

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Fetterhoff offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 662.1465, Florida Statutes, is created
6 to read:

7 662.1465 Family trust company proceedings; public records
8 exemption.-

9 (1) In proceedings under chapter 736 or chapter 738 in
10 which a family trust company, licensed family trust company, or
11 foreign licensed family trust company is a party, upon written
12 notice from any party to the clerk that this section is
13 applicable, the clerk shall keep all court records of that case

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14 separate from other records of the court and not open to
15 inspection by the public. Upon receipt of such written notice,
16 court records of that case are confidential and exempt from s.
17 119.07 and s. 24(a), Art. I of the State Constitution and must
18 be protected. For the purposes of this section, the term "court
19 records" means the docket and all filings and other records of a
20 case.

21 (2) Notwithstanding subsection (1), court records may be
22 inspected upon order of the court by persons deemed by the court
23 to have a specific interest in the trust, a transaction relating
24 to the trust, or an asset held or previously held by the trust
25 and where the court determines there is a compelling need for
26 releasing the information requested. In granting a right to any
27 person to inspect court records, the court may limit access to
28 such information as the court deems necessary and may place any
29 reasonable restriction on further distribution of such
30 information by such person.

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

33 (a) The settlor.

34 (b) Any fiduciary for the trust, including a trustee or
35 trust director.

36 (c) Any beneficiary of the trust.

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

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39 Section 2. The Legislature finds that it is a public
40 necessity that the court records of proceedings under chapter
41 736, Florida Statutes, or chapter 738, Florida Statutes,
42 involving family trust companies, licensed family trust
43 companies, or foreign licensed family trust companies be made
44 confidential and exempt from s. 119.07, Florida Statutes, and s.
45 24(a), Article I of the State Constitution under certain
46 circumstances. Public disclosure of the court records of such
47 proceedings, which include information relating to the clients,
48 family members, members, or stockholders of a family trust
49 company, licensed family trust company, or foreign licensed
50 family trust company, would vitiate other protections granted by
51 law to such companies and their constituents. In addition,
52 proceedings under chapter 736, Florida Statutes, or chapter 738,
53 Florida Statutes, often involve large sums of money or
54 vulnerable people who could be targeted for exploitation or
55 abuse. Public disclosure of sensitive family and financial
56 information contained in the court records of such proceedings
57 can result in specific harm to beneficiaries and other
58 interested parties in these cases. Therefore, the Legislature
59 finds that the need to protect the identities of beneficiaries
60 of trusts for which a family trust company, licensed family
61 trust company, or foreign licensed family trust company is a
62 trustee, and the sensitive financial information contained in
63 the court records of such proceedings, is sufficiently

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64 compelling to override the state's public policy of open
65 government and that the protection of such information cannot be
66 accomplished without this exemption.

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

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70 **T I T L E A M E N D M E N T**

71 Remove everything before the enacting clause and insert:

72 A bill to be entitled

73 An act relating to public records; creating s.

74 662.1465, F.S.; requiring clerks to take certain

75 actions relating to court records for proceedings

76 under ch. 736, F.S., and ch. 738, F.S., in which a

77 family trust company, licensed family trust company,

78 or foreign licensed family trust company is a party

79 and upon written notice; creating an exemption from

80 public records requirements for such records; defining

81 the term "court records"; authorizing certain persons

82 to inspect such records if certain requirements are

83 met; authorizing clerks to make records available to

84 specified individuals under certain circumstances;

85 providing a statement of public necessity; providing

86 an effective date.

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