

CHAPTER 2022-211

Committee Substitute for Committee Substitute for Senate Bill No. 1304

An act relating to public records; creating s. 662.1465, F.S.; requiring clerks to take certain actions relating to court records for proceedings under ch. 736, F.S., and ch. 738, F.S., in which a family trust company, licensed family trust company, or foreign licensed family trust company is a party and upon written notice; creating an exemption from public records requirements for such records; defining the term “court records”; authorizing certain persons to inspect such records if certain requirements are met; authorizing clerks to make records available to specified individuals under certain circumstances; providing a statement of public necessity; providing an effective date.

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

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

662.1465 Family trust company proceedings; public records exemption.

(1) In proceedings under chapter 736 or chapter 738 in which a family trust company, licensed family trust company, or foreign licensed family trust company is a party, upon written notice from any party to the clerk that this section is applicable, the clerk shall keep all court records of that case separate from other records of the court and not open to inspection by the public. Upon receipt of such written notice, court records of that case are confidential and exempt from s. 119.07 and s. 24(a), Art. I of the State Constitution and must be protected. For the purposes of this section, the term “court records” means the docket and all filings and other records of a case.

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

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

(a) The settlor.

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

(c) Any beneficiary of the trust.

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

Section 2. The Legislature finds that it is a public necessity that the court records of proceedings under chapter 736, Florida Statutes, or chapter 738, Florida Statutes, involving family trust companies, licensed family trust companies, or foreign licensed family trust companies be made confidential and exempt from s. 119.07, Florida Statutes, and s. 24(a), Article I of the State Constitution under certain circumstances. Public disclosure of the court records of such proceedings, which include information relating to the clients, family members, members, or stockholders of a family trust company, licensed family trust company, or foreign licensed family trust company, would vitiate other protections granted by law to such companies and their constituents. In addition, proceedings under chapter 736, Florida Statutes, or chapter 738, Florida Statutes, often involve large sums of money or vulnerable people who could be targeted for exploitation or abuse. Public disclosure of sensitive family and financial information contained in the court records of such proceedings can result in specific harm to beneficiaries and other interested parties in these cases. Therefore, the Legislature finds that the need to protect the identities of beneficiaries of trusts for which a family trust company, licensed family trust company, or foreign licensed family trust company is a trustee, and the sensitive financial information contained in the court records of such proceedings, is sufficiently compelling to override the state's public policy of open government and that the protection of such information cannot be accomplished without this exemption.

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

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.