

LEGALDRAFT

Florida Last Will & Testament

The Master Instrument · Complete Fillable Kit

Written to Fla. Stat. §§ 732.502, 732.503, 732.515, 733.612

LegalDraft™ · Florida template by LegalDraft Technologies LLC

A complete Florida Last Will & Testament at full drafting depth — family and definitions articles, tangible-property and separate-writing mechanics, specific gifts, homestead, residuary plans you elect by initials, trusts for young beneficiaries, a full personal-representative powers article, guardianship nomination, digital assets, and the statutory self-proving affidavit. Open in Adobe Acrobat Reader; complete the Information Schedule once — your entries flow through the instrument automatically; then print, sign, and witness exactly as the guides describe.

Florida execution: the testator signs at the END of the will in the presence of TWO attesting witnesses, and the witnesses sign in the presence of the testator and of each other (Fla. Stat. § 732.502). The self-proving affidavit before a notary (§ 732.503) lets the will be admitted without locating witnesses later.

LegalDraft™, a LegalDraft Technologies LLC publication, is AI-assisted document-preparation software, not a law firm, and does not provide legal advice. This kit records the answers and choices YOU supply — the questionnaire asks, you decide, the template records your decisions; the software did not choose any term for you. Nothing here applies the law to your specific situation or reviews your entries for legal sufficiency, and no attorney has reviewed your entries. The platform's built-in Opposing Counsel

Pass™ is an automated, adversarial AI review, not a review by a lawyer. Your purchase or use of this kit does not create an attorney-client relationship. For advice about your circumstances, consult a licensed Florida attorney.

This cover is an informational page and is not part of the signed document, schedules, worksheets, or signature pages.



Start Here

The complete Florida Will packet — the master instrument, the separate-writing list for tangible items, execution pages, and guides. Nothing on the instrument pages advertises anything; what you sign is clean.

01 Complete the Information Schedule

Every blank in the Will fills from the Schedule automatically. Enter your facts once; review everywhere they appear.

02 Read the whole Will

This is the locked master text — the wording is complete attorney-grade drafting, and only your facts are fillable. Read every article; initial the option you choose in Article VII.

03 Print single-sided and execute

Florida's formalities are strict: YOU sign at the end while two witnesses watch, and the witnesses sign while you and the other witness watch — everyone present together. § 732.502, Fla. Stat.

04 Complete the self-proving affidavit

Before a notary, on the same occasion — it lets the court admit the Will without hunting down your witnesses years from now. § 732.503, Fla. Stat.

05 Store the ORIGINAL safely

Florida probate wants the original, not a copy. The Storage page tells you where and who should know.

Information Schedule

Complete these fields once — your entries flow into the rest of the packet automatically.

Complete every field that applies. Your entries flow automatically into the Will's articles and the execution pages wherever the same field appears. Fields left blank remain blank in the instrument — review the finished document to confirm it says exactly what you want.

YOU (THE TESTATOR)

Full legal name _____

County of residence (Florida) _____ Marital status _____

Spouse's full legal name (if married) _____

Children (full legal names and birth years — include ALL children, living or deceased, of every marriage or relationship)

YOUR PERSONAL REPRESENTATIVE (EXECUTOR)

Primary personal representative — name _____

Primary — relationship to you _____

First successor — name _____

Second successor — name _____

GUARDIAN FOR MINOR CHILDREN (IF ANY)

Primary guardian — name _____

Alternate guardian — name _____

SPECIFIC GIFTS (OPTIONAL — UP TO THREE; MORE FIT ON A SIGNED § 732.5)

Gift 1 — description of property _____

Gift 1 — to (full name) _____ ...or if they do not survive, to _____

Gift 2 — description of property _____

Gift 2 — to (full name) _____ ...or if they do not survive, to _____

Gift 3 — description of property _____

Gift 3 — to (full name) _____ ...or if they do not survive, to _____

CHARITABLE GIFTS (OPTIONAL — SUMS OF MONEY TO ORGANIZATIONS)

Charity 1 — organization name and city/state _____

Charity 1 — dollar amount (words or figures) _____ purpose (blank = general purposes) _____

Charity 2 — organization name and city/state _____

Charity 2 — dollar amount (words or figures) _____ purpose (blank = general purposes) _____

RESIDUARY ESTATE (EVERYTHING NOT OTHERWISE GIVEN)

Choose ONE primary plan in Article VII by initialing it in the instrument. Name the takers here:

Primary residuary beneficiary(ies) _____

Alternate residuary beneficiary(ies) _____

If you have a revocable living trust and choose PLAN D (pour-over) — exact trust name and date _____

Age at which a young beneficiary takes outright (commonly 25 or 30) _____

Last Will and Testament

of

I, the person named above (my “Testator” name being set out in the Information Schedule and on the signature page of this instrument), a resident of the county of Florida identified in the Information Schedule, being of sound mind and disposing memory and over the age of eighteen years, do make, publish, and declare this to be my Last Will and Testament (this “Will”), and I revoke all wills and codicils previously made by me.

ARTICLE I — FAMILY

My marital status, my spouse (if any), and my children are identified in the Information Schedule, which I incorporate by reference for identification. References in this Will to “my spouse” mean the person so identified, and only for so long as we remain married to each other at my death. References to “my children” mean every child identified in the Schedule together with any child of mine born or adopted after the date of this Will; the omission of any afterborn or adopted child from the Schedule is not intentional, and such child shall take as provided by this Will as though listed. If I have intentionally omitted any person, that omission is stated expressly in Article XIV and nowhere else.

Initials _____

ARTICLE II — DEFINITIONS AND RULES OF CONSTRUCTION

2.1 Descendants. “Descendants” means all naturally born and legally adopted descendants of every generation of the person indicated. A person adopted before reaching the age of majority is a descendant of the adopting parent; adoption-related questions are resolved as provided by the Florida Probate Code.

2.2 Per stirpes. A disposition to a person’s descendants “per stirpes” divides the property into as many equal shares as there are then-living children of that person and deceased children who left then-living descendants; each deceased child’s share passes in the same manner to that child’s descendants, by right of representation. If, for example, a distribution is to be made per stirpes to a specified person who is deceased but survived by children, the share that person would have received if living is divided equally among that person’s children; and a deceased child’s share is in turn divided equally among that child’s children, so that each line of descent receives by representation the share its deceased ancestor would have received if living.

2.3 Survivorship. No beneficiary shall be deemed to have survived me unless that beneficiary survives me by forty-five (45) days. Any beneficiary failing to so survive shall be treated as having predeceased me for every purpose of this Will. This condition supplements, and where inconsistent supersedes to the extent Florida law permits, the Simultaneous Death Law, s. 732.601, Fla. Stat.

2.4 Fiduciaries. “My personal representative” means the person or persons from time to time serving under Article X, and includes any successor; any reference to my personal representative, whether in the singular or plural, is intended to refer to the person or persons to whom letters of administration are granted after my death, with the intention that any and all powers granted to such fiduciary shall be appurtenant to the fiduciary office. Words of one gender include every gender; the singular includes the plural and the reverse, as context requires. Article captions are for convenience and do not limit the text.

ARTICLE III — PAYMENT OF EXPENSES, DEBTS, AND TAXES

3.1 Expenses and enforceable debts. I direct my personal representative to pay the expenses of my funeral and burial or cremation, the expenses of administering my estate, and my enforceable debts, at the times and in the manner my personal representative determines advisable, without reviving any debt barred by limitation and without paying any claim my personal representative determines is not legally enforceable.

3.2 Death taxes. All estate, inheritance, and other death taxes (together with interest and penalties, if any) imposed by reason of my death upon property passing under this Will shall be apportioned and paid as provided by s. 733.817, Fla. Stat., except as this Will expressly directs otherwise. My personal representative may make any tax election available under federal or Florida law — including elections affecting the marital deduction and the deceased spousal unused exclusion — that my personal representative determines to be in the best interests of my estate and its beneficiaries, and no election so made shall require equitable adjustment among beneficiaries unless law mandates it.

Initials _____

ARTICLE IV — TANGIBLE PERSONAL PROPERTY

4.1 Separate written list (s. 732.515). I may leave a written statement or list, signed by me and describing items and recipients with reasonable certainty, disposing of tangible personal property not otherwise specifically devised — furniture, furnishings, jewelry, collections, and personal effects (not money, and not property used in a trade or business). Whether made before or after this Will, the most recent such list controls to the extent lists conflict. A blank list in the packet's appendix is provided for this purpose.

4.2 Remaining tangible property. I give all tangible personal property I own at my death not effectively disposed of by such a list or by Article V — together with insurance policies on that property — to my spouse, if my spouse survives me; if not, to my descendants who survive me, per stirpes, to be divided among them as they agree, or absent agreement within six months of my death, as my personal representative determines, whose division shall be conclusive. My personal representative may sell any such property and add the proceeds to my residuary estate, and may pay the reasonable expenses of storing, insuring, packing, and delivering such property as an expense of administration.

ARTICLE V — SPECIFIC GIFTS

I make the following specific gifts, if any are set out in the Information Schedule (each a "Gift"). Each Gift passes to the named recipient if that recipient survives me (Article 2.3); if not, to the named alternate; and if neither survives me, the Gift lapses into my residuary estate. Each Gift passes subject to any lien or encumbrance on it at my death, without exoneration, and my personal representative is not required to satisfy any Gift from any particular fund.

Gift 1: property _____

to _____ alternate _____

Gift 2: property _____

to _____ alternate _____

Gift 3: property _____

to _____ alternate _____

5.2 Charitable gifts. I give the sum stated in the Information Schedule to each organization there named, for the purpose there stated or, if none is stated, for its general and unrestricted purposes. If a named organization has ceased to exist at my death, or is not then an organization described in §§ 170(c) and 2055(a) of the Internal Revenue Code, my personal representative shall pay the gift to the organization's successor in interest if one exists and so qualifies, and otherwise the gift lapses into my residuary estate. An organization's receipt is a complete discharge; my personal representative has no duty to oversee the gift's use.

Charitable gift 1: organization _____

amount _____ purpose (blank = general) _____

Charitable gift 2: organization _____

amount _____ purpose (blank = general) _____

Initials _____

ARTICLE VI — HOMESTEAD

6.1 Devise. If at my death I own a Florida homestead within the meaning of Article X, Section 4 of the Florida Constitution, I devise my entire interest in it to my spouse, if my spouse survives me; if my spouse does not survive me, to my descendants who survive me, per stirpes.

6.2 Constitutional limits acknowledged. I understand that Florida law restricts the devise of homestead when the owner is survived by a spouse or minor child (s. 732.401 and s. 732.4015, Fla. Stat.), that a devise this Will attempts in violation of those restrictions is ineffective to the extent of the violation, and that in that event the homestead descends as Florida law provides. This Article states my intent to the fullest extent the law allows it to operate.

ARTICLE VII — RESIDUARY ESTATE

I give my residuary estate — all property I own at my death, real and personal, wherever located, not effectively disposed of by the preceding Articles, including lapsed gifts and property over which I hold a general power of appointment — according to the ONE plan I have initialed below. A plan not initialed is of no effect; if none is initialed, Plan A applies if my spouse survives me and Plan B applies if not.

PLAN A (initial the box, then sign your initials on the line): all to my spouse if my spouse survives me; if not, to my descendants per stirpes.

PLAN B: all to my descendants who survive me, per stirpes.

PLAN C: to the primary residuary beneficiary(ies) named in the Information Schedule, in equal shares if more than one; a share of any who fail to survive me passes to the alternate(s) so named, and if none, per Plan B.

PLAN D (pour-over): to the then-acting trustee of the revocable trust identified in the Information Schedule, to be added to that trust's property and administered under its terms as amended at my death (s. 732.513, Fla. Stat.); if that trust has been revoked or does not exist at my death, this devise takes effect per Plan A if my spouse survives me and otherwise per Plan B.

Ultimate disposition. If no beneficiary under the initialed plan (or its defaults) survives me, my residuary estate passes one-half to my heirs at law and one-half to the persons who would be my spouse's heirs at law had my spouse died immediately after me, in each case determined under the Florida intestacy statutes then in force.

Initials _____

ARTICLE VIII — TRUST FOR YOUNG OR INCAPACITATED BENEFICIARIES

8.1 Retention in trust. If any property would otherwise be distributed outright under this Will to a beneficiary who is under the age set in the Information Schedule (or, if blank, twenty-five (25)), or whom my personal representative reasonably believes to be incapacitated, that beneficiary's property shall instead be held by my personal representative (or a trustee my personal representative appoints) as trustee of a separate trust for that beneficiary, on the following terms.

8.2 Distributions. The trustee shall distribute to or for the beneficiary so much of the income and principal as the trustee determines advisable for the beneficiary's health, education, maintenance, and support, considering other resources known to the trustee. Undistributed income shall be accumulated and added to principal.

8.3 Termination. Each trust terminates when the beneficiary reaches the stated age (or, for a beneficiary held for incapacity, when the incapacity ceases), and the trustee shall then distribute the remaining trust property to the beneficiary outright. If the beneficiary dies before termination, the remaining property passes to the beneficiary's descendants, per stirpes, or if none, to my descendants, per stirpes, subject to this Article.

8.4 Spendthrift; small-trust powers. No interest under this Article may be anticipated, assigned, or reached by a beneficiary's creditors before actual distribution. The trustee may terminate any trust whose size no longer justifies its administration and distribute it for the beneficiary's benefit (including to a custodian under the Florida Uniform Transfers to Minors Act), and may exercise for each trust every power granted my personal representative by Article XI, which applies to the trustee as if fully restated.

8.5 Trustee succession. If two or more trustees serve under this Article and one dies, resigns, or becomes unable to act, the survivor or survivors shall continue to serve. The last acting trustee for whom no designated successor is available may appoint, by signed writing, any one or more individuals or any corporation qualified to act as trustee in the State of Florida as co-trustee or successor trustee, without court approval. No successor trustee shall be liable for the acts or omissions of any predecessor fiduciary, nor have any duty to examine the predecessor's acts, accounts, or records.

ARTICLE IX — SIMULTANEOUS DEATH

If my spouse and I die under circumstances in which the order of our deaths cannot be established by sufficient evidence, my spouse shall be deemed not to have survived me for purposes of this Will, and my estate shall be administered as though I survived my spouse. For all other beneficiaries, Article 2.3's survivorship condition governs, and s. 732.601, Fla. Stat., applies to any question it reaches that this Will does not.

Initials _____

ARTICLE X — PERSONAL REPRESENTATIVE

10.1 Appointment. I nominate as my personal representative the primary person named in the Information Schedule; if that person fails or ceases to serve, the first successor so named; and if that person also fails or ceases to serve, the second successor so named. If none can serve, a majority in interest of my residuary beneficiaries may designate a successor qualified under Florida law.

10.2 No bond; compensation. No personal representative shall be required to post bond or other security in any jurisdiction, and I request every court to dispense with bond. My personal representative is entitled to reasonable compensation as provided by Florida law and to reimbursement of expenses properly incurred.

10.3 Qualification note. I understand Florida limits who may serve as personal representative (a Florida resident, or a qualifying close relative if a nonresident, and not a convicted felon), and I have named persons I believe qualify; if any nominee cannot qualify, the succession above operates without court petition wherever the law allows.

ARTICLE XI — POWERS OF MY PERSONAL REPRESENTATIVE

My personal representative has every power granted by the Florida Probate Code — including each transaction authorized by s. 733.612, Fla. Stat., which I incorporate by reference — exercisable without court order except where that statute itself requires one, together with the following express powers, each exercisable in a fiduciary capacity and without court approval:

- To retain any property I own at death, however concentrated, for as long as advisable, without liability for retention and without duty to diversify a retained original investment;
- To sell (publicly or privately, for cash or credit), exchange, partition, lease for any term, mortgage, pledge, or otherwise deal with any real or personal property, on terms my personal representative determines, without court order and without liability on a purchaser to see to the application of proceeds;
- To continue, incorporate, reorganize, or wind up any business interest I own, alone or with others, for such time and on such terms as my personal representative determines advisable;
- To invest and reinvest in every kind of property, real or personal, without restriction to investments authorized for fiduciaries;
- To borrow money (from any lender, including a fiduciary hereunder acting individually), give security, renew or extend obligations, and prosecute, defend, settle, or abandon any claim by or against my estate;
- To distribute in cash or in kind, or partly in each, without pro-rata allocation of specific assets, valuing distributed property fairly at the date of distribution, and my personal representative's good-faith valuations bind every beneficiary;
- To access, use, control, transfer, and close my digital assets and electronic accounts to the fullest extent of Article XIII;
- To employ and compensate attorneys, accountants, appraisers, investment advisers, and other agents (including firms in which a fiduciary is interested), and to act through them without liability for their acts if selected and retained with reasonable care;
- To make any tax election or allocation (Article 3.2), file joint returns with my spouse, and agree with taxing authorities;
- To execute and deliver every instrument, and to do every other act, my personal representative determines advisable to administer and settle my estate.

Initials _____

ARTICLE XII — GUARDIANS FOR MINOR CHILDREN

If at my death any child of mine is a minor and no other natural or legal guardian survives, I nominate as guardian of the person and property of each such child the primary guardian named in the Information Schedule, and if that person fails or ceases to serve, the alternate so named. I request that no nominated guardian be required to post bond. A separate Declaration Naming Preneed Guardian for Minor (s. 744.3046, Fla. Stat.) is included in this kit line and may be filed with the clerk so my nomination is on record before it is ever needed.

ARTICLE XIII — DIGITAL ASSETS

Under the Florida Fiduciary Access to Digital Assets Act (ch. 740, Fla. Stat.), I give my personal representative authority over my digital assets, including, to the fullest extent I may grant it, the content of my electronic communications, and I direct every custodian to disclose to my personal representative my digital assets, the catalogue of my electronic communications, and the content of those communications. This Article is my express consent under s. 740.003, Fla. Stat., and under any custodian's terms of service, and my personal representative may use my online tools, usernames, and passwords, and may bypass, reset, or recover any of them.

ARTICLE XIV — INTENTIONAL OMISSIONS

I have intentionally made no provision in this Will for any person not named or provided for here or in the Information Schedule, whether or not related to me. If I intend to exclude a specific person by name, I have written that person's name here:

Person(s) intentionally omitted (optional) _____

Initials _____

ARTICLE XV — GENERAL PROVISIONS

15.1 Spousal rights. I acknowledge that a surviving spouse of a Florida decedent has rights the law provides regardless of a will — including the elective share (part II of ch. 732, Fla. Stat.), exempt property, and family allowance — and this Will is made with knowledge of them. Nothing here waives any right of mine in any other person's estate.

15.2 No penalty clause. This Will intentionally contains no provision penalizing a beneficiary for contesting it: Florida law makes such clauses unenforceable (s. 732.517, Fla. Stat.), and this instrument relies on sound execution and clear drafting instead.

15.3 Governing law; severability. This Will and its administration are governed by Florida law. If any provision is held invalid, the remainder operates as if the invalid provision were omitted.

ATTESTATION

IN WITNESS WHEREOF, I sign, publish, and declare this instrument as my Last Will and Testament, in the presence of the witnesses named below, on the date written below.

Date signed _____ County where signed _____

Testator — sign in the presence of BOTH witnesses

Testator — print name _____

The foregoing instrument was, on the date above, signed, published, and declared by the Testator as the Testator's Last Will and Testament in our presence, and we, at the Testator's request and in the Testator's presence and in the presence of each other, have signed our names as witnesses. (Florida requires the Testator and both witnesses to sign in one another's presence — s. 732.502, Fla. Stat. A witness may be any competent person; Florida law does not disqualify an interested witness, s. 732.504, though disinterested witnesses are the careful practice.)

Witness 1 — signature

Witness 1 — print name _____ Address _____

Witness 2 — signature

Witness 2 — print name _____ Address _____

Initials _____

Self-Proving Affidavit

s. 732.503, Fla. Stat. — the statute's own form, completed on the same signing occasion

STATE OF FLORIDA

COUNTY OF _____

I, the undersigned Testator, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

Testator

We, the undersigned witnesses, have been sworn by the officer signing below, and declare to that officer on our oaths that the Testator declared the instrument to be the Testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the Testator and of each other.

Witness

Witness

NOTARY CERTIFICATE

STATE OF FLORIDA

COUNTY OF _____

Acknowledged and subscribed before me by the principal signer named below, and sworn to and subscribed before me by each witness named above, by means of the method indicated below, each being personally known to me or having produced the identification listed (see s. 117.05(5)(b)2., Fla. Stat.).

Physical presence

Online notarization

Name(s) of signer(s) _____

Identification produced (or 'personally known') _____ Date _____

Signature of Notary Public — State of Florida

Print, type, or stamp commissioned name of Notary Public _____

My commission expires _____

Separate Writing — Tangible Personal Property

s. 732.515, Fla. Stat. — referred to by Article IV; sign and date; keep with the Will

I direct that the following items of tangible personal property pass to the persons named. This list may be changed or replaced at any time; the most recent signed list controls.

Item 1	_____	to	_____
Item 2	_____	to	_____
Item 3	_____	to	_____
Item 4	_____	to	_____
Item 5	_____	to	_____
Item 6	_____	to	_____

Signed (Testator)	_____	Date	_____
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How To Execute It Right

Florida's formalities for your Will — each rule cited to the statute the platform holds verbatim, hash-pinned

Sign at the end, everyone present together. You sign (or acknowledge your signature) while both witnesses watch; each witness signs while you and the other witness watch. One sitting, one table. s. 732.502, Fla. Stat.

Two witnesses, any competent adults. Interested witnesses are not disqualified in Florida (s. 732.504), but using disinterested witnesses avoids ever arguing about it.

Self-prove it the same day. The affidavit before a notary (physical presence or Florida online notarization) means the court can admit the Will without locating witnesses later. s. 732.503.

Never unstaple; never mark the original. A missing staple or a stray pencil note invites questions in probate. Copies may be conformed; the original stays pristine.

Deposit after death. Whoever holds the original must deposit it with the clerk within 10 days of learning of the death — s. 732.901, Fla. Stat. Tell your personal representative where it is.

SAMPLE
FICTIONAL INFORMATION
DO NOT SIGN OR FILE

Plain-English Glossary

The key words in this packet, defined simply.

Testator. The person making the will.

Personal representative. Florida's term for the executor — the fiduciary who administers the estate.

Per stirpes. Division by family branch: a deceased child's share passes to that child's descendants.

Residuary estate. Everything not specifically given away elsewhere in the will.

Self-proving affidavit. The notarized statement that lets the court accept the will without calling the witnesses.

Homestead. Your protected Florida residence — special constitutional rules limit how it may be devised.

Elective share. The statutory minimum a surviving spouse may claim from a Florida estate regardless of the will.

Pour-over will. A will whose residuary plan (Plan D) delivers everything to your revocable trust, so one instrument controls the whole plan — with a built-in fallback if the trust is ever revoked.

SAMPLE
FICTIONAL INFORMATION
DO NOT SIGN OR FILE

Storage & Copies

Where the original Will lives — and who holds copies — decides whether it works when it matters. Commonly: the signed original stays with your important papers (a fireproof box or a bank box), and the people below receive complete copies.

COPY CHECKLIST

My personal representative (knows the location of the original)

First successor personal representative

My spouse

The guardian I nominated

My attorney (if I engage one)

ANNUAL REVIEW

Once a year — or after any major life change (a move, a marriage or divorce, a birth or adoption, a death in the family) — re-read the document and confirm it still says what you want. Note each review here.

Review date _____

Reviewed by _____

Review date _____

Reviewed by _____

Review date _____

Reviewed by _____

ABOUT THIS KIT

Florida Last Will & Testament

Master instrument · Information Schedule · separate writing · self-proving affidavit · guides

Provenance. This Florida template was assembled by the LegalDraft deterministic template engine. Statutory anchors: §§ 732.502 · 732.503 · 732.504 · 732.515 · 732.517 · 733.612. The platform maintains the underlying statutory text in a hash-pinned corpus captured from official Florida sources and re-verified on a standing schedule.

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Enforceability of any signed agreement is ultimately a decision for a court. Blank templates are provided for your own completion; keep your executed originals with your important papers and tell someone you trust where they are.

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