



233988

LEGISLATIVE ACTION

Senate

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House

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Floor: 1a/AD/2R

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03/06/2018 10:47 AM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (343146) (with title**
2 **amendment)**

3
4 Delete lines 1144 - 1170

5 and insert:

6 purpose, of revocation. An electronic will or codicil is revoked
7 by the testator, or some other person in the testator's presence
8 and at the testator's direction, by deleting, canceling,
9 rendering unreadable, or obliterating the electronic will or
10 codicil, with the intent, and for the purpose, of revocation, as
11 proved by clear and convincing evidence.



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12 Section 29. Effective July 1, 2019, section 740.10, Florida
13 Statutes, is created to read:

14 740.10 Relation to wills.—No act taken pursuant to this
15 chapter is valid to affect the obligation of a person to deposit
16 a will of a decedent as required under s. 732.901.

17 Section 30. Effective July 1, 2019, section 732.521,
18 Florida Statutes, is created to read:

19 732.521 Definitions.—As used in ss. 732.521-732.525, the
20 term:

21 (1) "Audio-video communication technology" has the same
22 meaning as provided in s. 117.201.

23 (2) "Electronic signature" means an electronic mark visibly
24 manifested in a record as a signature and executed or adopted by
25 a person with the intent to sign the record.

26 (3) "Electronic will" means an instrument, including a
27 codicil, executed with an electronic signature by a person in
28 the manner prescribed by this code, which disposes of the
29 person's property on or after his or her death and includes an
30 instrument which merely appoints a personal representative or
31 revokes or revises another will.

32 (4) "Online notarization" has the same meaning as provided
33 in s. 117.201.

34 (5) "Online notary public" has the same meaning as provided
35 in s. 117.201.

36 Section 31. Effective July 1, 2019, section 732.522,
37 Florida Statutes, is created to read:

38 732.522 Method and place of execution.—For purposes of the
39 execution or filing of an electronic will, the acknowledgment of
40 an electronic will by the testator and the affidavits of



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41 witnesses under s. 732.503, or any other instrument under the
42 Florida Probate Code:

43

44 ===== T I T L E A M E N D M E N T =====

45 And the title is amended as follows:

46 Delete line 1332

47 and insert:

48 revocation of wills and codicils; prescribing the
49 manner by which an electronic will or codicil may be
50 revoked; creating s. 740.10, F.S.; specifying that any
51 act taken pursuant to ch. 740, F.S., does not affect
52 the requirement that a will be deposited within a
53 certain timeframe; creating s. 732.521,