Complete Guide to Navigating Florida Probate

Without the Overwhelm

What to expect — and how to protect the estate you've been entrusted with

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 PROBATE?

Probate is the court-supervised legal process of administering a deceased person's estate. It involves identifying and gathering assets, notifying creditors, paying debts, and distributing what remains to beneficiaries. In Florida, probate is handled in the circuit court of the county where the decedent lived.

While not every estate must go through probate, most do — and the process has specific timelines, legal notices, and filing requirements that must be followed carefully.

FLORIDA'S TWO MAIN PROBATE PROCESSES

SUMMARY ADMINISTRATION	FORMAL ADMINISTRATION
✓ Estates with assets under $75,000 (excluding exempt property) ✓ Simplified court filing ✓ No personal representative required ✓ Faster and less expensive	— Required when debts or creditor claims exist — Personal representative appointed by the court — Full notice and claims process — Recommended when real property or complex assets are involved

THE FORMAL PROBATE TIMELINE

Every estate is different, but Florida formal probate generally follows a predictable sequence:

— File the will and petition to open probate with the probate court
— Court appoints a personal representative and issues Letters of Administration
— Publish notice to creditors — creditors have 90 days to file claims

- Inventory and appraise estate assets
- Pay valid debts, taxes, and administrative expenses
- File final accounting with the court
- Distribute remaining assets to beneficiaries
- Petition to close the estate and discharge the personal representative

Total timeline: typically 6 to 12 months for uncomplicated estates. Contested estates or those with complex assets can take significantly longer.

DUTIES OF THE PERSONAL REPRESENTATIVE

A personal representative (PR) has significant legal responsibilities — and personal liability if those duties are not performed correctly:

- Locate, secure, and manage all estate assets
- Open an estate bank account and maintain accurate records
- Notify known creditors and respond to claims
- File any required tax returns on behalf of the estate
- Keep beneficiaries reasonably informed throughout the process
- Avoid any self-dealing or conflicts of interest

> **Florida law requires the personal representative to be represented by a licensed Florida attorney in formal administration proceedings.**
> *This is a statutory requirement — not optional.*

ASSETS THAT PASS OUTSIDE OF PROBATE

Not all assets go through probate. The following typically transfer directly to beneficiaries:

- Life insurance proceeds paid to a named beneficiary
- Retirement accounts (IRAs, 401(k)s) with designated beneficiaries
- Assets held in a revocable living trust
- Joint tenancy property with right of survivorship
- Payable-on-death (POD) and transfer-on-death (TOD) accounts

COMMON COMPLICATIONS TO WATCH FOR

- Missing or outdated beneficiary designations
- Real property in multiple states — each state may require separate probate
- Disputes among beneficiaries or challenges to the validity of the will
- Unresolved creditor claims or unknown debts
- Business interests that require ongoing management during administration

Administering an estate is a legal responsibility, not just a family task.
Kristen Weiss Legal guides personal representatives through every step — protecting you from personal liability and honoring the decedent's wishes.

Schedule a complimentary consultation with Kristen Weiss, Esq..

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