

Florida Estate Planning Client Handbook

How wills, revocable trusts, and Lady Bird Deeds work together
with a Florida homestead focus

Educational handbook for clients and families

Important disclaimer

This handbook is for educational and informational purposes only. It is not legal advice, does not create an attorney-client relationship, and is not a substitute for advice from a Florida-licensed attorney, tax professional, financial adviser, or title professional. Estate-planning outcomes depend on the client's facts, current title, family status, beneficiary designations, tax rules, and proper execution and funding.

Prepared as a client-facing guide to help explain when a Florida Lady Bird Deed may be a strong fit for a homestead property.

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1. Quick summary

A will is essential, but a will does not avoid probate by itself. A will usually directs where probate assets go; it does not keep those assets out of court. Florida's summary administration statute applies only in limited situations, such as when the estate subject to administration—minus exempt property—is \$75,000 or less, or the decedent has been dead for more than two years. (Source: Fla. Stat. § 735.201.)

A revocable trust can avoid probate only for the assets that are actually funded into it. If an asset never gets retitled or coordinated to the trust, the trust does not control that asset on its own. Florida also requires the testamentary provisions of a revocable trust executed by a Florida domiciliary to be signed with the same formalities required for a will. (Source: Fla. Stat. § 736.0403; Fla. Stat. § 732.502.)

For many Florida homeowners, the main probate problem is the home. When the home is the primary concern, a Lady Bird Deed often becomes attractive because it is a property-specific tool: it can let the owner keep full control during life while naming who receives the property at death if the owner still owns it. The deed itself still must be executed and recorded correctly. Florida deeds conveying real estate generally require a signed writing with two subscribing witnesses. (Source: Fla. Stat. § 689.01.)

For Florida homestead, caution matters. Florida homestead has special devise rules if the owner is survived by a spouse or minor child, and those rules can affect wills, trusts, and deeds. That is why this handbook repeatedly separates the general estate-planning discussion from the homestead discussion. (Source: Fla. Stat. § 732.4015.)

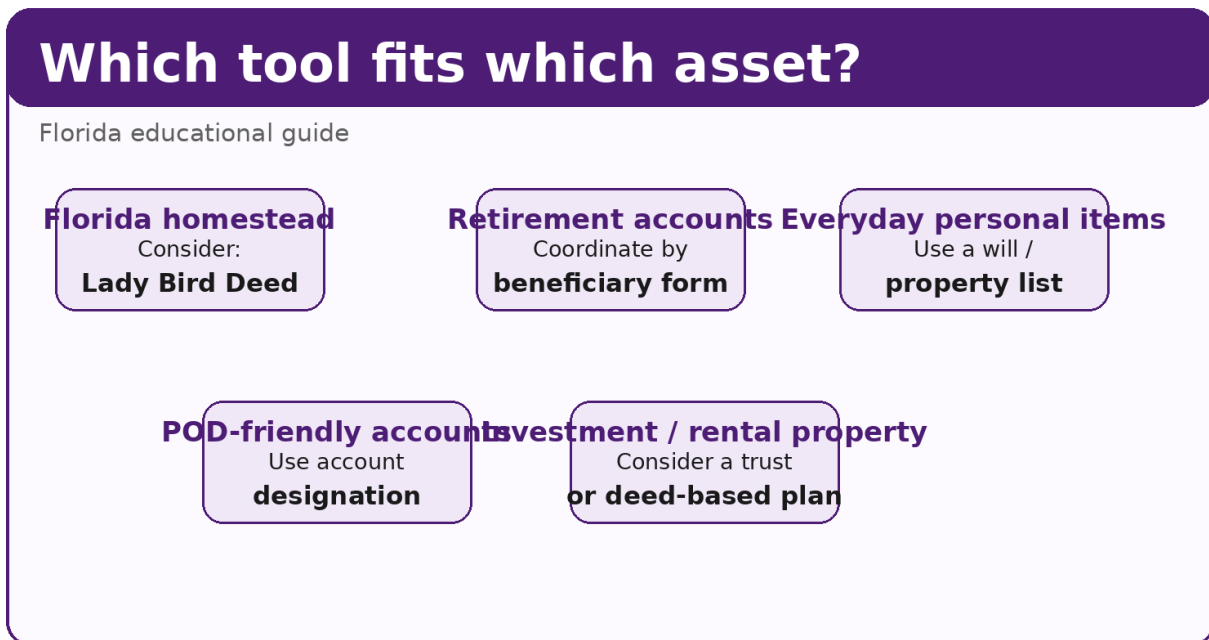


Illustration: matching the planning tool to the asset type.

2. The three tools at a glance

- A will is the backup and clean-up document. It is still important, even if a client uses a trust or a Lady Bird Deed.
- A revocable trust is a management and transfer tool for assets that are actually moved into the trust or coordinated with it.
- A Lady Bird Deed is a deed-based probate-avoidance tool for Florida real estate, commonly discussed when the home is the main asset or concern.

Will vs. Revocable Trust vs. Lady Bird Deed			
A quick planning snapshot			
Topic	Will	Revocable Trust	Lady Bird Deed
Avoids probate by itself?	No	Yes, if funded	Usually for the deeded home
Best use	Backup + guardians + personal items	Broader management plan	Homestead-focused real estate planning
Main risk	Still a probate asset	Unfunded trust	Not a one-size-fits-all estate plan
Client-friendly takeaway	Everyone still needs one	Useful when complexity is higher	Strong option when the home is the main asset

Visual comparison: each tool solves a different problem.

A smart Florida plan often uses more than one tool. A client may need a will for guardianship nominations and personal property, a trust for selected non-retirement assets, and a Lady Bird Deed for the homestead. The point is not to force every asset into one document. The point is to use the right tool for the right asset.

3. What a will does and does not do

What a will does

- Names who should receive probate assets.
- Names the personal representative who will handle the probate estate.
- Can include a separate tangible-personal-property list if the will refers to it. Florida law allows a signed writing to dispose of tangible personal property, other than property used in trade or business, if the items and recipients are described with reasonable certainty. (Source: Fla. Stat. § 732.515.)
- Can work with a pour-over plan so assets that never made it into the trust can still be directed to the trust through probate.

What a will does not do

- It does not automatically avoid probate.
- It does not override most beneficiary designations that pass by contract, such as payable-on-death account designations or retirement beneficiary forms.
- It is not the same as a deed. Real estate title usually must be addressed by title planning, deed planning, beneficiary designation, or trust funding—not by wishful thinking.

Florida requires wills to be in writing, signed at the end, and witnessed by at least two attesting witnesses who sign in the presence of the testator and each other. (Source: Fla. Stat. § 732.502.)

What still belongs in the will

For most families, the will is still the home base for backup planning. It is often the cleanest place to address tangible personal items, pour-over language, and certain family nominations such as a preneed guardian declaration for an adult in the event of incapacity or a preneed guardian for a minor when applicable under Florida guardianship law. (Source: Fla. Stat. §§ 744.3045 and 744.3046.)

4. What a revocable trust does and does not do

A revocable trust can be a strong planning tool because it can centralize management and keep properly funded assets out of probate. But a trust is only as good as its funding. Clients often believe the trust document alone solves the probate problem. It does not. The title work and beneficiary coordination are what make the trust real in practice.

Benefits of a simple revocable trust

- Can manage selected assets during life and during incapacity.
- Can avoid probate for assets actually titled in the trust or coordinated to it.
- Can provide more detailed distribution rules than a simple deed.
- Can be useful when the client owns multiple properties, business interests, or more than one major class of assets.

Limits of a simple revocable trust

- It does not fund itself.
- It can create a false sense of security if the client signs the trust but never changes title.
- For Florida homestead, trust planning must be coordinated carefully with homestead occupancy, devise restrictions, and property-tax treatment.
- It may be more planning than the client needs if the main concern is simply keeping one Florida home out of probate.

Florida recognizes that the testamentary aspects of a revocable trust for a Florida domiciliary must be executed with will formalities. (Source: Fla. Stat. § 736.0403.)

5. What usually should not be retitled into a simple revocable trust

This section is intentionally cautious. Some assets can technically name a trust, but many are better handled through beneficiary designations or separate coordination rather than routine retitling.

- Retirement accounts such as IRAs and employer plans: these usually require beneficiary-form coordination, and inherited-beneficiary rules can be tax-sensitive. The IRS explains that retirement accounts pass under plan beneficiary procedures and that beneficiary status affects distribution rules. (Source: IRS, Retirement Topics – Beneficiary.)
- Pay-on-death bank accounts: Florida expressly recognizes payable-on-death designations for deposit accounts, so these accounts may be coordinated directly with the institution rather than automatically retitled into a trust. (Source: Fla. Stat. § 655.82.)
- Life insurance and annuities: these are usually coordinated by beneficiary designation rather than by simply placing a policy on a trust schedule.
- Vehicles and small miscellaneous assets: whether to retitle these depends on practicality, lender issues, insurance issues, and the client's larger plan.
- The Florida homestead: even when a trust can work, the homestead deserves a separate conversation because Florida homestead is not just another asset.

6. What still belongs in a will

Even a client with a trust generally still needs a will. In client-friendly language: the will catches what the trust missed, names who handles the estate, and covers personal items and family nominations.

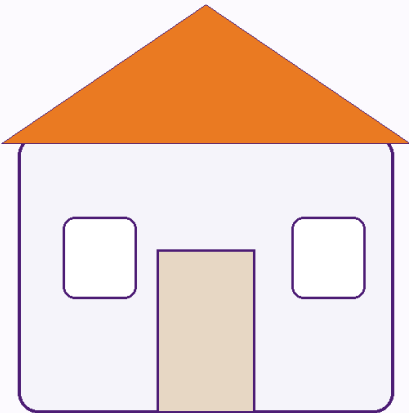
- Tangible personal property, usually through the will and any separate list allowed under Florida law.
- Pour-over language so forgotten assets can still be directed into the trust through probate.
- Family nominations that belong in written declarations or the will package, such as preneed guardian declarations when appropriate.
- Instructions that support the broader plan, even though some preferences may also be kept outside the will for convenience.

7. Florida homestead: why this is different

Florida homestead gets special treatment. Two rules matter immediately for client education. First, Florida's homestead devise restrictions can limit how homestead is left at death if the owner is survived by a spouse or minor child. Second, Florida's property-tax homestead exemption can depend on whether the owner still has legal title or beneficial title and the right to use and occupy the property. (Sources: Fla. Stat. § 732.4015; Fla. Stat. § 196.031; Fla. Admin. Code r. 12D-7.011; Florida DOR FAQ on trust or life estate and homestead exemption.)

Florida homestead focus

Why a Lady Bird Deed often comes up in Florida planning



- 1 Keeps owner control during life**
Sell, refinance, or change plans if facts allow.
- 2 Targets the home without retitling all assets**
Useful when the home is the main probate concern.
- 3 May preserve homestead tax treatment if possible**
Coordinate title and occupancy facts carefully.
- 4 Still needs correct deed execution and recording**
Florida deeds generally require two witnesses.

Illustration: why the Florida homestead often gets its own planning path.

This is the reason your Lady Bird Deed offer can be positioned cleanly: a Lady Bird Deed is often a narrower, easier-to-understand answer when the client's main concern is one Florida homestead property rather than a large asset mix.

8. Why a Lady Bird Deed often fits a Florida homestead

- It is focused. It solves the real-estate transfer question instead of forcing the client into a full trust package when the home is the only major probate asset.
- It is easy for clients to understand: keep control now, name who receives the property later, subject to the deed and the owner still owning the property at death.

- It avoids the biggest trust failure point: unfunded trust planning for the home.
- It keeps the conversation centered on eligibility, homestead facts, and clean deed preparation instead of overwhelming the client with unnecessary asset retitling.

That does not mean a Lady Bird Deed is always the right answer. It means it is often the most client-friendly answer when the Florida homestead is the main concern and the larger estate is not complex.

9. Practical examples

Example 1: One home, one main goal

Maria owns one Florida homestead, has adult children, and mainly wants to avoid probate on the house while keeping full control during life. A Lady Bird Deed may be the cleaner starting point than a trust because the home is the planning focus.

Example 2: Home plus several investment accounts

James owns a homestead, a brokerage account, and a rental condo. Here, a trust may make more sense if the client wants one coordinated management plan across multiple assets; the homestead still needs careful Florida review.

Example 3: Signed trust, never funded

A client signs a trust but leaves the home and all major accounts unchanged. Result: the trust document exists, but the probate problem may still exist too.

Example 4: Good will, no deed plan

A will says the children inherit the home, but the home is still a probate asset because title was never planned outside probate.

Positioning takeaway for homestead leads

When your audience is Florida homeowners, the strongest message is usually not “everyone needs a trust.” It is “let’s solve the homestead probate issue clearly and correctly first.” That naturally positions a Lady Bird Deed as the practical, lower-friction offer for many homeowners.

10. Planning checklist for clients

Use this page as a client intake and education checklist.

Trust funding checklist

A trust only works on the assets that actually make it in

- ✓ Sign the trust with Florida-compliant formalities.
- ✓ Change title on selected non-retirement assets.
- ✓ Update beneficiary forms where contracts control.
- ✓ Keep a pour-over will for anything missed.
- ✓ Use a separate plan for the Florida homestead if appropriate.
- ✓ Store copies and a current asset list in one place.

Checklist illustration: the trust document is only one step; coordination is the rest.

Question	Why it matters
Is the property homestead?	Homestead changes the analysis in Florida.
Is the client married or survived by minor children?	Homestead devise rules may limit options.
Is the home the main probate concern?	If yes, a Lady Bird Deed may be the cleanest starting point.
Are there retirement accounts, life insurance, or POD accounts?	These often need beneficiary coordination, not simple retitling.
Has the trust been funded?	A trust only controls the assets that make it in.
Does the client still need a will?	Almost always yes, for backup planning and personal items.

11. Frequently asked questions

Can a will avoid probate by itself?

No. A will usually directs the probate estate; it does not remove probate on its own.

Can a trust avoid probate by itself?

Only if the relevant assets are actually funded into the trust or coordinated to it.

Can I put my Florida homestead into a trust?

Sometimes yes, but it requires careful review of homestead facts, devise rules, and tax-exemption issues.

Why do people use Lady Bird Deeds in Florida?

Because they can be a simpler, property-specific way to address probate on the home while keeping control during life.

Do I still need a will if I use a Lady Bird Deed?

Usually yes. A will still handles backup planning, personal property, and anything not otherwise coordinated.

12. Sources and legal authorities

Fla. Stat. § 689.01: Florida deed execution; real estate conveyances generally require a signed writing with two subscribing witnesses. <https://www.flsenate.gov/Laws/Statutes/2021/689.01>

Fla. Stat. § 732.502: Execution of wills. https://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0732/Sections/0732.502.html

Fla. Stat. § 736.0403: Florida formalities applicable to testamentary aspects of revocable trusts. <https://www.flsenate.gov/Laws/Statutes/2025/0736.0403>

Fla. Stat. § 732.515: Separate writing identifying devisees of tangible personal property. https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0732/Sections/0732.515.html

Fla. Stat. § 732.4015: Devise of homestead. https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0732/Sections/0732.4015.html

Fla. Stat. § 735.201: Summary administration. <https://www.flsenate.gov/Laws/Statutes/2025/0735.201>

Fla. Stat. § 655.82: Pay-on-death accounts. https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0600-0699/0655/Sections/0655.82.html

Fla. Stat. §§ 744.3045 and 744.3046: Preneed guardian declarations for adults and minors. https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0744/Sections/0744.3045.html ; https://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0744/Sections/0744.3046.html

Fla. Stat. § 196.031: Homestead exemption; legal title or beneficial title in equity. <https://flsenate.gov/laws/statutes/2009/196.031>

Fla. Admin. Code r. 12D-7.011: Homestead exemption and trusts. <https://flrules.elaws.us/fac/12D-7.011>

Florida Department of Revenue FAQ: If I put my home into a trust or life estate, will I lose my homestead exemption? <https://floridarevenue.com/faq/Pages/FAQDetails.aspx?FAQID=1636&IsDIg=1>

IRS Retirement Topics – Beneficiary: Beneficiary designation rules and inherited retirement account distribution implications. <https://www.irs.gov/retirement-plans/plan-participant-employee/retirement-topics-beneficiary>

Final reminder

This guide is designed to help clients understand the differences between common Florida planning tools. It is not a recommendation for any specific client, property, trust, deed, or probate strategy. Always confirm title, marital status, homestead status, minor-child issues, beneficiary designations, and current law before acting.