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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/30/2018	.	
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The Committee on Judiciary (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 1145 and 1146
insert:

Section 28. Subsection (1) of section 709.2202, Florida
Statutes, is amended to read:

709.2202 Authority that requires separate signed
enumeration.-

(1) Notwithstanding s. 709.2201, an agent may exercise the
~~following~~ authority specified in paragraphs (a)-(g) only if the
principal signed or initialed next to each specific enumeration



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12 of the authority, the exercise of the authority is consistent
13 with the agent's duties under s. 709.2114, the power of attorney
14 was witnessed and notarized in person without use of the online
15 electronic witnessing provisions of s. 117.285 or the online
16 notarization provisions of part II of chapter 117, and the
17 exercise is not otherwise prohibited by another agreement or
18 instrument:

- 19 (a) Create an inter vivos trust;
- 20 (b) With respect to a trust created by or on behalf of the
21 principal, amend, modify, revoke, or terminate the trust, but
22 only if the trust instrument explicitly provides for amendment,
23 modification, revocation, or termination by the settlor's agent;
- 24 (c) Make a gift, subject to subsection (4);
- 25 (d) Create or change rights of survivorship;
- 26 (e) Create or change a beneficiary designation;
- 27 (f) Waive the principal's right to be a beneficiary of a
28 joint and survivor annuity, including a survivor benefit under a
29 retirement plan; or
- 30 (g) Disclaim property and powers of appointment.

31
32 This subsection does not invalidate a power of attorney or any
33 authority granted therein to an agent where such authority is
34 granted in a power of attorney witnessed and notarized through
35 the use of the online electronic witnessing provisions of s.
36 117.285 or the online notarization provisions of part II of
37 chapter 117, except that a power of attorney or other authority
38 so witnessed and notarized is not effective to grant any power
39 specified in paragraphs (a)-(g).
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41 ===== T I T L E A M E N D M E N T =====

42 And the title is amended as follows:

43 Between lines 87 and 88

44 insert:

45 amending s. 709.2202, F.S.; specifying that certain
46 authority granted through a power of attorney
47 requiring separate signed enumeration may not be
48 executed by online notarization or witnessed
49 electronically; providing for construction;