

## Frequently Asked Questions FAQs

### ***How many death certificates do I need?***

Florida has 2 types of death certificates: the "Long Form," which includes the cause of death, and the "Short Form," which does not show the cause of death. Any death certificate filed in the public records of the State of Florida cannot, by law, contain the cause of death. These can be ordered through the funeral home or from the Health Department of the county where the decedent died. You will need copies of the death certificate for:

- Requesting payouts from insurance agencies (one long form for each policy)
- Filing final tax returns
- Transferring human remains
- Retirement plans
- Military benefits
- Pensions
- Transferring titles between owners
- Financial accounts

You will need from 8 to 9 death certificates for a simple estate to maybe 20 for a large estate. So, I would suggest you get 10 copies of the short form and 10 copies of the long form.

### ***Do You Need an Attorney?***

The death of an individual in Florida automatically creates a legal entity called an **estate** that contains the individual's assets and debt responsibilities. **Probate** is the process through which an estate is settled with the decedent's beneficiaries and creditors. Through probate, a deceased person's assets are distributed to the heirs of his or her estate under court supervision. Probate also involves paying a decedent's outstanding taxes and debts. The Florida Probate Code contains detailed instructions for the probate process, and in virtually all Florida probate cases, the **personal representative**, or executor, of the decedent's estate is required to have attorney representation. Depending on the circumstances, the probate process can be quick and straightforward or long and drawn out. A simple estate with a clear, uncontested will can go through probate in a matter of weeks. But many issues can complicate probate, such as the lack of a will, a challenge to the will's validity or meaning, creditor claims, or a surviving spouse's rights.

### ***What happens to the Power of Attorney when someone dies?***

In Florida, like in all states, the power of attorney ends when the principal/grantor dies. A durable power of attorney is a useful document that gives your agent the power to help manage someone's legal and financial affairs during their lifetimes. When the principal/grantor dies, the power of attorney ends.

## ***Should you get a financial advisor?***

While you are not required to hire a financial advisor or planner, in most cases it's a smart move. Having a financial expert on your team can help you uncover investments you might not know about, maximize the assets that will go to beneficiaries, and offer insights about the best way to minimize the taxes paid on transferred retirement savings. A financial advisor can also help you avoid costly mistakes that could land you — as an executor with a fiduciary duty — in legal trouble.

*Note: Keep in mind that to share information with you, many financial institutions will require you to provide a copy of the deceased's death certificate or documentation indicating that you have the legal right to obtain this information.*

The cost of the financial advisor should be paid from estate assets, not your pocket. If the deceased had a lot of savings and investments and some beneficiaries would rather hold onto investments than cash out, a financial advisor can also be a big help. For example, they can help you use date-of-death or alternate-date valuation on stocks to cut taxes, meet IRS requirements on inherited IRA's, garner tax advantages for decades to come on inherited IRAs, and ensure fair "after-tax" distributions to beneficiaries

Dealing with the financial portion of the executor job can be confusing and require expertise that most people simply do not have. If you're uncertain and need help, don't feel badly about reaching out to a financial pro for advice. In fact, as executor, you have a fiduciary responsibility to effectively manage estate assets and minimize expenses, including taxes, so it's your job to make wise financial decisions.

## ***Do you need an accountant?***

Bringing an accountant into the mix when working as an executor or executrix can simplify your job, help ensure the estate monies are handled properly, and minimize liability. An accountant can manage the deceased's accounts while the estate is being closed, pay bills, oversee selling of any goods, deposit any refunds or over payments, etc. The accountant also can handle final income tax returns for the deceased, as well as the estate tax return. Even for someone comfortable doing their own taxes, these filings can be puzzling. Depending on the state where taxes will be filed, taxation of an estate can vary. In short, it can be confusing and risky to try to handle these matters on your own. If done incorrectly, costly government fines could be assessed and money wasted.

It's important to remember that taxes might need to be filed for two years, not one. If the person dies early in a year, the chances are high that he or she will not have filed their taxes for the previous year yet. In that scenario, the filing process is significantly more complicated, and an accountant becomes even more important in the process.

When considering who to hire, make sure to check to see if they are a certified public accountant. Ask if they frequently handle estate matters. You also might want to consider the general nature of the accountant. Is he or she open to answering questions and do they do so in a way that is clear and understandable? Finally, you will want to check on rates and fees for handling taxes and any accounts. Don't hesitate to check with other accountants to compare rates. You obviously want a skilled accountant, but as executor you also have a fiduciary responsibility to make sure the deceased's money is spent wisely.