

ENROLLED
CS/HB 631

2009 Legislature

1 A bill to be entitled
2 An act relating to public records; amending s. 733.604,
3 F.S.; providing exemptions from public records
4 requirements for certain estate inventories and
5 accountings; requiring custodians to disclose certain
6 inventories or accountings to certain persons or by court
7 order; providing retroactive application; providing for
8 review and repeal of the exemptions; providing a statement
9 of public necessity; providing a contingent effective
10 date.

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

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14 Section 1. Subsection (1) of section 733.604, Florida
15 Statutes, is amended to read:

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

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

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

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

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

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

- 45 a. To the personal representative;
46 b. To the personal representative's attorney;
47 c. To an interested person as defined in s. 731.201; or
48 d. By court order upon a showing of good cause.

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

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

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55 Section 2. The Legislature finds that it is a public
56 necessity to exempt from public records requirements all
57 inventories of property of estates of decedents, including
58 amended and supplementary inventories, and all inventories of
59 elective estates of surviving spouses, whether initial, amended,
60 or supplementary. In addition, in order to preserve the privacy
61 of information that would otherwise be available in an
62 accounting filed in an estate proceeding, the Legislature finds
63 that it is a public necessity that all accountings, whether
64 interim, final, amended, or supplementary, filed in the estate
65 proceeding be made exempt from public records requirements. The
66 Legislature finds that the public disclosure of estate
67 inventories and accountings would make public financial
68 information of the decedent that would produce undue harm to the
69 heirs of the decedent or beneficiaries of the decedent's estate.

70 Section 3. This act shall take effect July 1, 2009, if
71 House Bill 599 or similar legislation is adopted in the same
72 legislative session or an extension thereof and becomes law.