

New Witness Address Requirements Begin January 1, 2024

Starting January 1, 2024, certain documents recorded in Gadsden County's Official Records must include the post office address of each witness in addition to the witness's name. Because of changes to section 695.26 of the Florida Statutes, the Clerk's office will not be able to accept documents submitted for recording without the required witness address information.

What documents are affected?

The new requirement applies to any "instrument by which the title to real property or any interest therein is conveyed, assigned, encumbered, or otherwise disposed of." This means deeds and other documents that affect the ownership of real estate.

All deeds and easements notarized in Florida require witness names, so these documents will now also require witness addresses. Other documents "by which title to real property or interest is conveyed, assigned, encumbered or disposed of" may or may not have witnesses, but an address is required if a witness is included. If there are no witnesses on these other documents, then no addresses are required.

The list of documents that will require witness addresses as of January 1, 2024 are:

- Affidavit – Affidavit of Sufficient Funds, Scriveners Affidavit, Affidavit of Lost Assignment, Affidavit of Notice of Interest
- Affidavit Taxable
- Agreement for Deed
- Assignment (Including Assignment Taxable)
- Claim of Lien
- Deed
- Other Deeds (Deed of Trust, Curative Notice, Etc.)
- Deed of Assumption
- Easement

- Modification of Mortgage
- Mortgage (Including Documentary Stamp Exempt, Intangible Tax Exempt, Exempt from Both, Fully Taxable)
- Notice of Commencement
- Partial Release of Lien or Mortgage
- Release or Satisfaction of Lien or Mortgage
- Termination of Notice of Commencement
- Waiver of Release of Lien
- Mobile Home Retirement or Affixation
- Notice of Contest of Lien (Construction or HOA)

What is new that I need to include?

The post office address of each witness must be legibly printed, typewritten, or stamped on these documents.

Can I use an email address instead of a mailing address?

No, the witness address must be a physical address or PO box. It cannot be an email address.

What happens if I try to record a document without the required witness address?

The Clerk's office must reject documents that do not include information required by section 695.26 of the Florida Statutes.