

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Civil Justice & Claims
 2 Subcommittee

3 Representative Diamond offered the following:

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5 **Amendment (with title amendment)**

6 Between lines 926 and 927, insert:

7 Section 17. Subsection (1) of section 709.2202, Florida
 8 Statutes, is amended to read:

9 709.2202 Authority that requires separate signed
 10 enumeration.—

11 (1) Notwithstanding s. 709.2201, an agent may exercise the
 12 following authority only if the principal signed or initialed
 13 next to each specific enumeration of the authority, the exercise
 14 of the authority is consistent with the agent's duties under s.
 15 709.2114, the power of attorney was witnessed and notarized in
 16 person without the use of the online electronic witnessing

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17 provisions of s. 117.285 or the online notarization provisions
18 of part II of chapter 117, and the exercise is not otherwise
19 prohibited by another agreement or instrument:

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

32
33 Nothing in this subsection invalidates a power of attorney or
34 any authority granted therein to an agent, other than a power
35 described in paragraphs (a) through (g), where such authority is
36 granted in a power of attorney witnessed and notarized through
37 the use of the online electronic witnessing provisions of s.
38 117.285 or the online notarization provisions of part II of
39 chapter 117.

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

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Remove line 54 and insert:

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made by the act; amending s. 709.2202, F.S.; providing that

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certain trust instruments with testamentary effect may not be

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signed with an online notarization; providing an effective date.