

By Senator Aronberg

27-00408B-09

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 733.604, F.S.; revising the provision that subjects
 4 estate inventory to inspection; creating an exemption
 5 from public-records requirements for certain estate
 6 inventories and accountings; providing for review and
 7 repeal of the exemption under the Open Government
 8 Sunset Review Act; providing a statement of public
 9 necessity; providing a contingent effective date.

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

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 13 Section 1. Section 733.604, Florida Statutes, is amended to
 14 read:

15 733.604 Inventories and accountings; public-records
 16 exemptions ~~Inventory.~~-

17 (1) (a) Unless an inventory has been previously filed, a
 18 personal representative shall file a verified inventory of
 19 property of the estate, listing it with reasonable detail and
 20 including for each listed item its estimated fair market value
 21 at the date of the decedent's death. ~~Unless otherwise ordered by~~
 22 ~~the court for good cause shown, the inventory or amended or~~
 23 ~~supplementary inventory is subject to inspection only by the~~
 24 ~~clerk of the court, the clerk's representative, the personal~~
 25 ~~representative, the personal representative's attorney, and~~
 26 ~~other interested persons.~~

27 (b)1. Any inventory of an estate, whether initial, amended,
 28 or supplementary, filed with the clerk of the court in
 29 conjunction with the administration of an estate under part V of

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30 chapter 732 is confidential and exempt from s. 119.07(1) and s.
31 24(a), Art. I of the State Constitution.

32 2. Any inventory of the elective estate, whether initial,
33 amended, or supplementary, filed with the clerk of the court in
34 conjunction with an election made in accordance with part II of
35 chapter 732 is confidential and exempt from s. 119.07(1) and s.
36 24(a), Art. I of the State Constitution.

37 3. Any accounting, whether interim, final, amended, or
38 supplementary, filed in the estate proceeding is confidential
39 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
40 Constitution.

41 4. Any inventory or accounting made confidential and exempt
42 by subparagraphs 1., subparagraph 2., or subparagraph 3. shall
43 be disclosed by the custodian for inspection or copying to:

44 a. The personal representative;

45 b. The personal representative's attorney;

46 c. An interested person as defined in s. 731.201; or

47 d. By court order upon a showing of good cause.

48 5. This exemption applies to an inventory or accounting
49 filed before, on, or after the effective date of this exemption.

50 6. This paragraph is subject to the Open Government Sunset
51 Review Act in accordance with s. 119.15, and shall stand
52 repealed on October 2, 2014, unless reviewed and saved from
53 repeal through reenactment by the Legislature.

54 (2) If the personal representative learns of any property
55 not included in the original inventory, or learns that the
56 estimated value or description indicated in the original
57 inventory for any item is erroneous or misleading, the personal
58 representative shall file a verified amended or supplementary

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59 inventory showing any new items and their estimated value at the
60 date of the decedent's death, or the revised estimated value or
61 description.

62 (3) Upon written request to the personal representative, a
63 beneficiary shall be furnished a written explanation of how the
64 inventory value for an asset was determined, or, if an appraisal
65 was obtained, a copy of the appraisal, as follows:

66 (a) To a residuary beneficiary or heir in an intestate
67 estate, regarding all inventoried assets.

68 (b) To any other beneficiary, regarding all assets
69 distributed or proposed to be distributed to that beneficiary.
70

71 The personal representative must notify each beneficiary of that
72 beneficiary's rights under this subsection. Neither a request
73 nor the failure to request information under this subsection
74 affects any rights of a beneficiary in subsequent proceedings
75 concerning any accounting of the personal representative or the
76 propriety of any action of the personal representative.

77 Section 2. The Legislature finds that it is a public
78 necessity to exempt from public-records requirements all
79 inventories of property of estates of decedents, including
80 amended and supplementary inventories, and all inventories of
81 elective estates of surviving spouses, whether initial, amended,
82 or supplementary. In addition, in order to preserve the privacy
83 of information that would otherwise be available in an
84 accounting filed in an estate proceeding, the Legislature finds
85 that it is a public necessity that all accountings, whether
86 interim, final, amended, or supplementary, filed in the estate
87 proceeding be made exempt from public-records requirements. The

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88 Legislature finds that the public disclosure of estate
89 inventories and accountings would make public the decedent's
90 financial information and would produce undue harm to the
91 decedent's heirs or the beneficiaries of the decedent's estate.

92 Section 3. This act shall take effect July 1, 2009, if
93 Senate Bill ____ or similar legislation is adopted in the same
94 legislative session or an extension thereof and becomes law.