



Ask Your Underwriter

■ Carolyn Broadwater, Florida State Counsel

Question: I need to get a document executed by a person who is out of the country and his signature needs to be notarized. The Consulate is quite a distance from where the signatory is located. Is there anyone else who can perform the acknowledgment?

Answer: Possibly. *Section 695.03, F.S.* governs acknowledgment and proof of documents executed both within the United States and in foreign countries. Subsection 3 in particular sets forth a list of persons whose act of acknowledgment in a foreign country will be sufficient to entitle the acknowledged document to be recorded in Florida. Such persons include an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent and certain military officers. In addition, an acknowledgment may be taken by a notary public of a foreign country who has an official seal. In the case of a notary public of a foreign country, he or she may perform the acknowledgment by affixing a certificate legalizing or authenticating the signature of the person executing the document. Such a certificate will be acceptable as an acknowledgment provided the notary public's seal is affixed thereto. Finally, a notary public official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of his or her official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction, may also take an acknowledgment. Keep in mind that proper acknowledgment in accordance with *695.03(3)* does not eliminate the need for witnesses where required by Florida law, such as for the recording of a deed. If you have questions about having a document executed in a foreign country, contact your underwriting department.



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