

Florida Personal Representative Checklist

By Ashley Zohar, Tampa Probate Attorney

You are named the personal representative (or executor in other states) and a loved one or family member has just died. No doubt these are difficult times, but thankfully there are many resources for help. The following is a checklist of initial important tasks to help guide you after the funeral or memorial service.

Note: You are not required to accept the Personal Representative duties. Before you can legally act on behalf of the estate you will likely need to secure Letters of Administration issued by a Florida probate court that officially designate you as the legal authority in charge of the estate. Therefore, you should not take action as Personal Representative before you know your duties and what potential claims you may face from estate beneficiaries and creditors.

First Priority Action Items

1. Take possession of all legal records including:
 - a. Original will and all amendments or codicils.

Note: If decedent did not leave a will, the beneficiaries will be determined according to Florida intestate law.

- b. Tangible Personal Property Memorandum or writing indicating instructions for distribution of tangible personal property (such as jewelry, furniture, cars)
2. Take possession of all financial records such as:
 - a. Inventory of assets if available
 - b. Passwords to computer, internet media, or social media
 - c. Checkbooks
 - d. Credit Cards
 - e. Statements from all banks, financial companies, or financial advisors
3. Take possession of all keys or codes to:
 - a. House and other real estate or rental properties
 - b. All vehicles or boats
 - c. Storage room

d. Safe or bank safe deposit box

Note: Do not allow entry to Safe Deposit Box without a witness and prior discussion of arrangements with a Tampa probate attorney.

4. Lock and secure all real estate and household contents
5. Engage probate attorney. Unless the estate is small (roughly under \$6,000) Florida requires you to engage an attorney.
6. Engage CPA or accountant and determine deadlines for filing tax returns
7. Contact decedent's Financial Advisor
8. Order minimum of 10 death certificates (these can usually be obtained through the funeral home) and collect documents on Document Checklist.
9. Calendar important dates: such as deadline for filing decedent's final 1040 tax return, estate income tax return, and if applicable, Form 706 estate tax return.

Note: As Personal Representative you are liable to the IRS for all estate tax matters.

10. Buy a notebook and keep tract of your time and work on behalf of the estate:

Note: Few beneficiaries will appreciate the time and extensive work of the Personal Representative unless they have had to perform these duties themselves. To be fully compensated for your time, you likely will need to account for all your time incurred as PR.

Second Priority Action Items

11. Complete Master Information List: This is an inventory of all the decedent's assets and most importantly how they are titled and what, if any, beneficiary designation. Contact ashley@brownzoharlaw.com for List.
12. Open estate bank account.
13. Set up Quicken/Quickbooks or similar accounting program.

Note: As Personal Representative you must account for all funds received and all funds paid out. If you are not adept and diligent at accounting, hire a bookkeeper or accountant. Remember as Personal Representative you will need to provide a detailed accounting to all beneficiaries for all probate income and expenses. Some expenses will be tax deductible.

14. Deposit Will with the Clerk of Court

Note: Florida law requires that the Will be filed with the Clerk of Court within 10 days of death.

15. Advise Post office to forward mail
16. Cancel utilities, subscriptions
17. Contact homeowner's insurance and keep insurance current
18. If homeowner association, contact and keep payments current
19. Inventory Safe Deposit Box with at least one witness after first consulting with probate attorney.
20. Search records for potential creditors

Note: Do not pay creditors until you have ascertained their legal validity and priority. As Personal Representative you have the duty to contest creditor claims that are not valid and pay claims according to their priority.

21. Keep current payments to legally valid secured creditors.
22. Determine if any Employee Benefits
23. Contact health care providers, such as doctors, hospitals, clinics and determine if they have accepted Medicare assignment for their services. If they have, then they have agreed to accept Medicare and any other insurance payments for their services. Therefore there should be no reason for them to file a claim in the estate for any unpaid portion of their statement. If we have a list of the Medicare providers, we will prepare objections to any claims they file against the estate.
24. Social Security: If the decedent was receiving Social Security, contact (a) the Social Security Administration to inform them of the decedent's death; (b) the bank where the social security check is being deposited directly into to inform them of the decedent's death. The Social Security checks are issued a the first of the month and they are in payment for the previous month. The decedent must have lived the entire month to be entitled to the Social Security check. For example, if the decedent died August 15, and the Social Security check was automatically deposited on September 3, the decedent is not entitled to the September 3 check or any checks thereafter. You must contact the bank and request that they return the check to Social Security. Often the bank does this automatically as a service to customers. If the check is not returned, the Social Security Administration will take steps to collect the check(s).
25. Make a claim for Social Security death benefit if (a) decedent has enough hours worked during his or her lifetime; and is (b) survived by a spouse or dependent

- child. For additional information contact Social Security at 800-772-1213.
26. Determine if any claims for life insurance or veteran death benefits.

This is a short list of initial action items for a person who accepts the duties as Personal Representative. It is not a complete list of tasks. The Personal Representative will only be able to determine all tasks after carefully reviewing the will, if there is one, with a Tampa probate attorney. Attorneys at the **Brown & Zohar Law** have helped many family members navigate the bureaucratic Florida Probate process as the Personal Representative. We are available to help you. Contact us at **(813) 922-5290** or email to Ashley@BrownZoharLaw.com.

Special Note

The information on this letter is of a general nature and is not intended to answer any individual's legal questions. Do not rely on information presented herein to address your individual legal concerns. If you have a legal question about your individual facts and circumstances, you should consult your Tampa probate attorney that is experienced in Florida probate law. Your receipt of information from this website, blog, or Tampa probate attorney does not create an attorney-client relationship and the legal privileges inherent therein.