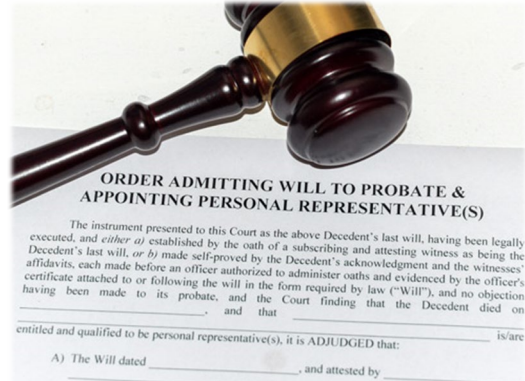


# Florida's Step-by-Step Guide on Probating a Will

This document serves as a step-by-step guide for probating a will in the State of Florida. The guide assumes that the individual who passed away has established a will prior to death. In cases where someone passes away without a will, you can refer to our [Intestate Succession Flowchart](#) we established that shows a simplified diagram of the process Florida uses to determine who receives assets in the absence of a will.



## 1. Filing The Will

When someone passes away, the individual named within the will needs to file it within the local Circuit Court where the decedent resides at the time of their passing. For instance, if someone passes away in Palm Beach County, the will should be filed in the Palm Beach County Probate Court.

## 2. Filing a Petition For Administration

A Petition for Administration is a formal request to administer a will through probate court. In Florida, there's three types of probate administration. The type of administration used depends on the value of the estate. This value considers the total amount of property and assets owned by the decedent at the time of death that are passing through probate court.

**Formal Administration** - Formal Probate Administration is the standard type of probate proceeding. Formal Probate is used for any estate that's valued at over \$75,000.

**Summary Administration** - Summary Probate Administration is less common but may be used when the total value of an estate is valued at \$75,000 or less. This type of administration involves an "expedited" probate process.

**Disposition Without Administration** - In rare cases, an estate may be eligible to skip Florida's probate process altogether. These cases are known as Disposition Without Administration and only occur when the decedent did not leave any [real estate property](#) and the only assets available for probate are valued at less than the amount of final expenses after the proceedings.

There are various legal forms used throughout the Florida Probate Process. The first form that you or your attorney needs is the Petition For Administration. This form differs depending on the type of Probate Administration your estate qualifies for. You can see PDF examples of the various [types of Florida Probate Documents here](#).

### **3. Appointing The Personal Representative**

The [Personal Representative](#) is in charge of gathering and distributing assets of the individual who passed away. This person is sometimes referred to as the executor of the estate. In Florida, almost anyone can be appointed to this position as long as they're physically and mentally able to carry out the roles. The primary duties of a Personal Representative include:

- Gathering out-of-state assets
- Paying owed estate taxes
- Determine the creditors of the decedent
- Serve the Notice of Administration on all beneficiaries
- Distributing assets of the estate as stated in the will
- Closing the estate

### **4. Determine Validity**

The court must ensure the will was executed in accordance with Florida law. In other words, the will must be properly signed, witnessed, notarized, and filed without undue influence or coercion. If the will did not follow proper protocols outlined in [Florida Statutes 732.502](#), the will can be [contested](#) and may be ruled invalid.

### **5. Accounting**

The Personal Representative accounts for all the estate's assets. This includes bank accounts, real estate, retirement plans, etc.

### **6. Giving Notice To Necessary Parties**

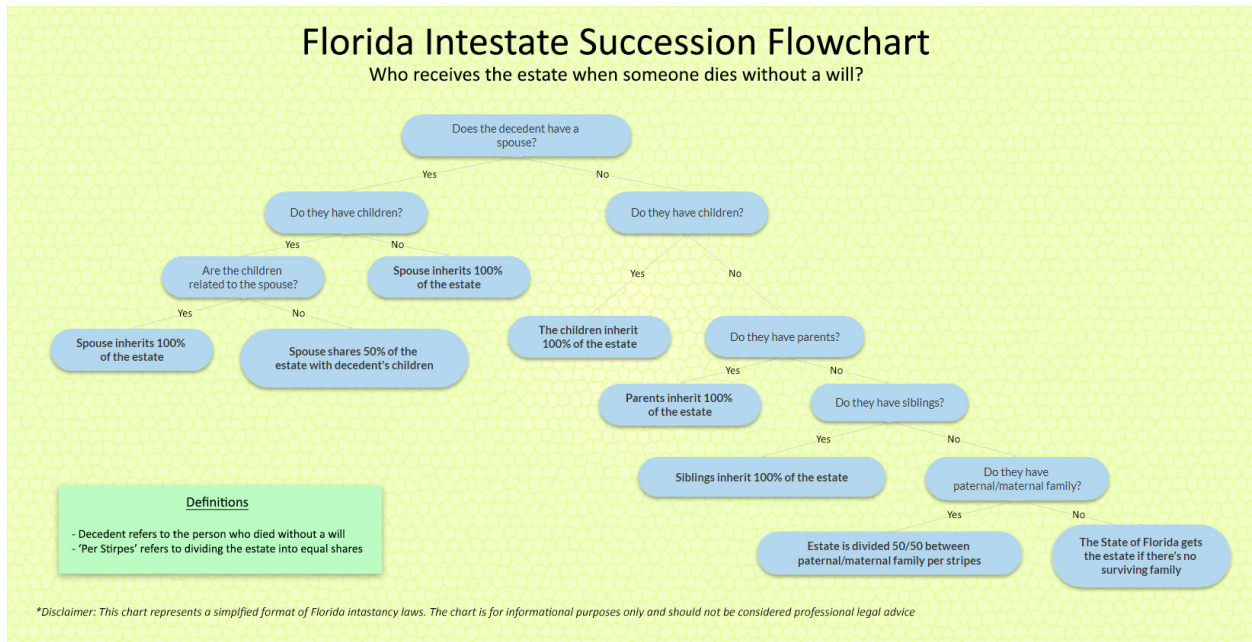
After the assets are accounted for by the Personal Representative it's required that notice is given to all necessary parties such as beneficiaries, surviving spouses, and creditors. These parties will have 30 days to file a dispute. After these 30 days, the probate court will hold a final hearing to authorize this accounting.

### **7. Closing The Estate**

In this step, the personal representative will file a final petition for discharge of the estate. Once all assets are distributed and all debts have been taken care of. The court enters an order to finally close the estate.

## Intestate Succession

When someone dies without a valid will or estate plan, property that's owned by the decedent is declared intestate. In other words, this property must go through a specific process to determine who should receive which assets. Florida Intestate Succession Laws are highly complex, particularly when multiple families are involved. We've prepared a flowchart to help simplify this process.



## About The Author

This free Probate Administration Guide was produced by Di Pietro Partners, PLLC a Fort Lauderdale based law firm specializing in Florida probate cases. The lawyers at Di Pietro Partners have decades of experience representing clients for issues involving probate such as will and trust administration as well as estate litigation matters. To learn more about Florida's probate process, visit our website below.

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*Disclaimer: This document represents a simplified format of Florida's probate administration process. The document is for informational purposes only and should not be considered professional legal advice.*

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