ESTATE & ELDER LAW COUNSEL, P.A.

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FREE GUIDE

What to do when a loved one dies: the Florida survivor's checklist

The first seven days, the first month, and the things that can wait, from the checklist our firm hands families across the table.

ESTATE & ELDER LAW COUNSEL, P.A. · BOARD CERTIFIED ELDER LAW ATTORNEYS · ORLANDO, FLORIDA

REVIEWED FOR ACCURACY AS OF AUGUST 31, 2026 · SE HABLA ESPAÑOL.

Reviewed against Florida law on August 31, 2026. This list is influenced by Florida law and is by no means exhaustive. Agency phone numbers, forms and figures change, so confirm anything time sensitive with the agency itself.

KEY TAKEAWAYS

- In Florida, whoever holds the original will must deposit it with the clerk of court within 10 days of learning of the death, even if no probate is ever opened.
- There is no deadline to open probate, so nothing has to be settled in the first week. Secure the property, find the documents, and take the time you need.
- Family and friends are not personally responsible for a loved one's debts unless they co-signed. Pay the household bills, not the debts in your loved one's name alone.
- Order both short-form and long-form death certificates. Life insurance companies usually require the long form.
- Not every estate needs a full probate. Beneficiary designations, joint accounts and funded trusts pass outside of it.

This is a list to help you, or someone you know, function in the wake of losing a loved one. There are situations and details no list can foresee. What follows should give you your footing on the basic things that will need to be handled, in roughly the order they tend to matter.

The loss of a loved one is a stressful and heartbreaking time. If we can help you or your family in any way, please let us know.

As soon as possible, within the first seven days

- [ ] Arrange for organ donation if that was your loved one's wish. Check their driver license and their health care surrogate document if you are not sure. Time matters here, so tell the medical staff right away.
- [ ] Call the funeral home, the mortuary or the medical school to arrange transportation.
- [ ] Look through your loved one's papers for a prepaid burial plan if you do not already know of one.
- [ ] Notify immediate family and close friends. An address book or an email list will carry you further than memory will.
- [ ] Arrange care for the people your loved one was caring for, especially minor or dependent children.
- [ ] Arrange care for any pets.

Securing the home and the property

- [ ] Secure the property if no one will be staying there for the time being.
- [ ] Have someone pick up the mail until you can have it forwarded.
- [ ] Cancel or suspend newspapers and any daily deliveries.
- [ ] Look for anything dangerous on the property: leaks, rodents, an unsecured pool, firearms, medications.
- [ ] Make sure vehicles are parked somewhere secure and legal, with no food left inside.

Find the will, and know Florida's ten day rule

Ten days, even if you never open a probate

If you find an original Last Will and Testament, Florida requires the person holding it to deposit it with the clerk of court in the county where your loved one lived within 10 days of learning of the death. This is true even if no probate estate will ever be opened. Make a copy for yourself before you hand over the original, and check their computer and files in case a scanned copy already exists.

The documents to look for

- [ ] The Last Will and Testament, and any trust documents.
- [ ] Social Security card, driver license and other identification.
- [ ] Birth certificate, marriage certificate and any divorce decree.
- [ ] Insurance policies of every kind. Contact the life insurance company early; some will work with the funeral home to help cover expenses.
- [ ] Deeds and titles to real property, and vehicle titles and registrations.
- [ ] Stock certificates and investment or brokerage statements.
- [ ] DD-214 discharge paperwork if your loved one served. Many funeral homes provide a commemorative flag in a presentation case once you can show the service record.
- [ ] Recent income tax returns and W-2 forms.
- [ ] Loan paperwork: the mortgage, auto loans, student loans.
- [ ] Monthly bills, checkbooks and credit cards, including any statements showing airline miles or points.
- [ ] Safe deposit box information, including where the key is.
- [ ] Anything else that looks important. Better to have it and not need it.

Arrangements, and the part no one warns you about

- [ ] Make the funeral, memorial or celebration of life arrangements.
- [ ] Submit the obituary to your local paper and to papers where your loved one had strong ties, whether that is where they grew up or where they spent their winters. Include the service details, any flower or donation requests, and any memorial page.
- [ ] Decide whether you want a gathering after the service, and ask friends and family to help with the location and the food.
- [ ] Do not let anyone begin removing items from the property until the will has been located and a personal representative, Florida's term for an executor, has been identified.

Stop and breathe

It can feel as though everything has to happen immediately. It does not. Take the time you need to celebrate your loved one's life. And be prepared: as you work through the papers, the boxes, the emails and the bank statements, you will likely learn things you never knew. Good things, hard things, and everything in between. It happens no matter how well you thought you knew someone, and the research can wait until the responsibilities are handled.

Within the first month

This is when you prepare to settle the estate, not when you settle it. Florida sets no deadline for opening a probate. There are expenses that have to be handled, funeral costs among them, and it is worth sitting down with a probate attorney simply to be sure everything is being done properly. That can be a single consultation. Once the rest of this section is done, you can decide whether probate is actually needed at all. One exception is worth knowing: if there is any chance of a fight over who serves as personal representative, moving early on letters of administration matters.

Death certificates

Order these through the funeral home. Florida issues both a short form and a long form; the long form includes the cause of death and is usually what a life insurance company wants with a claim. Many companies now accept a digital copy, though it is worth asking each one. A good starting point is two or three long forms if there are life insurance policies, and four or five short forms for everything else. You can always order more.

Who to notify

- [ ] Cancel the driver license, which helps prevent identity theft. In Florida, the Department of Highway Safety and Motor Vehicles handles this through its local service centers.
- [ ] Notify the county supervisor of elections so the voter registration is closed.
- [ ] Contact Social Security. The funeral home sometimes does this, so confirm rather than assume. A one-time lump-sum death payment of $255 may be available to a surviving spouse, or in some cases to an eligible child.
- [ ] If your loved one was a service member, contact the Department of Veterans Affairs about memorial and burial benefits and about survivor or dependent benefits.
- [ ] Cancel upcoming appointments, trips and events. If a trip was prepaid, ask about a refund.

Bills, credit and bank accounts

- [ ] List every monthly bill, marking which are in your loved one's name alone and which are joint. Go through the mail, the email and the bank statements so nothing is missed.
- [ ] Call the credit card companies, report the death, and ask for a freeze. Accounts in your loved one's name alone cannot be used after death. Joint accounts can still be used.
- [ ] Notify all three credit reporting agencies, Experian, Equifax and TransUnion, and ask that the file be flagged "Deceased. Do Not Issue Credit" to prevent identity theft.
- [ ] Pay what keeps the household running, the utilities and jointly owned accounts, but do not agree to or schedule payment on any debt in your loved one's name alone.
- [ ] Contact every bank, including online-only banks, and ask whether accounts carry a pay on death or transfer on death beneficiary. Some banks will close a joint account and reopen it in the survivor's name once they see the death certificate.

You are not personally responsible for your loved one's debts

Debts are paid out of the estate, and only to the extent the estate has assets to pay them. Family members and friends are not personally responsible unless they co-signed or jointly owned the debt. Some collection agencies count on families not knowing this. Give them the personal representative's contact information, tell them not to contact you again, and they are required to stop.

Housing, employment and a business

- [ ] Clean out the home if no family will be staying there. Clear perishables, and consider donating what is still good to a food bank. Dispose of unused medications properly; in Florida the local sheriff's office will take them with no questions asked. Remove the garbage, and consider light timers so the house still looks lived in.
- [ ] If your loved one was renting or living in an adult or assisted living community, read the agreement for notice requirements and move-out obligations, and find out whether a refund or security deposit is owed to the estate.
- [ ] If your loved one was employed, ask the employer about accrued vacation or sick pay, an employer-paid death benefit, a final paycheck or outstanding commission, and retirement account details.
- [ ] If your loved one owned a business, contact the partners or co-owners about a succession plan, gather the articles of incorporation, stock certificates and tax records, and talk with the attorney who helped create the business.
- [ ] Take another breath here. There is a lot to do, which is exactly why you ask trusted friends and family to carry some of it. If you need a day to unplug, take it.

To be done later

- [ ] Cancel memberships in fraternities, sororities and professional organizations.
- [ ] Notify your loved one's alma mater.
- [ ] Close online accounts, including social media and email lists.
- [ ] Cancel magazines and subscription services.
- [ ] Make sure your own estate plan is complete and up to date.

What should we do after somebody dies?

This is the question families ask us most, and the answer is usually smaller than they fear. Probate is the court process that transfers assets your loved one owned in their own name alone, with no surviving co-owner and no named beneficiary. Everything else moves on its own paperwork.

Assets that usually pass without probate:

- Life insurance, retirement accounts, annuities and any account with a named beneficiary, or a pay on death or transfer on death designation.

- Accounts and real property held jointly with rights of survivorship, and property a married couple owned as tenants by the entireties.
- Anything titled in the name of a funded revocable living trust, which the successor trustee administers without the court.
- Homestead property, which passes under Florida's constitutional rules, though the court still has to confirm its status.

What is left decides which road you take. Florida's short track, summary administration, is available when the estate subject to administration, less property exempt from creditors' claims, does not exceed $150,000, or when the death was more than two years ago. Formal administration appoints a personal representative, runs a creditor period with a three month floor, and usually takes six to twelve months. Bring us the will, the death certificate and a rough list of what your loved one owned, and we will tell you which one you are looking at before you commit to anything.

Questions families ask

How soon do we have to open probate?

There is no deadline. Florida does not require a probate to be opened within any particular time after a death, and the first weeks are not the time to settle an estate. The one clock that does run is the will: whoever holds the original must deposit it with the clerk of court within 10 days of learning of the death. Move faster on the estate itself only if there is a chance of a dispute over who serves as personal representative, or if a business or a property needs someone with legal authority right now.

A collection agency is calling me about my mother's credit card. Do I have to pay it?

Not out of your own pocket. Her debts are paid from her estate, and only to the extent the estate has assets. You are personally responsible only for a debt you co-signed or jointly owned. Give the caller the personal representative's contact information and tell them, in writing if you can, to stop contacting you. Federal law requires them to stop.

Everything had a beneficiary named. Do we still need a probate?

Often not, and that is a good outcome. If every account carried a beneficiary, the home was held jointly or in a funded trust, and there is nothing titled in your loved one's name alone, there may be nothing for the court to transfer. It is still worth a single consultation to be sure, because one forgotten bank account or one car title can put you back in front of a judge.

We cannot find the will. What now?

Keep looking, in the places people actually use: a home safe, a filing cabinet, a safe deposit box, the drafting attorney's office, and the clerk of court, since some people deposit a will during their lifetime. If no will is ever found, Florida's intestacy statutes decide who inherits and the court appoints the personal representative. Bring us what you have found and we will tell you what the search still owes you.

Can we do all of this in Spanish?

Yes. Our team is bilingual, and the meetings, the calls and the walk through of every document can happen entirely in Spanish. Court filings and hearings are in English, and we prepare you for what will be said.

You do not have to figure out the next step alone

The 30-minute phone consultation is free, in English or in Spanish. Bring the will, the death certificate and a rough list of what your loved one owned, and call (407) 610-5595. We will tell you plainly whether a probate is needed and what it involves before you commit to anything. This guide is general information about Florida law, not legal advice.

BOOK YOUR FREE CONSULTATION

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SOURCES

1. Fla. Stat. s. 732.901, production of wills: the custodian must deposit the will with the clerk within 10 days: https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0732/Sections/0732.901.html
2. Fla. Stat. s. 735.201, when summary administration is available: https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0735/Sections/0735.201.html
3. Fla. Stat. s. 733.702, the time limit for filing claims against an estate: https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0733/Sections/0733.702.html
4. Fla. Stat. s. 733.6171, presumed reasonable compensation for the attorney for the personal representative: https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0733/Sections/0733.6171.html
5. Social Security Administration, survivors benefits and the one-time lump-sum death payment of $255: https://www.ssa.gov/survivor
6. Florida Department of Highway Safety and Motor Vehicles, service center locations: https://www.flhsmv.gov/locations/
7. Florida Division of Elections, county supervisors of elections directory: https://dos.fl.gov/elections/contacts/supervisor-of-elections/
8. U.S. Department of Veterans Affairs, burial and memorial benefits for survivors: https://www.va.gov/burials-memorials/
9. Federal Trade Commission, debts and deceased relatives: who is and is not responsible: https://consumer.ftc.gov/articles/debts-and-deceased-relatives
10. Consumer Financial Protection Bureau, how to notify the credit bureaus of a death: https://www.consumerfinance.gov/ask-cfpb/a-family-member-of-mine-has-died-how-do-i-notify-the-credit-bureaus-en-1379/