



## Understanding Common Estate Planning Documents and Questions for Florida *(General Information – Not Legal Advice)*

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*This guide provides general information only. No forms or personalized documents are included*

- 1. Do I Need a Will if I Already Have Beneficiaries?** A will is a document that explains who should receive your personal property and possessions that do not already have a beneficiary or co-owner. If your accounts and policies already list beneficiaries or are marked “Payable on Death” (POD) or “Transfer on Death” (TOD), those assets typically transfer directly to that person and are not controlled by your will. Your will acts as a safety net for anything that doesn’t have a beneficiary listed, such as personal belongings, furniture, jewelry, or small bank accounts that may not have a POD designation. If all major assets already have beneficiaries, your will still serves an important purpose — it names your personal representative and gives instructions for everything else that might not be titled with a beneficiary.
- 2. What Makes a Will Valid in Florida?** Florida has specific rules for signing a will, found in Florida Statute §732.502. To be valid in Florida:
  - The person making the will (called the testator) must sign it at the end.
  - It must be signed in the presence of two witnesses, and
  - The witnesses must also sign in the presence of each other and the testator.Florida has strict signing requirements for wills. If a will doesn’t appear to meet those rules, it might not be accepted by a Florida court. Life: Sorted, LLC cannot determine whether a will is valid or not, but a Florida attorney can easily review and confirm whether it meets the state’s standards. A notary is not required for a will to be valid in Florida. However, having the will notarized with a self-proving affidavit can make the process easier for your family later. The version prepared by Life: Sorted, LLC includes a notary section for convenience, so once it’s signed and notarized, the will becomes self-proving,

meaning the witnesses generally don't have to appear in court. If you choose to create a new Florida-compliant will, we can prepare a blank standard version. You provide all factual details in writing for us to type into the blanks, without any legal advice or changes. We strongly recommend review by a Florida attorney before signing.

3. **What's the Difference Between a Will and a Trust?** A will takes effect after you pass away. It names your beneficiaries, personal representative (executor), and explains how your remaining property should be handled. A will can help simplify the process for your loved ones when paired with properly titled assets and clear beneficiary designations. A trust is a separate legal arrangement that can hold your property while you're alive and continue to manage or distribute it afterward. Some people use a trust when they:
- Own property in more than one state
  - Want to plan for ongoing management of assets
  - Have minor children or beneficiaries with special needs
  - Prefer additional privacy
  - Want to plan for long-term care or tax-related considerations
- Both wills and trusts can be used as part of an overall plan to minimize court involvement, depending on how assets are titled. Many people with simpler estates — such as a single home, standard accounts with beneficiaries, and no complex family situations — can accomplish their goals with a will and proper beneficiary designations. Life: Sorted, LLC cannot determine whether you personally need a trust. If you're considering one, we can help you gather your information so that a Florida attorney can review your situation and advise you on the best approach.
4. **What Is Probate?** Probate is the court process that transfers ownership of assets that are in someone's name alone after death. If all of your major assets already have beneficiaries, joint owners, or Lady Bird Deeds, those items often pass outside of probate. Florida has different types of probate depending on the size of the estate:
- Summary administration (simplified) is available when the total value of assets without beneficiaries is \$75,000 or less.

- Formal administration (full process) is required when assets exceed that amount or certain other conditions apply. Life: Sorted, LLC does not determine which type of probate would apply in any individual situation. Our role is to help you identify which assets already have beneficiaries and ensure everything is documented and organized.

5. **What Is a Lady Bird Deed and Can You Prepare One?** A Lady Bird Deed (also called an enhanced life estate deed) is a special Florida property document that allows real estate to pass automatically to a beneficiary at death without going through probate. Because it involves legal drafting and property law, only an attorney can prepare or record a Lady Bird Deed in Florida. Life: Sorted, LLC cannot create this document, but we can help you gather the necessary information and refer you to a licensed attorney who can.
6. **What Does a Durable Power of Attorney Do?** A Durable Power of Attorney (POA) lets you name someone (called your agent or attorney-in-fact) to handle financial and legal matters for you if you cannot act for yourself. This can include tasks such as paying bills, managing accounts, or signing paperwork. “Durable” means it remains valid even if you later become incapacitated. We can prepare a blank standard Florida POA form. Provide your factual directions in writing for us to type into the blanks only—no advice or modifications. For complex holdings or custom powers, consult an attorney for review before signing.
7. **What Is an Advance Medical Directive?** An Advance Medical Directive (also called a Living Will) allows you to outline your healthcare wishes in advance. You can specify what types of medical treatment you want or do not want if you are unable to speak for yourself. You can also name a healthcare surrogate to make decisions in accordance with your wishes. This form is based on Florida Statute §765.303 and can be combined with your HIPAA Authorization to give loved ones access to medical information. Life: Sorted, LLC can prepare a blank standard Florida version of this form. Submit your factual instructions in writing for typing into the blanks; this is not advice. Pair it with attorney guidance if needed.

8. **What Is a HIPAA Authorization?** A HIPAA Authorization allows the people you name to receive medical updates, test results, and records from your doctors or hospitals. It does not give them decision-making authority — it only allows them to receive information. We can prepare a blank standard, federally compliant HIPAA form. Provide names and details in writing for us to type in—no decision-making authority is granted or advised. Consult a professional for integration with other docs.
9. **What Happens to My Property If I Don't Have a Will?** If someone passes away without a will, Florida's intestacy laws (in Chapter 732 of the Florida Statutes) decide who inherits their property. Generally, assets go to the spouse first, then to children, and then to other relatives according to state law. Life: Sorted, LLC can explain this concept in general terms, but we do not advise how it would apply to any specific person's situation.
10. **How Do I Keep Everything Out of Probate?** There's no guaranteed way to completely avoid probate, but most people reduce it by:
- Keeping beneficiaries up to date on all accounts
  - Using "Payable on Death" (POD) or "Transfer on Death" (TOD) designations
  - Titling property jointly or using a Lady Bird Deed (prepared by an attorney)
  - Keeping all documents well organized and easy to find Our goal is to help you get everything documented and accessible so your loved ones have clarity, even if probate ends up being required for some items.
11. **How Often Should I Update My Documents?** It's a good idea to review your documents any time you experience a major life change, such as:
- Marriage or divorce
  - Birth of a child or grandchild
  - Death of a named person (executor, agent, or beneficiary)
  - A move to another state
  - A significant change in finances or property We can assist with updating your forms or creating new versions as needed.

12. **What if I Have Questions While We're Working Together?** You can always ask us about how the documents are organized, what sections mean in general terms, and what information is needed where. We can't interpret the law or tell you what you should do legally, but I'll make sure you understand how each form functions and that everything is clearly documented. If a question sounds legal, I'll let you know so you can confirm it with an attorney.
13. **Important Note:** Life: Sorted, LLC is not a law firm, and no one associated with this company is an attorney. All documents are prepared based solely on your written instructions and without legal advice or interpretation. If you have questions about the legal validity or effect of any document, please consult a licensed Florida attorney.

**Tip:** Review these questions and answers periodically, especially after life changes, to stay informed on basic estate planning concepts and ensure your documents remain organized and up to date.

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