



## 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.

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## PART 1: ANNOTATED SAMPLE DOCUMENT

Below is the standard Simple Last Will and Testament form, updated with a Qualified Custodian field (F.S. § 732.524). Sequential superscript numbers ( <sup>1</sup>, <sup>2</sup>...) correspond to detailed legal annotations in Part 2.

### SIMPLE LAST WILL AND TESTAMENT

My name is [Full Legal Name of Testator] <sup>1</sup>

Today's date is: [Date of Execution] <sup>2</sup>

This document is my Last Will and Testament, any prior Will is revoked. <sup>3</sup>

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

[Primary Personal Representative Name & Address]  
<sup>4</sup>

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

[Alternate Personal Representative Name & Address]  
<sup>5</sup>

### QUALIFIED CUSTODIAN DESIGNATION (ELECTRONIC WILL) <sup>16</sup>

Pursuant to Florida Statutes § 732.524, if this Will is executed as an Electronic Will, I designate the following entity or individual as Qualified Custodian:

Primary Qualified Custodian: [Custodian / Entity Name & Florida Physical Address]

Alternate Qualified Custodian: [Alternate Custodian / Entity Name & Address]

### SPECIFIC GIFTS <sup>6</sup>

I would like to make the following specific gifts:

| Gift Description                          | Recipient Name & Relationship |
|-------------------------------------------|-------------------------------|
| Gift: [e.g., 2018 Honda Accord / \$5,000] | Recipient: [Name]             |
| Gift: [e.g., Diamond Engagement Ring]     | Recipient: [Name]             |

### RESIDUARY ESTATE <sup>7</sup>

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: [Beneficiary 1] | Share: [e.g., 50%]          |
| Name: [Beneficiary 2] | Share: [e.g., 50%]          |

**FINAL INSTRUCTIONS 8**

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

[Burial or Memorial Wishes]

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

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

\_\_\_\_\_  
(Testator Signature) 10  
(Testator Printed Name)

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
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, by [Testator Name] (print name of testator) 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 #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. 14 15

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

\_\_\_\_\_  
Notary Public - State of Florida  
My Commission Expires:

(Notary Seal)

## 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:**

\_\_\_\_\_

### QUALIFIED CUSTODIAN DESIGNATION (ELECTRONIC WILL)

Pursuant to Florida Statutes § 732.524, if this Will is executed as an Electronic Will, I designate the following entity or individual as Qualified Custodian:

**Primary Qualified Custodian:** \_\_\_\_\_

**Alternate Qualified Custodian:** \_\_\_\_\_

### SPECIFIC GIFTS

I would like to make the following specific gifts:

| Gift Description | Recipient Name & Relationship |
|------------------|-------------------------------|
| Gift: _____      | Recipient: _____              |
| Gift: _____      | Recipient: _____              |
| Gift: _____      | Recipient: _____              |

### RESIDUARY ESTATE

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: _____      | Share: _____                |
| Name: _____      | Share: _____                |
| Name: _____      | Share: _____                |

**FINAL INSTRUCTIONS**

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

IN WITNESS WHEREOF, I have set my hand and seal on \_\_\_\_\_, 20\_\_\_\_\_.

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

\_\_\_\_\_  
(Testator Signature)  
(Testator Printed Name)

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Witness #2 Signature

**SELF-PROVING AFFIDAVIT****STATE OF FLORIDA****COUNTY OF** \_\_\_\_\_

I, \_\_\_\_\_, 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, by means of ☐ physical presence or ☐ online notarization; and (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  
My Commission Expires:

(Notary Seal)

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 \$75,000 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 \$75,000, 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<br>F.S. § 732.501           | <b>Purpose:</b> Identifies the person creating the Will (the "Testator").<br><b>How to Complete:</b> Print your full legal name (First, Middle, Last) exactly as it appears on official government identification. Under Florida law, the Testator must be at least 18 years old or an emancipated minor and of sound mind.                                                                                                                                                                                                                                                                                         |
| 2   | Execution Date<br>F.S. § 732.502                    | <b>Purpose:</b> Establishes the exact date the document was signed.<br><b>How to Complete:</b> 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<br>F.S. § 732.505                 | <b>Purpose:</b> Expressly revokes all prior Wills and Codicils (amendments) made by the Testator.<br><b>Why It Exists:</b> 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.                                                                                                                                                                                                                                                                               |
| 4   | Primary Personal Representative<br>F.S. § 733.302   | <b>Purpose:</b> Names the individual responsible for administering your probate estate.<br><b>Qualifications (F.S. § 733.302 / § 733.304):</b> 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<br>F.S. § 733.301 | <b>Purpose:</b> Designates a successor if the primary choice is unable or unwilling to serve.<br><b>How to Complete:</b> 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.                                                                                                                                                                                                                                                                    |
| 16  | Qualified Custodian Designation<br>F.S. § 732.524   | <b>Purpose:</b> Designates an eligible entity or individual to maintain custody of the electronic record of an Electronic Will under Florida's Electronic Wills Act.<br><b>Statutory Requirements:</b> A Qualified Custodian must be domiciled in Florida or incorporated/organized under Florida law. Under F.S. § 732.524(2), the custodian must maintain a secure system storing the electronic record and audit trail, furnish records upon court order, post required bonds/insurance (F.S. § 732.525), and deposit the electronic Will with the court clerk within 10 days of notice of the testator's death. |

| Ref | Section / Field Title                                                 | Plain-Language Legal Explanation & Florida Statutory Rules                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6   | <b>Specific Bequests</b><br>F.S. § 732.515                            | <b>Purpose:</b> Directs specific items of personal property or fixed monetary amounts to designated recipients.<br><b>How to Complete:</b> 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   | <b>Residuary Clause</b><br>F.S. § 732.600+                            | <b>Purpose:</b> Distributes all remaining estate property not specifically gifted above.<br><b>Why It's Critical:</b> 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   | <b>Burial / Memorial Instructions</b><br>F.S. § 497.152               | <b>Purpose:</b> Outlines your wishes for cremation, burial, or funeral services.<br><b>Legal Tip:</b> 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   | <b>Execution Date &amp; Testimonium</b><br>F.S. § 732.502             | <b>Purpose:</b> Formal recital that the Testator is executing the Will under seal.<br><b>How to Complete:</b> Fill in the day, month, and year at the exact time of signing in the physical or virtual presence of the witnesses.                                                                                                                                                                                                                                                                                   |
| 10  | <b>Testator Signature Line</b><br>F.S. § 732.502(1)(a)                | <b>Requirement:</b> 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.<br><b>Execution Rule:</b> Signing at the end is strictly enforced in Florida; any provision appearing after the signature is legally void.                                                                                                                                                                                                    |
| 11  | <b>Witness Attestation &amp; Signatures</b><br>F.S. § 732.502(1)(b)   | <b>Execution Formalities:</b> Florida law requires at least two disinterested witnesses.<br><b>Strict Requirements:</b> <ul style="list-style-type: none"> <li>• The Testator must sign in the presence of both witnesses (or acknowledge a prior signature).</li> <li>• Both witnesses must sign in the presence of the Testator and in the presence of each other.</li> <li>• Witnesses should be "disinterested" (not beneficiaries under the Will) to avoid potential legal conflicts or challenges.</li> </ul> |
| 12  | <b>Self-Proving Affidavit Title</b><br>F.S. § 732.503                 | <b>Purpose:</b> Makes the Will "self-proving" under Florida law.<br><b>Why It Matters:</b> 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  | <b>Sworn Witness Oath</b><br>F.S. § 732.503                           | <b>Purpose:</b> Sworn statement under oath by the witnesses before a Notary Public that all execution formalities were properly satisfied.                                                                                                                                                                                                                                                                                                                                                                          |
| 14  | <b>Physical vs. Online Notarization</b><br>F.S. § 117.201 / § 732.503 | <b>Modern Execution Options:</b> Florida permits execution via either Physical Presence (traditional in-person notary) OR Remote Online Notarization (RON).<br><b>RON Rules:</b> If using RON, specific audio-video technology, identity proofing, and credential analysis protocols under Chapter 117 must be followed.                                                                                                                                                                                            |
| 15  | <b>Notary Acknowledgment Block</b><br>F.S. § 117.05 / § 732.503       | <b>How to Complete:</b> 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.                                                                                                                                                                                                                                                                                       |

