Elder Consumer Protection Program

The Elder Consumer Protection Program at Stetson University College of Law’s Center for Excellence in Elder Law is an educational and information resource on general and legal matters regarding elder consumer protection and awareness. The program, which is supported by state funding, offers assorted materials and various services that provide and promote general knowledge, public awareness and assistance, and professional development and training.

The information contained herein is intended only as a brief overview on matters of general interest. It is not offered as legal advice, is not a definite statement of law, and is not a complete analysis of the area of law.

The applicability of law to a particular matter requires an exhaustive examination of the specific facts with the appropriate laws. If you have a specific legal issue or legal concern, you should always consult with an attorney for detailed legal advice.

Power of Attorney

What is it?

What types exist?

What can you do with it?
# What is a Power of Attorney

A Power of Attorney is a written legal document giving an individual authority to act on another individual’s behalf. Authority to act may cover personal, business, legal, property, financial, or health care matters and concerns.

## Key Terms

**PRINCIPAL:** The person delegating the authority to act.

**AGENT or ATTORNEY-IN-FACT:** The person receiving the authority to act.

---

# What are the types of Powers of Attorney

- **GENERAL:** Gives the agent broad authority to conduct any general acts on the principal’s behalf.

- **LIMITED or SPECIAL:** Gives the agent narrow authority to conduct only specific acts on the principal’s behalf.

- **NON-DURABLE:** Agent’s authority to act on the principal’s behalf terminates if the principal loses capacity.

- **DURABLE:** Agent’s authority to act on the principal’s behalf continues even after the principal loses capacity.

---

# Do I need a lawyer?

A lawyer is not required to execute a Power of Attorney. However, due to the importance and power of the document, a lawyer may be necessary to help address and protect any unique or specific needs and concerns.

---

# Important Notes

- A Power of Attorney may be customized to grant an agent as much or as little authority as the principle desires.

- The agent has the authority to perform every act authorized and specifically enumerated within the Power of Attorney without prior court approval.

- The agent’s authority to act begins as soon as the Power of Attorney is signed by the principle.

- The most important decision to be made when executing a Power of Attorney is the choice of agent.

- The agent’s authority to act is revocable at any time by the principle so long as the principle has capacity.

- A Durable Power of Attorney may hold the principle avoid a legal guardianship should the principle become incapacitated, while affording the principle the opportunity to choose whom their agent will be.