

By the Committees on Rules; and Judiciary; and Senator Gruters

595-03326-22

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 662.1465, F.S.; requiring clerks to take certain
4 actions relating to court records for proceedings
5 under ch. 736, F.S., and ch. 738, F.S., in which a
6 family trust company, licensed family trust company,
7 or foreign licensed family trust company is a party
8 and upon written notice; creating an exemption from
9 public records requirements for such records; defining
10 the term "court records"; authorizing certain persons
11 to inspect such records if certain requirements are
12 met; authorizing clerks to make records available to
13 specified individuals under certain circumstances;
14 providing a statement of public necessity; providing
15 an effective date.

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

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19 Section 1. Section 662.1465, Florida Statutes, is created
20 to read:

21 662.1465 Family trust company proceedings; public records
22 exemption.-

23 (1) In proceedings under chapter 736 or chapter 738 in
24 which a family trust company, licensed family trust company, or
25 foreign licensed family trust company is a party, upon written
26 notice from any party to the clerk that this section is
27 applicable, the clerk shall keep all court records of that case
28 separate from other records of the court and not open to
29 inspection by the public. Upon receipt of such written notice,

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30 court records of that case are confidential and exempt from s.
31 119.07 and s. 24(a), Art. I of the State Constitution and must
32 be protected. For the purposes of this section, the term "court
33 records" means the docket and all filings and other records of a
34 case.

35 (2) Notwithstanding subsection (1), court records may be
36 inspected upon order of the court by persons deemed by the court
37 to have a specific interest in the trust, a transaction relating
38 to the trust, or an asset held or previously held by the trust
39 and where the court determines there is a compelling need for
40 releasing the information requested. In granting a right to any
41 person to inspect court records, the court may limit access to
42 such information as the court deems necessary and may place any
43 reasonable restriction on further distribution of such
44 information by such person.

45 (3) Notwithstanding subsection (1), the clerk shall make
46 court records available to the following individuals:

47 (a) The settlor.

48 (b) Any fiduciary for the trust, including a trustee or
49 trust director.

50 (c) Any beneficiary of the trust.

51 (d) An attorney for the settlor, a fiduciary, or a
52 beneficiary of the trust.

53 Section 2. The Legislature finds that it is a public
54 necessity that the court records of proceedings under chapter
55 736, Florida Statutes, or chapter 738, Florida Statutes,
56 involving family trust companies, licensed family trust
57 companies, or foreign licensed family trust companies be made
58 confidential and exempt from s. 119.07, Florida Statutes, and s.

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59 24(a), Article I of the State Constitution under certain
60 circumstances. Public disclosure of the court records of such
61 proceedings, which include information relating to the clients,
62 family members, members, or stockholders of a family trust
63 company, licensed family trust company, or foreign licensed
64 family trust company, would vitiate other protections granted by
65 law to such companies and their constituents. In addition,
66 proceedings under chapter 736, Florida Statutes, or chapter 738,
67 Florida Statutes, often involve large sums of money or
68 vulnerable people who could be targeted for exploitation or
69 abuse. Public disclosure of sensitive family and financial
70 information contained in the court records of such proceedings
71 can result in specific harm to beneficiaries and other
72 interested parties in these cases. Therefore, the Legislature
73 finds that the need to protect the identities of beneficiaries
74 of trusts for which a family trust company, licensed family
75 trust company, or foreign licensed family trust company is a
76 trustee, and the sensitive financial information contained in
77 the court records of such proceedings, is sufficiently
78 compelling to override the state's public policy of open
79 government and that the protection of such information cannot be
80 accomplished without this exemption.

81 Section 3. This act shall take effect July 1, 2022.