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FREQUENTLY ASKED QUESTIONS ON PROBATE IN FLORIDA – PART 5

1. WHO CAN BE A PERSONAL REPRESENTATIVE?

The personal representative can be an individual, or a bank or trust company, subject to certain restrictions. To qualify to serve as a personal representative, an individual must be either a Florida resident or, regardless of residence, a spouse, sibling, parent, child, or other close relative of the decedent. An individual who is not a legal resident of Florida, and who is not closely related to the decedent, cannot serve as a personal representative. A trust company incorporated under the laws of Florida, or a bank or savings and loan authorized and qualified to exercise fiduciary powers in Florida, can also serve as the personal representative.

2. WHO WILL THE COURT APPOINT TO SERVE AS PERSONAL REPRESENTATIVE?

If the decedent had a valid will, the judge will appoint the person or institution named by the decedent in his or her will to serve as personal representative, as long as the named person or bank or trust company is legally qualified to serve.

If the decedent did not have a valid will, the surviving spouse has the first right to be appointed by the judge to serve as personal representative. If the decedent was not married at his or her death, or if the decedent's surviving spouse declines to serve, the person or institution selected by a majority in interest of the decedent's heirs will have the second right to be appointed as personal representative. If the heirs cannot agree among themselves, the judge will appoint a personal representative after a hearing is held for that purpose.

Probate is a very particular area of law; having an attorney experienced in practicing probate is invaluable. At the Law Office of Imani Boykin, P.A., we are here to counsel and advise personal representatives when faced with the numerous duties and responsibilities that arise in probate administration.

Our knowledgeable attorneys and staff at the Law Office of Imani Boykin, P.A. can help you with your loved one's affairs and make the probate process easy for you during a difficult time.

The material in this legal blog represents general legal advice and does not constitute the existence of a lawyer-client relationship. It is always best to consult an attorney about your legal rights and responsibilities in your particular case. Contact the Law Office of Imani Boykin, P.A.

to schedule a consultation so that we can assess whether we can represent you in your legal matter.