

# ESTATE PLANNING IN FLORIDA: MAIN ISSUES MOST PLANS FOCUS ON

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Small Number of Important Issues*



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In this second of our two discussions on estate planning, we are going to take a look at some of the main issues that most estate plans focus on. While no two estate plans will ever be identical, and all must be made to meet the individual circumstances of the people creating them, most plans center around a small number of important issues. To help you better understand what these issues are and why they matter, we are going to discuss some key estate planning ideas.

## **PROBATE AND YOUR ESTATE**



When you talk about estate planning, the legal foundation on which you must build your plan is known as probate. Probate law, or the probate code, is a collection of rules and requirements that applies to the property left behind by a deceased person. This property, known as your estate, will have to be distributed to new owners in accordance with the probate laws of the state in which the property is located.

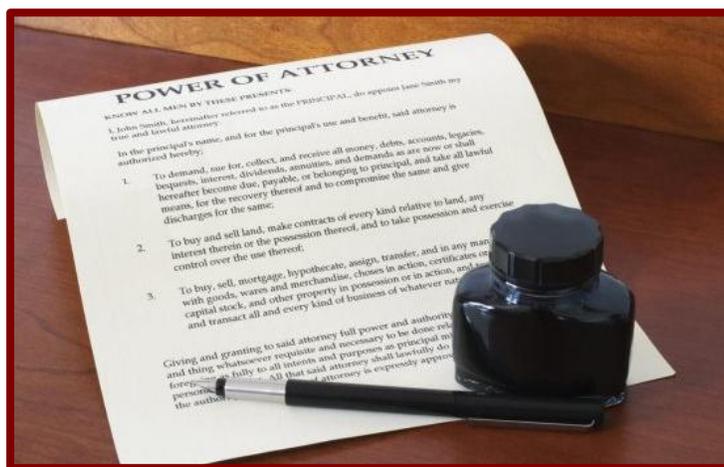
So, to properly craft an estate plan, you have to have an intimate knowledge of what the probate laws of your state require. For example, probate laws require that a probate court review your last will and testament. If the court determines that your will meets the legal standards of the state, it will use that will to distribute your estate property.

However, should the probate court determine that your will fails to meet legal requirements of the state, it will declare your will to be invalid. This will mean that the choices you expressed in the document will have no effect over how your estate property will be distributed. Instead, the pre-existing probate inheritance

laws that your state has adopted will distribute your property to already identified legal heirs.

## **REPRESENTATIVES AND POWERS OF ATTORNEY**

Another key part of estate planning is choosing representatives who will act on your behalf for who will represent your estate after you are gone. When you create a last will and testament, for example, you get to choose who will serve as the



executor of your estate. The executor is the person who will manage your estate throughout the probate process and ensure your wishes are followed.

Yet you can also have representatives while you are still alive. Powers of attorney are legal documents that allow you to choose representatives who can make decisions on your behalf and represent your interests while you are a mentally capable adult. By delegating your decision-making responsibility to one or more agents through a power of attorney, you can ensure that others will be around to protect your interests when you are not able to, or when you simply need their assistance.

For example, you can use powers of attorney to ensure that a representative will speak to your doctors on your behalf should you become incapacitated. You can also use powers of attorney to appoint an agent to manage your business or personal affairs while you are away on vacation.

## TRUSTS



Another key part of creating an estate plan is deciding whether you can use one or more trusts to help you accomplish your goals. A trust is a kind of legal entity that can own property.

Depending on the type of trust you create, you can use the trust to minimize probate, ensure that

minors receive an inheritance at an appropriate time, or even reduce or eliminate the amount of taxes your estate might have to pay. Because there are so many types of trusts available, determining the kind of trust that you might be able to benefit from takes the advice and guidance of an experienced lawyer.

## YOUR PLAN

Regardless of what you read, what you hear from your friends, or anything else you might learn about estate planning, there is no substitute for receiving the advice and guidance of a qualified attorney if creating an estate plan is something you want to do. Only by crafting a plan that is individually tailored to meet each of your goals and needs can you be sure that you will have a plan that affords you as much protection as possible.

Further, you can only secure these protections if you state your wishes in a legally recognized estate planning method. Failing to create a plan means that you give others the right to answer vitally important questions for you. If you have yet to

begin an estate plan, have questions, or simply need more information, please contact us as soon as possible.

## About the Author



### Robert J Kulas

Robert is the founder and principal shareholder in the Port St. Lucie and Vero Beach law offices of Robert J. Kulas, P.A. Because he believes that helping his clients manage their personal affairs wisely is one of the most worthwhile professional activities he can pursue, he has devoted his practice exclusively to estate planning.

Robert has invested considerable time and energy helping to educate others in estate planning and is widely regarded as a dynamic speaker who can make even the most complex estate planning issues easy to grasp. He provides free monthly seminars to inform the public on the importance of proper estate planning. Over the past twenty years, thousands of people have come to hear him speak. "Helping people understand their options for estate planning is very important to me," Robert said. "I like to think that people in our community can look to me for the kind of quality information they need to decide what is best for them and their families."

## About Robert J. Kulas, P.A. Attorneys at Law

Robert J. Kulas, P.A. Attorneys at Law is a full service estate planning and wealth preservation law firm servicing Port St. Lucie and Vero Beach, Florida.

The firm is dedicated to providing you with quality estate planning resources, so you can become familiar with all of the existing options. When you visit or call the office, we want you to feel comfortable discussing such an important issue concerning both you and your family. We want to arm you with the information you need to make an informed decision about your family's future.



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