Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED   ___ (Y/N)

ADOPTED AS AMENDED   ___ (Y/N)

ADOPTED W/O OBJECTION   ___ (Y/N)

FAILED TO ADOPT   ___ (Y/N)

WITHDRAWN   ___ (Y/N)

OTHER   _____

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Diamond offered the following:
3
4   **Amendment (with title amendment)**
5   Remove everything after the enacting clause and insert:
6   Section 1. Section 662.1465, Florida Statutes, is created
7 to read:
8   662.1465 Confidentiality of Inventories and Accountings.-
9 In a trust proceeding involving a trust governed by this
10 chapter, inventories of the trust's assets and any accountings,
11 whether interim, final, amended, or supplementary, are
12 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
13 of the State Constitution. The court shall seal any such
14 inventories and accountings and may not release the sealed
15 documents or information contained therein to the public but

16 shall make them available to the following individuals or

17 entities:

18   (a) The settlor, as defined in s. 736.0103.

19   (b) Any fiduciary for the trust, including a trustee as

20 defined in s. 736.0103.

21   (c) Any beneficiary of the trust, as defined in s.

22 736.0103.

23   (d) Any attorney for the settlor, a fiduciary, or a

24 beneficiary of the trust.

25   (e) Any interested person, as defined in s. 731.201.

26   (f) Any other person, by court order, upon a showing of

27 good cause.

28   Section 2. Section 736.1304, Florida Statutes, is created

29 to read:

30   736.1304 Confidentiality of Inventories and Accountings.-

31 In a trust proceeding involving a trust governed by this

32 chapter, inventories of the trust's assets and any accountings

33 are confidential and exempt from s. 119.071(1) and s. 24(a),

34 Art. I of the State Constitution. The court shall seal any such

35 inventories and accountings and may not release the sealed

36 documents or information contained therein to the public but

37 shall make them available to the following individuals:

38   (a) The settlor, as defined in s. 736.0103.

39   (b) Any fiduciary for the trust, including a trustee as

40 defined in s. 736.0103.

41   (c) Any beneficiary of the trust, as defined in s.
42 736.0103.
43   (d) Any attorney for the settlor, a fiduciary, or a
44 beneficiary of the trust.
45   (e) Any interested person, as defined in s. 731.201.
46   (f) Any other person, by court order, upon a showing of
47 good cause.
48   Section 3. The Legislature finds that it is a public
49 necessity that, in a trust proceeding involving a trust
50 regulated under chapters 662 or 736, inventories of the trust's
51 assets and any accountings be made confidential and exempt from
52 s. 24(a), Art. I of the State Constitution. Public disclosure of
53 such inventories and accountings, which relate to a trust's
54 assets and may contain sensitive financial information, in these
55 trust proceedings can result in specific harm to beneficiaries
56 and other interested parties, as such persons or parties could
57 be targeted for fraud, exploitation, or abuse. Therefore, the
58 Legislature finds that the need to protect the inventories and
59 accountings in a trust proceeding involving a trust regulated
60 under chapters 662 or 736 is sufficiently compelling to override
61 the state's public policy of open government and that the
62 protection of such information cannot be accomplished without
63 this exemption.
64   Section 4. This act shall take effect July 1, 2022.
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67 **T I T L E   A M E N D M E N T**

68   Remove everything before the enacting clause and insert:

69 An act relating to public records; creating s. 662.1465, F.S.;

70 making inventories and accountings in a trust proceeding

71 involving a trust governed by chapter 662, F.S., confidential

72 and exempt; creating s. 736.1304, F.S.; making inventories and

73 accountings in a trust proceeding involving a trust governed by

74 chapter 736, F.S., confidential and exempt; providing a

75 statement of public necessity; providing an effective date.