

## Committee Substitute for House Bill No. 631

An act relating to public records; amending s. 733.604, F.S.; providing exemptions from public records requirements for certain estate inventories and accountings; requiring custodians to disclose certain inventories or accountings to certain persons or by court order; providing retroactive application; providing for review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

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

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

733.604 Inventories and accountings; public records exemptions ~~Inventories.~~—

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

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

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

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

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

- a. To the personal representative;
- b. To the personal representative's attorney;
- c. To an interested person as defined in s. 731.201; or

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

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

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

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

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

Approved by the Governor June 24, 2009.

Filed in Office Secretary of State June 24, 2009.