

Mario Gunde Peters & Kelley Offer A Complete Guide, Understanding Florida Power Of Attorney

MERRITT ISLAND, FL, USA, January 30, 2024 /EINPresswire.com/ -- A power of attorney is a legal document that comes in handy when someone is unable to personally handle their legal and financial proceedings. The [Florida power of attorney](#) (or POA) allows for a designated agent who can legally act on a person's behalf. Although a POA is primarily used to address financial matters, an agent can also make important healthcare decisions for the client.



Florida Power of Attorney

The Florida POA is governed by the Florida Statutes, Part II: Chapter 709. The law even allows the principal to opt for a durable power of attorney in case they become incapacitated. This means that a Florida power of attorney remains applicable during the toughest of times, ensuring that one won't need to depend on a court-appointed guardian to make crucial decisions on their behalf.

There are different types of Florida POAs and different requirements depending on what type of power of attorney is needed. This complete guide will ensure a well-informed decision about creating a POA.

Different Types of Florida Power of Attorneys

General Power of Attorney

Through a general power of attorney, the agent receives broad authority over essential transactions. They can carry out financial decisions like buying or selling real estate, managing assets, banking, handling governmental matters, and other important decisions.

Durable Power of Attorney

As mentioned above, one can also opt for a durable power of attorney in Florida. This document allows the selected agent the authority to stay active even after one has suffered from an incapacity of some sort. A durable power of attorney can be made as general or limited (discussed in detail below). However, for a Florida POA to be effective, it needs to state the following:

“This durable power of attorney is not terminated by subsequent incapacity of the principal except as provided in Chapter 709, Florida Statutes.”

Limited Power of Attorney

Lastly, we have limited power of attorney. Also called the special Florida POA, this document is used when one wishes to hand over authority to the agent for selected purposes or a specified task only. Unlike a general POA that allows the agent broad control, the limited power of attorney is only meant for certain transactions and is valid for a certain time frame.

It is mostly used when people are traveling out of the country or expect to be unavailable for some time and need a trusted agent to see their transactions to completion.

How to Create a Power of Attorney in Florida

Ensure You are Capable Make a Valid Florida Power of Attorney

To create a power of attorney in Florida, one must be competent to enter it, otherwise known as having capacity. In this context, capacity refers to having the mental capacity to fully comprehend decision-making. It should be clear that one understands what a POA is, how it works, and the level of authority they're handing over to the agent.

Qualifications that an Agent Must Have

While everyone is free to choose any trusted individual to serve as an agent as per the Florida power of attorney, there are some qualifications that they should meet. As per Section 709.2105, the agent should be 18 years or older. They can also make a financial institution an agent as long as it has trust powers, is a certified place of business within the state, and is authorized to carry out trust business transactions in Florida.

Apart from the legal qualifications, one should also make sure that the agent is someone who understands their wishes and intent. They should have respect for their financial choices and a channel of open communication to ensure they make decisions in one's best interest.

What Duties Does a Florida POA Have?

Under the Florida POA, an agent is required to act within the scope of authority granted by the client. It is their legal duty to maintain a fiduciary relationship and act in good faith. The agent is required to fulfill the client's wishes, regardless of their personal opinion.

In case of a breach or if the agent acts against the client's best interests, they will be liable to the client or client's next of kin for the amount needed to restore the assets or undo the damage done. The law requires them to reimburse any property or other assets sold without client clearance and pay for the attorney's fee in case the client or the client's successors take them to court.

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While having a Florida POA isn't strictly required as per the law, it can make life and all legal proceedings significantly easier. A power of attorney is a useful tool that lets one engage in different financial transactions and continue their responsibilities, even if they become incapacitated or just aren't physically present to sign documents.

Permitting another person to perform legal acts on one's behalf ensures that there are no interruptions in work despite an absence. The Florida POA will clear the agent to handle financial matters, care for children and other listed kin, and even make health care decisions if needed. However, one needs to be extremely careful when selecting an agent. It should be a person they can fully trust with finances and health care. They also need to make sure the document is drafted well by an expert in Florida law to safeguard assets and make the most of the POA.

Seek an [experienced POA attorney](#) to create Florida power of attorney documents. They will help navigate Florida's law and ensure that the best possible decisions align with financial interests.

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