

Florida Estate Planning Checklist: 10 Steps to Follow

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A complete Florida estate plan includes a valid will or living trust, a durable financial power of attorney, a health care directive, updated beneficiary designations, and a named executor and guardians for minor children. Below is an ordered checklist that covers each step, including the Florida rules for executing a will and handling small estates, so you can build a plan that will actually hold up.

Key Takeaways

- Florida law sets specific formalities for a valid will under Florida Statutes Section 732.502, and skipping them can make your will invalid.
- A financial power of attorney and health care directive are as important as your will, since they cover incapacity, not just death.
- Florida's small-estate procedure applies at \$75,000, under Florida Statutes Section 735.201; above that, your estate is more likely to need formal probate.
- Beneficiary designations on retirement accounts and life insurance override your will, so they need to be checked separately.

Ready to get the paperwork done. This checklist walks through each document your plan needs, starting with the will or trust that anchors everything else.

The Florida Estate Planning Checklist

Work through these steps in order. Each one builds on the last, and skipping ahead is how families end up with a will that does not match their beneficiary designations or a trust that was never funded.

1. **Take inventory of your assets and debts.** List real estate, bank and investment accounts, retirement accounts, life insurance, vehicles, business interests, and any outstanding debts. You cannot plan for property you have not accounted for.
2. **Decide between a will and a living trust.** A will alone still requires probate; a revocable living trust can let assets pass to your heirs without a probate proceeding, at the cost of more upfront paperwork to fund it. Most people start with a will and add a trust once they own real estate or want to avoid probate.
3. **Write your will and sign it correctly.** Under Florida Statutes Section 732.502, a valid Florida will must be signed by the testator at the end and attested by two witnesses. [Read the Florida execution statute](#) before you sign, and use a self-proving affidavit if your state allows one so your witnesses do not need to testify in court later.

4. **Name an executor.** Choose someone willing and able to handle paperwork, deal with creditors, and follow your instructions, and name at least one backup in case your first choice cannot serve.
5. **Name guardians for minor children.** If you have children under 18, your will is where you name a guardian. Without this, a court decides who raises your children with no guidance from you.
6. **Set up a financial power of attorney and a health care directive.** A durable financial power of attorney lets someone you choose manage your finances if you become incapacitated. A health care directive, sometimes called a living will, states your treatment wishes and names a health care agent to make decisions you cannot make yourself.
7. **Update your beneficiary designations.** Retirement accounts, life insurance policies, and payable-on-death or transfer-on-death accounts pass directly to the named beneficiary regardless of what your will says. Review these every few years and after any major life change.
8. **Consider a living trust to avoid Florida probate.** If you own real estate or want your family to skip probate, a revocable living trust holds title to your property while you are alive and passes it directly to your beneficiaries when you die, without a court proceeding.
9. **Address Florida-specific issues.**

Florida's homestead protections are among the strictest in the country: the Florida Constitution limits how a homestead can be devised if you are

survived by a spouse or minor child, which can override language in your will if it is not drafted correctly. Florida has no state estate or inheritance tax. Many Florida families also qualify for summary administration, a faster probate alternative for smaller estates, instead of formal administration. [See the Florida Statutes Section 735.201](#) for the exact small-estate rules, which apply at \$75,000 excluding exempt property such as homestead, or where the decedent has been dead more than two years.

10. **Store your documents and set a review cadence.** Keep originals somewhere your executor can access, such as a fireproof safe or with your attorney, and tell your executor and agents where to find them. Review your entire plan every three to five years and after marriage, divorce, a birth, a death, or a major move.

Homestead and Summary Administration Rules

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Frequently Asked Questions

Do I need a lawyer to write a will in Florida?

No. Florida does not require an attorney to prepare a valid will as long as it meets the execution requirements under Florida Statutes Section 732.502. Many people use a DIY will builder and only bring in an attorney for a complex estate or a contested family situation.

What happens if I die without a will in Florida?

Your assets pass under Florida's intestacy laws instead of your own wishes, and a court decides who serves as executor and, if you have minor children, who raises them. This is the outcome an estate plan is built to avoid.

Is a living trust necessary, or is a will enough?

A will is enough for many families, especially smaller estates that qualify for a simplified small-estate process. A living trust becomes more valuable once you own real estate, want to avoid probate entirely, or want more privacy, since a trust does not become a public court record the way probate does.

How often should I update my estate plan?

Review your will, trust, power of attorney, and beneficiary designations every three to five years, and immediately after a marriage, divorce, birth, death in the family, or a move to a new state.

Does Florida require my will to be notarized?

Notarization is not what makes a Florida will valid; signing and witnessing under Florida Statutes Section 732.502 is what matters. A notarized self-proving affidavit attached to the will can still help by letting your witnesses skip testifying in probate court.

An estate plan is only useful once it is signed, funded, and current. Start with FastWill's [will builder](#) and work through this checklist so your Florida plan actually protects the people you name in it.

Related Guides

Use these guides to work through each piece of the checklist above in more depth.

- [Florida estate planning overview](#)
- [How to make a will in Florida](#)
- [How to set up a Florida power of attorney](#)
- [How to make a living trust in Florida](#)
- [What happens if you die without a will in Florida](#)
- [The full estate planning guide](#)