ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA
OFFICE OF THE GENERAL COUNSEL

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ADMINISTRATIVE MEMORANDUM

TO: All court-appointed Guardians and Personal Representatives, and their attorneys.

FROM: Yvonne Colodny, Administrative Judge, Probate Division

DATE: October 1, 2024

SUBJECT: Waiver and Consent Notarization

WHEREAS, pursuant to Florida Rule of General Practice and Judicial Administration 2.215, the Chief Judge of the Eleventh Judicial Circuit of Florida has the authority to implement policies necessary to ensure the efficient and proper administration of all courts within the Eleventh Judicial Circuit; and

WHEREAS, in order to expedite the administration of justice in the Eleventh Judicial Circuit of Florida, under rule 2.215, Florida Rules of General Practice and Judicial Administration, the Chief Judge is authorized to delegate such authority when necessary; and

WHEREAS, Judge Yvonne Colodny has been appointed as the Administrative Judge for the Probate Division for the Eleventh Judicial Circuit of Florida to perform certain duties in accordance with the applicable Florida Statutes, federal law, and court rules; and

WHEREAS, Section 731.302 Fla. Stat. (2024) allows interested persons to file a "waiver and consent", in lieu of sworn testimony, as evidence of the person's waiver of any right, notice, or of the filing of any document, exhibit, or schedule required to be filed, and of their consent to the action or proceeding; and

WHEREAS, Section 90.901, Fla. Stat. (2024) requires the authentication of a document or exhibit prior to its admission into evidence; and

WHEREAS, Fed. R. Evid. 902 states that a document accompanied by a certificate of acknowledgment that is lawfully executed by a notary public is self-authenticating and requires no extrinsic evidence of authenticity in order to be admitted; and

WHEREAS, Rule 5.180, Florida Probate Rules, provides the required manner of execution and contents of a waiver and consent by an interested person; and

NOW, THEREFORE, pursuant to the authority vested in me as Administrative Judge of the

Probate Division of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida and Florida General Practice and Judicial Administration Rule 2.215(5), hereby report to the Chief Judge the following:

1. Any "waiver and consent" or "joinder" filed henceforth must be notarized in accordance with Section 117.05 Fla. Stat. (2024).
2. Any waiver and consent filed without being properly notarized shall not be considered by the Court without additional evidence, and may result in the denial of the pleading.

This Administrative Memorandum shall take effect January 1st, 2025, and shall remain in effect until it is amended or revoked.

Dated this ____ day of OCT 07 2024, 2024.

Yvonne Colodny, Administrative Judge
Eleventh Judicial Circuit of Florida, Probate Division