

By Senator Young

18-00593-18

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1 A bill to be entitled
2 An act relating to homestead waivers; creating s.
3 732.7025, F.S.; providing language that may be used to
4 waive spousal homestead rights concerning devise
5 restrictions; providing an effective date.
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7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Section 732.7025, Florida Statutes, is created
10 to read:

11 732.7025 Waiver of homestead rights through deed.—

12 (1) A spouse is presumed to have waived his or her rights
13 as a surviving spouse with respect to the devise restrictions
14 under s. 4(c), Art. X of the State Constitution if the following
15 or substantially similar language is included in a deed:
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17 “By joining this deed, I intend to waive homestead rights
18 that would otherwise prevent my spouse from devising the
19 homestead property described in this deed to someone other than
20 me.”
21

22 (2) The waiver language in subsection (1) may not be
23 considered a waiver of the protection against the owner’s
24 creditor claims during the owner’s lifetime and after death.
25 Such language may not be considered a waiver of the restrictions
26 against alienation by mortgage, sale, gift, or deed without the
27 joinder of the owner’s spouse.
28

Section 2. This act shall take effect July 1, 2018.