



FLORIDA PROBATE LAW GROUP

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ANNOTATED FORM GUIDE: DECLARATION NAMING PRE-NEED GUARDIAN FOR MINOR

A Plain-Language Legal Explanation & Step-by-Step Completion Guide for Minor Children in Florida

PART 1: ANNOTATED SAMPLE DOCUMENT

Below is the complete text of the legal form. The circled gold numbers (1, 2, 3...) indicate key clauses and required fields explained in Part 2.

DECLARATION NAMING PRE-NEED GUARDIAN FOR MINOR ¹

(Pursuant to Chapter 744.3046, Fla. Stat.) ²

I, [Full Legal Name of Parent / Declarant] ³, presently domiciled and residing in [County Name] ⁴ County Florida, hereby make the following Declaration Naming Pre-Need Guardian for Minor for my minor child(ren), named below, to serve in the event of the adjudication of my incapacity or death ⁵:

IDENTIFICATION OF MINOR CHILD(REN) ⁶:

Full Name of Minor Child as it appears on Birth Certificate	Date of Birth	Social Security Number
[Full Legal Name Child 1]	[MM/DD/YYYY]	[XXX-XX-XXXX]
[Full Legal Name Child 2]	[MM/DD/YYYY]	[XXX-XX-XXXX]

I declare that the following individual is to serve as Guardian(s) of the Person and Property ⁷ for the minor child(ren) so named above:

DESIGNATED GUARDIAN DETAILS ⁸:

Name	Address	Telephone
[Primary Guardian Name]	[Full Street Address, City, State]	[Phone Number]
[Alternate Guardian Name]	[Full Street Address, City, State]	[Phone Number]

Signed on [Month Day], 20 [YY] ⁹

Signature of Declarant / Parent ¹⁰

Printed Name of Declarant / Parent

We certify that the above Instrument was, on the date thereof, signed, sealed, published and declared by [Parent / Declarant Name] in our presence, and that we, at their request and in their presence, and in the presence of each other, have signed our names as witnesses thereto, believing [Parent / Declarant Name] to be of sound mind and memory at the time of signing and not under duress or constraint at any time. ¹¹

Witness #1 / Signature ¹²

Witness #1 / Printed Name & Address

Witness #2 / Signature ¹²

Witness #2 / Printed Name & Address



PART 2: DETAILED LEGAL ENDNOTES & ANNOTATIONS

This section explains the legal purpose, completion rules, and Florida statutory framework governing each element of the Pre-Need Guardian Designation form.

#	Section / Field Title	Plain-Language Legal Explanation & Florida Statutory Rules
1	Document Header & Title	Purpose: Formally designates who will take legal custody of your minor children if you become incapacitated or pass away. How to Complete: Do not alter the header. Ensure the document is recognized under Florida guardianship statutes. Fla. Stat. § 744.3046
2	Statutory Authority Citation	Purpose: Cites Chapter 744.3046, Fla. Stat. Filing this document creates a legal rebuttable presumption that the named individual should be appointed guardian by the court. F.S. § 744.3046
3	Declarant / Parent Name	Purpose: Identifies the natural parent or legal guardian making the designation. How to Complete: Enter your full legal name matching your government-issued photo ID.
4	County of Domicile	Purpose: Establishes proper venue and court jurisdiction for future guardianship proceedings. How to Complete: Enter the Florida county where you permanently reside.
5	Triggering Events (Incapacity / Death)	Purpose: Clarifies that this document is "pre-need"—it does NOT take away parental rights today, but activates ONLY upon judicial adjudication of incapacity or death. F.S. § 744.3046(1)
6	Minor Child Identification Table	Purpose: Unambiguously identifies each minor child covered by this designation. How to Complete: List exact legal names as shown on birth certificates, dates of birth, and Social Security Numbers.
7	Guardian of Person vs. Property	Purpose: Florida law distinguishes between care/custodial decisions (Person) and financial management (Property) for a minor. The named guardian handles both unless partitioned.
8	Designated Guardian & Alternates	Purpose: Names primary and successor guardians. How to Complete: Provide full legal names, addresses, and phone numbers. Always name an alternate guardian.
9	Execution Date	Purpose: Establishes the exact date of signing to confirm legal capacity and precedence over prior documents.
10	Declarant / Parent Signature	Purpose: Demonstrates voluntary consent and execution by the parent. How to Complete: Sign in ink (or via approved RON) in the presence of two disinterested witnesses.
11	Attestation Clause	Purpose: Recites that witnesses observed the signing, that the declarant was of sound mind, and acted without duress.
12	Witness Formalities & Signatures	Purpose: Validates execution under Florida statutory standards. Florida Legal Rule: Requires two disinterested witnesses present at the same time as the declarant. F.S. § 732.502 / § 744.3046

KEY FLORIDA LEGAL NUANCES & PROBATE RULES TO KNOW

1. Execution & Witness Formalities (F.S. § 732.502)

Requires **two disinterested witnesses** who sign in the physical (or verified virtual) presence of the declarant/testator and each other.

2. Self-Proving Affidavit & RON (F.S. § 732.503)

Notarization eliminates post-death witness oaths in probate court. Florida fully supports **Remote Online Notarization (RON)**.

3. Personal Representative / Guardian Qualifications (F.S. § 733.302)

A PR or Guardian must be a **Florida resident OR close relative** by blood/marriage, age 18+, with **no felony convictions**.

5. Probate Pathways (Summary vs. Formal)

- **Summary:** Non-exempt assets ≤ \$150,000 OR decedent dead 2+ yrs.
- **Formal:** Required for larger/complex estates over \$150,000.

4. Original Will Deposit Rule (F.S. § 732.901)

The custodian of an original Will **must deposit it with the Clerk of Court within 10 days** of receiving notice of death.

6. 100% Remote Probate & Restricted Depositories

- **100% Remote Probate:** Proceedings completed without court visits.
- **Restricted Depository:** Court-frozen accounts needing judicial orders for release.

Need Assistance with Pre-Need Guardianship or Probate?

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Name	Address	Telephone

Signed on _____, 20____.

Signature

Printed Name

We certify that the above Instrument was, on the date thereof, signed, sealed, published and declared by _____ our presence, and that we, at their request and in their presence, and in the presence of each other, have signed our names as witnesses thereto, believing _____ to be of sound mind and memory at the time of signing and not under duress or constraint at any time.

Witness #1 / Signature

Witness #1 / Printed Name

Witness #2 / Signature

Witness #2 / Printed Name

Witness #1 / Address

Witness #2 / Address