



FLORIDA PROBATE LAW GROUP

Our firm has helped thousands of Florida families navigate estate planning and the probate process on an affordable, transparent flat-fee basis.

Free Educational Webinars: floridaprobatelawgroup.com/upcoming-webinars/

PART 1: ANNOTATED SAMPLE DOCUMENT

Below is the standard Simple Last Will and Testament form. Sequential superscript numbers (¹, ²...) correspond to detailed legal annotations in Part 2.

SIMPLE LAST WILL AND TESTAMENT

My name is [Full Legal Name of Testator] ¹.

Today's date is: [Date of Execution] ².

This document is my Last Will and Testament, any prior Will is revoked. ³

The person who I would like to be in charge of my estate when I die (act as my personal representative) is: ⁴

[Primary Personal Representative Name & Address]

If that person is not available, the person I want to be in charge (act as my personal representative) is: ⁵

[Alternate Personal Representative Name & Address]

SPECIFIC GIFTS ⁶

I would like to make the following specific gifts:

Gift Description	Recipient Name & Relationship
Gift: <u>[e.g., 2018 Honda Accord / \$5,000]</u>	Recipient: <u>[Name]</u>
Gift: <u>[e.g., Diamond Engagement Ring]</u>	Recipient: <u>[Name]</u>
Gift: <u>[e.g., Family Heirloom Clock]</u>	Recipient: <u>[Name]</u>
Gift: <u>[Gift Item]</u>	Recipient: <u>[Name]</u>

RESIDUARY ESTATE ⁷

I would like the rest of my assets not listed above (the residue of my estate) divided between the following people:

Beneficiary Name	Share Percentage / Fraction
Name: <u>[Beneficiary 1]</u>	Share: <u>[e.g., 50%]</u>
Name: <u>[Beneficiary 2]</u>	Share: <u>[e.g., 50%]</u>
Name: <u>[Beneficiary 3]</u>	Share: <u>[e.g., %]</u>
Name: <u>[Beneficiary 4]</u>	Share: <u>[e.g., %]</u>

FINAL INSTRUCTIONS ⁸

My instructions for my burial, cremation, or memorial are as follows:

IN WITNESS WHEREOF, I have set my hand and seal on [Day & Month], 20 [Year]. ⁹

**SIGNED, SEALED, AND DELIVERED IN THE PRESENCE
OF: ¹¹**

(Testator Signature) ¹⁰

Witness #1 Signature

(Testator Printed Name)

Witness #2 Signature

SELF-PROVING AFFIDAVIT ¹²

STATE OF FLORIDA COUNTY OF [County Name]

I, [Testator Name], declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my Will.

(Testator Signature)

We, [Witness 1 Printed] (print name of witness #1) and [Witness 2 Printed] (print name of witness #2), have been sworn by the officer signing below, and declare to that officer on our oaths that the testator declared the instrument to be the testator's Will and signed it in our presence and that we each signed the instrument as a witness in the presence of the testator and of each other. ¹³

Witness #1 Signature, Printed Name, and Address

Witness #2 Signature, Printed Name, and Address

Acknowledged and subscribed before me by means of [] physical presence or [] online notarization ¹⁴, by [Testator Name] (print name of testator) who [] is personally known to me or [] has produced [ID Type] as identification, and sworn to and subscribed before me by each of the following witnesses: (print name of witness #1) [Witness 1 Name], who [] is personally known to me or [] has produced [ID Type] as identification, by means of [] physical presence or [] online notarization; and (print name of witness #2) [Witness 2 Name], who [] is personally known to me or [] has produced [ID Type] as identification, by means of [] physical presence or [] online notarization. ¹⁵

Subscribed by me in the presence of the testator and the subscribing witnesses, by the means specified herein, all on [Date], 20 [Year].

Notary Public - State of Florida
My Commission Expires: _____

(Notary Seal)



FLORIDA PROBATE LAW GROUP

Comprehensive Legal Annotations & Guidance for Simple Last Will and Testament

Questions? Schedule a consultation or join our webinar: floridaprobatelawgroup.com/upcoming-webinars/

PART 2: DETAILED LEGAL ENDNOTES & ANNOTATIONS

This section breaks down each numbered element from the sample document above, explaining the legal purpose, how to complete it correctly, and key Florida statutory compliance requirements.

FLORIDA PROBATE PATHWAYS & MODERN REMOTE ADMINISTRATION

Summary Administration vs. Formal Administration: If the non-exempt estate value is \$150,000 or less (OR if the decedent has been deceased for more than 2 years), the estate qualifies for *Summary Administration*—a streamlined, faster probate process. For larger estates exceeding \$150,000, *Formal Administration* is required.

100% Remote Probate: In Florida, probate court proceedings can almost always be conducted **100% remotely**. Beneficiaries and Personal Representatives generally do not need to attend physical court hearings or visit our office in person.

CRITICAL FLORIDA STATUTORY RULES & CUSTODY REQUIREMENTS

Original Will Deposit Rule (F.S. § 732.901): Upon the death of the testator, the custodian of the original Will **MUST** deposit the original document with the Clerk of the Circuit Court in the county where the decedent resided within **10 days** of receiving notice of death.

Restricted Depository: In certain probate proceedings, the judge may order estate cash assets to be placed into a court-restricted bank account. Funds cannot be withdrawn or disbursed without a formal court order approving the expense.

Ref	Section / Field Title	Plain-Language Legal Explanation & Florida Statutory Rules
1	Testator Identification F.S. § 732.501	Purpose: Identifies the person creating the Will (the "Testator"). How to Complete: Print your full legal name (First, Middle, Last) exactly as it appears on official government identification (e.g., Driver's License or Passport). Include any common "also known as" (AKA) names if assets are held under variations. Under Florida law, the Testator must be at least 18 years old or an emancipated minor and of sound mind.
2	Execution Date F.S. § 732.502	Purpose: Establishes the date the document was signed. How to Complete: Fill in the exact date of signing. This date is critical for establishing chronology if multiple estate planning documents exist, as the newest validly executed Will supersedes prior versions.
3	Revocation Clause F.S. § 732.505	Purpose: Expressly revokes all prior Wills and Codicils (amendments) made by the Testator. Why It Exists: Prevents conflicting instructions between old estate planning documents and this new document. Under Florida law, an express statement of revocation ensures that earlier Wills are legally null and void.

Ref	Section / Field Title	Plain-Language Legal Explanation & Florida Statutory Rules
4	Primary Personal Representative F.S. § 733.302	Purpose: Names the individual responsible for administering your probate estate. Qualifications (F.S. § 733.302 / § 733.304): In Florida, a Personal Representative (PR) must be either a Florida resident OR a close relative by blood or marriage (spouse, child, parent, sibling, uncle, aunt, niece, nephew, or lineal relative). Additionally, the PR must be at least 18 years old and must never have been convicted of a felony.
5	Alternate Personal Representative F.S. § 733.301	Purpose: Designates a successor if the primary choice is unable or unwilling to serve. How to Complete: Name a backup candidate meeting all statutory qualifications. If the primary PR dies, becomes incapacitated, or declines to serve, the probate court will appoint this alternate without requiring additional hearings.
6	Specific Bequests F.S. § 732.515	Purpose: Directs specific items of personal property or fixed monetary amounts to designated recipients. How to Complete: Describe each item clearly (e.g., "1967 Mustang VIN #..." or "\$5,000 cash") and list the recipient's full legal name. Florida law allows a separate written list/statement for tangible personal property if referenced in the Will.
7	Residuary Clause F.S. § 732.600+	Purpose: Distributes all remaining estate property not specifically gifted above. Why It's Critical: The "residue" catches everything else (bank accounts, real estate, investment accounts, household items). Ensure that percentages or fractional shares total exactly 100%. If a Will lacks a residuary clause, leftover assets pass under Florida's intestate laws (F.S. § 732.101).
8	Burial / Memorial Instructions F.S. § 497.152	Purpose: Outlines your wishes for cremation, burial, or funeral services. Legal Tip: While helpful, funeral decisions are often made immediately after death before the Will is formally opened. It is best to also inform your loved ones or Personal Representative directly of these desires.
9	Execution Date & Testimony F.S. § 732.502	Purpose: Formal recital that the Testator is executing the Will under seal. How to Complete: Fill in the day, month, and year at the exact time of signing in the physical or virtual presence of the witnesses.
10	Testator Signature Line F.S. § 732.502(1)(a)	Requirement: The Testator must sign at the end of the Will, or another person must sign the Testator's name at the Testator's direction and in their presence. Execution Rule: Signing at the end is strictly enforced in Florida; any provision appearing after the signature is legally void.
11	Witness Attestation & Signatures F.S. § 732.502(1)(b)	Execution Formalities: Florida law requires at least two disinterested witnesses. Strict Requirements: • The Testator must sign in the presence of both witnesses (or acknowledge a prior signature). • Both witnesses must sign in the presence of the Testator and in the presence of each other. • Witnesses should be "disinterested" (not beneficiaries under the Will) to avoid potential legal conflicts or challenges.

Ref	Section / Field Title	Plain-Language Legal Explanation & Florida Statutory Rules
12	Self-Proving Affidavit Title F.S. § 732.503	Purpose: Makes the Will "self-proving" under Florida law. Why It Matters: Without a self-proving affidavit, when you pass away, the probate court will require one of the original witnesses to locate a notary and sign an official oath testifying to the Will's execution. A self-proving affidavit eliminates this burden, allowing the court to admit the Will to probate immediately.
13	Sworn Witness Oath F.S. § 732.503	Purpose: Sworn statement under oath by the witnesses before a Notary Public that all execution formalities were properly satisfied.
14	Physical vs. Online Notarization F.S. § 117.201 / § 732.503	Modern Execution Options: Florida permits execution via either Physical Presence (traditional in-person notary) OR Remote Online Notarization (RON) . RON Rules: If using RON, specific audio-video technology, identity proofing, and credential analysis protocols under Chapter 117 must be followed.
15	Notary Acknowledgment Block F.S. § 117.05 / § 732.503	How to Complete: The Notary Public verifies the identities of the Testator and witnesses (via personal knowledge or official government photo ID), administers the oath, signs, and stamps their official notary seal.

Florida Probate Law Group • Dedicated to Providing Clear, Affordable, and Professional Estate & Probate Services Across Florida.
For inquiries, webinars, or legal assistance, visit floridaprobatelawgroup.com or call our office.

Simple Last Will and Testament

My name is .

Today's date is: .

This document is my Last Will and Testament, any prior Will is revoked.

The person who I would like to be in charge of my estate when I die (act as my personal representative) is:

.

If that person is not available, the person I want to be in charge (act as my personal representative) is:

.

I would like to make the following specific gifts:

Gift: Recipient:

Gift: Recipient:

Gift: Recipient:

Gift: Recipient:

I would like the rest of my assets not listed above (the residue of my estate) divided between the following people:

Name: Share:

Name: Share:

Name: Share:

Name: Share:

My instructions for my burial, cremation, or memorial are as follows:

IN WITNESS WHEREOF, I have set my hand and seal on _____, 20__.

(Testator Signature)

(Testator Printed Name)

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:

Witness # 1 Signature

Witness # 2 Signature

STATE OF _____

COUNTY OF _____

I, _____ (Testator's Printed Name), declare to the officer taking my
acknowledgment of this instrument, and to the subscribing witnesses, that I signed this
instrument as my Will.

(Testator Signature)

We, _____ (***print name of witness #1***) and
_____ (***print name of witness #2***), have been sworn by
the officer signing below, and declare to that officer on our oaths that the testator declared the
instrument to be the testator's Will and signed it in our presence and that we each signed the
instrument as a witness in the presence of the testator and of each other.

Witness #1 Signature, Printed Name, and Address

Witness #2 Signature, Printed Name, and Address

Acknowledged and subscribed before me by means of ☐ physical presence or ☐ online
notarization, by _____ (***print name of testator***) who ☐ is personally known
to me or ☐ has produced _____ as identification, and sworn to and
subscribed before me by each of the following witnesses: (***print name of witness #1***)
_____, who ☐ is personally known to me or ☐ has produced
_____ as identification, by means of ☐ physical presence or ☐ online
notarization; and (***print name of witness #2***) _____, who [
] is personally known to me or ☐ has produced _____ as identification, by

means of ☐ physical presence or ☐ online notarization. Subscribed by me in the presence of the testator and the subscribing witnesses, by the means specified herein, all on _____, 20____.

Notary Public - State of Florida

(Seal)