

Florida Small Estate Route Finder (2026)

Work out which Florida option fits: summary administration, disposition without administration, the bank affidavit or the tax refund route

Florida has no general small estate affidavit. Answer the questions below in order and write your figures on the lines. Thresholds reflect Chapter 2026-57 (CS/HB 1337), effective July 1, 2026. Full guide and sources: clearlegaltips.com/florida-small-estate-affidavit/

The five routes and their 2026 limits

Route	Statute	Limit (from July 1, 2026)	Court?
Summary administration	Fla. Stat. 735.201	\$150,000 after exempt property (was \$75,000), or any size if death was more than 2 years ago	Petition and court order
Disposition without administration, no will	735.304	Personal property only: exempt property + up to \$20,000 (was \$10,000) + funeral and last-60-day medical costs; death more than 1 year ago	Affidavit filed with the court; court letter
Disposition without administration, final expenses	735.301	Personal property only: exempt property + personal property no greater than funeral and last-60-day medical costs	Informal application; court letter
Bank affidavit	735.303	\$2,000 (was \$1,000) in sole-name accounts with no payable-on-death or survivor designation; 6 months after death	None; sworn affidavit to the institution
Federal tax refund	735.302	Up to \$5,000 (was \$2,500)	None; verified application

Step 1: Set aside what does not count

Protected homestead (not an estate asset under 733.608; not counted),
description: _____

Household furniture, furnishings and appliances claimed as exempt property (up to \$20,000 net value, 732.402) (\$): _____

Up to two regularly used motor vehicles claimed as exempt property (732.402),
description: _____

Assets that may pass outside the estate by beneficiary designation, survivorship or payable-on-death (check each account's paperwork),
list: _____

Step 2: Total the rest

Bank and credit union accounts in the person's sole name with no payable-on-death designation (\$): _____

Other non-exempt Florida assets subject to administration (\$): _____

Total estate subject to administration, less exempt property (\$): _____

Date of death: _____

Did the person leave a will? (yes / no): _____

Preferred funeral expenses plus reasonable medical and hospital costs of the last 60 days of illness (\$): _____

Step 3: Find your route

☐ Only qualified bank accounts, totaling \$2,000 or less across every financial institution you know of, 6 months have passed since death, and you know of no will: bank affidavit (735.303).

☐ Only a federal income tax refund of \$5,000 or less, spouse (or a child designated by all children over 14) applying, debts paid or provided for, no administration planned: tax refund route (735.302).

☐ Personal property only: exempt property plus personal property worth no more than funeral and last-60-day medical costs: disposition without administration for final expenses (735.301).

☐ No will, death more than 1 year ago, no administration pending, and only personal property (exempt property plus up to \$20,000 plus funeral and last-60-day medical costs): disposition without administration (735.304).

☐ Will does not direct administration as required by chapter 733, and the Step 2 total is \$150,000 or less (or death was more than 2 years ago): summary administration (735.201).

☐ None of the above: formal administration with a court-appointed personal representative.

Route that fits: _____

County clerk of the circuit court and phone number: _____

INSTRUCTIONS FOR USE

Figures checked against Florida Statutes chapter 735 (2026), sections 732.402, 731.201 and 733.608, and the Florida Senate summary and enrolled text of CS/HB 1337 in October 2026. Laws change, so confirm current amounts before filing. This worksheet is general information, not legal advice; for advice on your situation, consult a licensed Florida attorney. Maintained guide: clearlegaltips.com/florida-small-estate-affidavit/