



# 7 THINGS TO KNOW

## When Acting as an Agent in Florida

(AKA Attorney-in-Fact or Power of Attorney)

### 1 You may not be 007, but you are an Agent.

Florida law defines someone granted authority to act for another person in a power of attorney as an "agent," whether the document refers to you as the Attorney-in-Fact, Power of Attorney, or another name. The "principal" is the person who grants authority to an "agent" in a Durable Power of Attorney. While you are not tasked with saving the world, you must always act in good faith and in the principal's best interests.

### 2 Always sign in your representative capacity.

**Tip:** Get into the habit of signing the name of the person you represent first, then sign your name, followed by the word "Agent" or "POA" for Power of Attorney. You will be less likely to sign your name and omit those critical letters if you sign the principal's name first!

*"John Doe, by Jane Doe, POA"*

### 3 Know when your authority ends.

A Power of Attorney ends when the principal becomes incapacitated. A Durable Power of Attorney is still effective even if the principal becomes incapacitated. However, even a Durable Power of Attorney ends at death. Do not try to use it after the principal's death.



# 4

## **Just say "NO" to I-Pads and Tablets.**

We love them too, but watch out! We hear more and more reports of family members being handed a tablet to complete facility admission documents. Not only does this create pressure to sign the documents quickly, but since you can't very well take their expensive piece of technology home with you while you ponder clauses like "Monthly Service Rate" and "Right of Entry," you often can't move to the next page until you agree to the conditions of the page you are viewing.

**Tip:** If you are handed a tablet to review and sign a contract for your loved one, politely decline and ask for a printed copy you can review at home. Also, some people have difficulty reading information on an I-pad or tablet. The ADA requires businesses to modify their business policies and procedures when necessary to serve customers with disabilities and take steps to communicate effectively with them. Be aware it violates the Americans with Disabilities Act for a facility to refuse to provide a written copy of admission documents to someone with low vision.

# 5

## **Locate and secure the original Durable Power of Attorney.**

If you need to sell real property while acting as someone's agent, the original Durable Power of Attorney will likely be needed to record with the deed. Also, be sure the document gives you the authority to actually sell real property.

# 6

## **Ensure the Durable Power of Attorney was executed per Florida law.**

The principal must sign the document in the presence of two witnesses who also sign the document and a notary public.

# 7

## **Know What Your Authorities Are.**

Certain authority, such as gifting and changing beneficiaries on accounts or insurance products, require initialing or signing next to such authority, called a "SUPER POWER." If the Super Power is not initialed or signed next to it, the agent does not have that authority for that described act.

