



Your Complete Guide to Estate Planning in Florida: Protecting Your Family, Assets & Legacy

A Practical Guide for Florida Residents. What you need to know — and why waiting costs more than you think.

DISCLAIMER This guide is for general informational purposes only and does not constitute legal advice. Every situation is unique. Please consult a qualified attorney for guidance specific to your circumstances.

WHAT IS ESTATE PLANNING?

Estate planning is the process of arranging for the management and distribution of your assets during your lifetime and after death. A solid estate plan ensures your wishes are honored, your loved ones are protected, and unnecessary taxes and court costs are minimized.

Without a plan, Florida law decides who gets your property — and that result may surprise you.

THE CORE DOCUMENTS EVERY ADULT NEEDS

A comprehensive estate plan typically includes several key documents that work together:

Last Will & Testament

Directs how your assets are distributed, names an executor to manage your estate, and — critically for parents — names a guardian for minor children.

Revocable Living Trust

Holds your assets during your lifetime and transfers them to beneficiaries outside of probate court. Provides privacy, speed, and often cost savings compared to a will alone.

Durable Power of Attorney

Authorizes a trusted person to manage your financial affairs if you become incapacitated. Without this document, your family may need a costly court-supervised guardianship proceeding.

Healthcare Surrogate & Living Will

Names someone to make medical decisions on your behalf and documents your end-of-life care wishes. These documents relieve your family of an enormous burden during already difficult moments.

COMMON MISTAKES TO AVOID

- Waiting until a health crisis to get started
- Failing to fund a trust — documents alone aren't enough
- Not updating beneficiary designations on retirement accounts and life insurance
- Using online DIY templates that don't comply with Florida law
- Forgetting to plan for digital assets and online accounts

WITH A PLAN	WITHOUT A PLAN
<ul style="list-style-type: none"> ✓ Clear instructions for asset distribution ✓ Guardian named for minor children ✓ Incapacity protections in place ✓ Probate avoided — faster transfer to loved ones 	<ul style="list-style-type: none"> — State law determines distribution — Court appoints a guardian — Family must petition for guardianship — Probate can take 12–24 months or longer

FLORIDA-SPECIFIC CONSIDERATIONS

- Florida's Homestead laws provide significant protections — but also restrictions on how you can transfer your primary residence.
- Florida has no state estate tax, but federal estate tax thresholds still apply.
- Florida recently updated its laws on electronic wills — there are specific execution requirements to ensure validity.
- Elective share rules mean a surviving spouse has rights that can override a will in certain circumstances.

ESTATE PLANNING IS NOT A ONE-TIME EVENT

Life changes — marriage, divorce, new children, asset purchases, and business ownership — all create the need to review and update your plan.

NEXT STEPS

This guide gives you a foundation, but estate planning is deeply personal. The right strategy depends on your family structure, assets, business interests, and goals.

Ready to protect your family and legacy?

Schedule a complimentary consultation with Kristen Weiss Legal.

www.kwlegal.co | (954) 780-6898 | @kwlegal.co | info@kwlegal.co