of Representatives shall be appointed for 2-year terms beginning on January 1 of the year of appointment. A member of the council who serves two 4-year terms or two 2-year terms is not eligible for reappointment for 1 year following the expiration of the member's second term. A member whose term has expired shall

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

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

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

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

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

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

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

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

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

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

~~(b) Stimulate and encourage throughout the state the study and presentation of the arts and public interest and participation therein.~~

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

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

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

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

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

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

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

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

(Substantial rewording of section. See s. 265.286, F.S., for present text.)

265.286 Art and cultural grants.—

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

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

(3) After the council reviews the lists of eligible applicants submitted by each review panel, it shall develop two lists, one of which must consist of eligible applicants for general program support funding and one of which



must consist of eligible applicants for specific cultural project funding, and submit the lists to the secretary. The secretary shall review the council's recommendations and, beginning July 1, 2010, include the lists of approved applicants in the department's legislative budget request submitted to the Legislature.

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

(5) The division shall fund:

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

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

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

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

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

(6) The division shall adopt rules establishing:

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

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

(c) The panel review process, including, but not limited to, criteria for reviewing grant applications to ensure compliance with applicable federal and state law, including those related to discrimination and conflicts of interest. The division may not award any new grant that will, in whole or in part, inure to the personal benefit of any council or review panel member during the member's term of office if the council or panel member participated in the vote of the council or panel recommending the award. This

paragraph does not prohibit the division from awarding a grant to an entity with which a council or panel member is associated.

(7) The division shall award grants:

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

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

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

(d) For other reasons consistent with this act.

(8) Eligible grantees must:

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

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

(9) In order to equitably distribute limited state funding, applicants may apply for and be awarded only one grant per annual grant cycle, except for cultural facilities, a cultural endowment, or touring program grants and individual artist fellowships.

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

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

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

607.1420 Grounds for administrative dissolution.—

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

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

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

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

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

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

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

607.1421 Procedure for and effect of administrative dissolution.—

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

(2) If the corporation does not correct each ground for dissolution under s. 607.1420(1)(b), (c), (d), or (e) or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the department does not exist within 60 days of issuance of the notice, the department shall administratively dissolve the corporation by issuing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. Issuance of the certificate of dissolution may be by electronic transmission to any corporation that has provided the department with an electronic mail address.

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

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

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

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

## 607.1531 Procedure for and effect of revocation.—

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

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

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

## 608.448 Grounds for administrative dissolution.—

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

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

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

## 608.4481 Procedure for and effect of administrative dissolution.—

(1) If the Department of State determines that one or more grounds exist under s. 608.448 for dissolving a limited liability company, it shall serve the limited liability company with ~~written~~ notice of its intent to administratively dissolve the limited liability company determination, stating the grounds therefor. If the limited liability company has provided the department with an electronic mail address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of dissolution to each dissolved limited liability company. Issuance of the certificate of dissolution may be by electronic transmission to any limited liability company that has provided the department with an electronic mail address.

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

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

608.512 Grounds for revocation of authority to transact business.—The Department of State may commence a proceeding under s. 608.513 to revoke the certificate of authority of a foreign limited liability company authorized to transact business in this state if:

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

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

608.513 Procedure for and effect of revocation.—

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

(2) If the foreign limited liability company does not correct each ground for revocation under s. 608.512(2)-(9) or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist within 60 days after issuance of notice ~~is perfected under s. 608.5101~~, the Department of State shall revoke the foreign limited liability company's certificate of authority by issuing ~~signing~~ a certificate of revocation that recites the ground or grounds for revocation and its effective date. Issuance of the certificate of revocation may be by electronic transmission to any foreign limited liability company that has provided the department with an electronic mail address.

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

617.1420 Grounds for administrative dissolution.—

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

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

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

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

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

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

Section 18. Subsections (1) and (2) of section 617.1421, Florida Statutes, are amended to read:

617.1421 Procedure for and effect of administrative dissolution.—

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

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

Section 19. Subsection (1) of section 617.1530, Florida Statutes, is amended to read:

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

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

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

617.1531 Procedure for and effect of revocation.—

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

(2) If the foreign corporation does not correct each ground for revocation under s. 617.1530(2)-(7) or demonstrate to the reasonable satisfaction of the Department of State that each ground determined by the Department of State does not exist within 60 days after issuance of notice ~~is perfected under s. 617.1510,~~ the Department of State shall revoke the foreign corporation's certificate of authority by issuing signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. Issuance of the certificate of revocation may be by electronic transmission to any foreign corporation that has provided the department with an electronic mail address.

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

620.1809 Administrative dissolution.—

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

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

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

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

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

(2) ~~If the Department of State determines that a ground exists for administratively dissolving a limited partnership, the Department of State shall serve notice on the limited partnership of its intent to administratively dissolve the limited partnership file a record of the determination and send a copy to the limited partnership. If the limited partnership has provided the department with an electronic mail address, such notice shall be by electronic transmission. Administrative dissolution for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of dissolution to each dissolved limited partnership. Issuance of the certificate of dissolution may be by electronic transmission to any limited partnership that has provided the department with an electronic mail address.~~

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

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

620.1906 Revocation of certificate of authority.—

(1) A certificate of authority of a foreign limited partnership to transact business in this state may be revoked by the Department of State in the manner provided in subsections (2) and (3) if the foreign limited partnership does not:

(a) Pay, within 60 days after the due date, any fee or penalty due to the Department of State under this act ~~or other law;~~

(b) ~~Deliver, within 60 days after the due date, its annual report to the Department of State by 5 p.m. Eastern Time on the third Friday in September required under s. 620.1210;~~

(c) Appoint and maintain an agent for service of process as required by s. 620.1114(2); or



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

~~(2) If the Department of State determines that one or more grounds exist under s. 620.1906 for revocation of a foreign limited partnership, it shall notify the foreign limited partnership of its intent to revoke the foreign limited partnership's certificate of authority. If the foreign limited partnership has provided the department with an electronic mail address, such notice shall be by electronic transmission. Revocation for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of revocation to each revoked foreign limited partnership. Issuance of the certificate of revocation may be by electronic transmission to any foreign limited partnership that has provided the department with an electronic mail address. In order to revoke a certificate of authority, the Department of State must prepare, sign, and file a notice of revocation and send a copy to the foreign limited partnership. The notice must state:~~

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

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

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

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

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

620.9003 Annual report.—

(3) The Department of State may administratively revoke the statement of qualification of a partnership that fails to file its annual report and pay the required filing fee by 5 p.m. Eastern Time on the third Friday in September. The Department of State shall serve 60-day notice on the limited liability partnership of its intent to revoke the statement of qualification. If the partnership has provided the department with an electronic mail address, such notice shall be by electronic transmission. Revocation for failure to file

~~an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of revocation of the statement of qualification to each revoked partnership. Issuance of the certificate of revocation of the statement of qualification may be by electronic transmission to any partnership that has provided the department with an electronic mail address. The Secretary of State may administratively revoke the statement of qualification of a partnership that fails to file an annual report when due or to pay the required filing fee. The Secretary of State shall provide the partnership at least 60 days' written notice of intent to revoke the statement. The notice is effective 5 days after it is deposited in the United States mail addressed to the partnership at its chief executive office set forth in the last filed statement of qualification or annual report. The notice must specify the annual report that has not been filed, the fee that has not been paid, and the date on or after which the revocation will become effective. The revocation is not effective if the annual report is filed and the fee is paid before the effective date of the revocation.~~

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

679.525 Processing fees.—

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

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

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

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

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

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

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

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

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

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

865.09 Fictitious name registration.—

(6) RENEWAL.—

(b) In the last year of the registration, the division shall notify the owner or registrant of the expiration of the fictitious name mail to the last reported mailing address or to the address of any registered owner of a name a statement of renewal. If the owner or registrant of the fictitious name has provided the department with an electronic mail address, such notice shall be by electronic transmission.

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

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.