Lowndes

Insights

Don't Get Rejected: Florida's Witness Address Rule Takes Effect in 2024

Article
Lowndes
10.09.2023

Starting January 1, 2024, there are important changes to Florida Statutes 695.26(1)(c) that you need to know. Now, in addition to including the printed, typewritten or stamped name of each witness on certain recorded documents, you must also include the post office address of each witness. If a document presented for recording after January 1, 2024, does not include the required witness addresses, it's likely to be rejected by the recording clerk.

Florida Statutes Section 695.26 applies to "instruments by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of." This description clearly includes deeds, mortgages, restrictive covenants and easements. Sometimes, documents that don't require witnesses, such as mortgages, might still be presented for recording with witnesses. In such cases, the address requirement may apply and the document may be rejected by the recording clerk, even if witnesses aren't required in the first place.

Subsection 3 of the Statute does provide some exemptions, with the most significant one being for documents executed and acknowledged outside of Florida.

When it comes to the "post office address" requirement for the witnesses, it does not appear that a home address is required, so a business mailing address or post office box address should suffice. However, this may vary depending on the specific recording office's interpretation of the term "post office address."

If your company uses standard forms for documents that provide for witnesses, such as deeds or mortgages, it's crucial to update your forms and procedures to include witness addresses for any document that could be submitted for recording in Florida after January 1, 2024.

Related Attorneys

James G. Kattelmann

Related Expertise

Real Estate

If you have questions about whether your documents require witnesses or need guidance on the specific format for witness addresses, it's advisable to consult with your attorney for specific advice on your documents and transactions.