

By the Committee on Judiciary; and Senator Aronberg

590-02693-09

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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 an
4 estate inventory to inspection; creating exemptions
5 from public-records requirements for certain estate
6 inventories and accountings; requiring custodians to
7 disclose certain inventories or accountings to certain
8 persons or by court order; providing retroactive
9 application; providing for review and repeal of the
10 exemptions under the Open Government Sunset Review
11 Act; providing a statement of public necessity;
12 providing a contingent effective date.

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

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16 Section 1. Section 733.604, Florida Statutes, is amended to
17 read:

18 733.604 Inventories and accountings; public-records
19 exemptions ~~Inventory.~~—

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

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30 (b)1. Any inventory of an estate, whether initial, amended,
31 or supplementary, filed with the clerk of the court in
32 conjunction with the administration of an estate is confidential
33 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
34 Constitution.

35 2. Any inventory of the elective estate, whether initial,
36 amended, or supplementary, filed with the clerk of the court in
37 conjunction with an election made in accordance with part II of
38 chapter 732 is confidential and exempt from s. 119.07(1) and s.
39 24(a), Art. I of the State Constitution.

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

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

47 a. The personal representative;

48 b. The personal representative's attorney;

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

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

51 5. These exemptions apply to any inventory or accounting
52 filed before, on, or after July 1, 2009.

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

57 (2) If the personal representative learns of any property
58 not included in the original inventory, or learns that the

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59 estimated value or description indicated in the original
60 inventory for any item is erroneous or misleading, the personal
61 representative shall file a verified amended or supplementary
62 inventory showing any new items and their estimated value at the
63 date of the decedent's death, or the revised estimated value or
64 description.

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

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

71 (b) To any other beneficiary, regarding all assets
72 distributed or proposed to be distributed to that beneficiary.

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

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

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88 that it is a public necessity that all accountings, whether
89 interim, final, amended, or supplementary, filed in the estate
90 proceeding be made exempt from public-records requirements. The
91 Legislature finds that the public disclosure of estate
92 inventories and accountings would make public the decedent's
93 financial information and would produce undue harm to the
94 decedent's heirs or the beneficiaries of the decedent's estate.

95 Section 3. This act shall take effect July 1, 2009, if
96 Senate Bill 1396 or similar legislation is adopted in the same
97 legislative session or an extension thereof and becomes law.