

# FLORIDA PETS PLANNING PART 1 OF 2

*“If you are a pet owner living in Florida, taking the time to create tools that will protect your beloved animal companion is absolutely essential when you develop your estate plan.”*



**ROBERT J. KULAS**

FLORIDA ESTATE AND MEDICAID PLANNING ATTORNEY



If you are a pet owner living in Florida, taking the time to create tools that will protect your beloved animal companion is absolutely essential when you develop your estate plan. A lot of people who create an estate plan don't initially think they need to create special tools to protect their animals, but they do. Who will care for your pet after you're gone? Who will pay for its food, veterinary care, and other financial needs? A pet plan allows you to answer each of these questions, and more.

Today we are going to look at pet planning in Florida by looking at some foundational issues you should understand. In our next discussion on the topic, we'll turn our attention towards more practical concerns.

## **PET NEEDS**

Your animals rely on you for companionship, love, and care. But what happens when you are no longer there to provide that for them? What can you, as a pet owner, do to ensure that your animals will be cared for no matter what happens to you in the future?



Pet plans allow you to be secure in the knowledge that your pets will be cared for in the event that you become incapacitated or die. Like other parts of an estate plan, each element of your pet plan must be made in accordance with specific laws. Further, you can only create a pet plan while you are mentally capable. Should you wait too long and lose your ability to make choices, you can no longer make a pet plan.

## **PET INHERITANCES**

When people realize that they need to protect their pet through their estate plans, they often ask us about leaving their pets inheritances. After all, this seems like perfectly simple solution to the problem. Since you're already making an estate plan, why not, for example, simply leave your pets inheritances through your last will and testament?



Why this sounds like a good idea, it's not legally feasible. An animal cannot own property under the law. So, if you decide to leave your pet an inheritance, a court will not honor that inheritance decision when it comes time to distribute your property. Instead, the property you intended to transfer to your pet will likely transfer to your next of kin, or to someone you designate in your will.

## PET TRUSTS

So, if you cannot transfer property directly to your pet by leaving the pet an inheritance, what can you do? The answer to this question lies with the pet trust. A pet trust, like other forms of trusts, is a type of legal entity you can create. The



trust can, like a corporation, own property independently of the person(s) who creates it, as well as survive that person's death.

So, when you create a pet trust, you create a legal entity that can own property. This means it can receive an inheritance from

you. When you create the trust you get to determine the rules under which it operates, as well as choose what property you want the trust to own. This effectively allows you to leave property to the trust, but direct the trust to only use that property to provide for your pet.

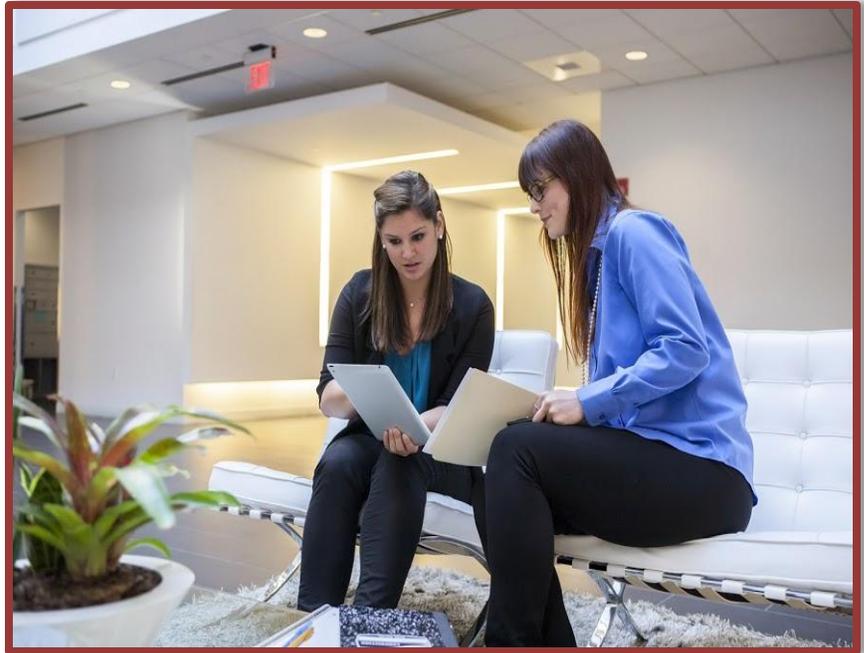
We'll discuss more of the details of creating and using a pet trust in our next discussion, but for now, you should understand that there are specific requirements and limitations when it comes to creating and using a pet trust in Florida. This is why you need to consult your estate planning attorney if you want to consider using a pet trust to protect your animals.

## PET PLANS

Protecting those who rely upon you, be they spouses, children, grandchildren, or even your pets, is something that estate planning allows you to do. When you look to the future and make choices about what you want to happen, you want to be sure that your plan includes tools that allow you to provide as many protections as possible to those you love. As such, creating a pet plan is an essential step in creating a comprehensive plan.

A good pet plan is something that needs to work in conjunction with the other estate planning tools you create. Whether

you've already created a plan and want to incorporate pet planning tools into it, have a pet plan you need to modify, or have yet to begin the estate and pet planning process, call us as soon as possible so we can help you develop the tools that protect your animal companion.



## 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.



East Lake Professional Center  
2100 SE Hillmoor Drive, Suite 105  
Port St. Lucie, FL 34952  
Phone: (772) 398-0720

Univest Building  
2770 Indian River Blvd., Suite 321  
Vero Beach, FL 32960  
Phone: (772) 778-8481