

By the Committee on Rules; and Senator Young

595-02747-18

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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.
6

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 waives his or her rights as a surviving spouse
13 with respect to the devise restrictions under s. 4(c), Art. X of
14 the State Constitution if the following or substantially similar
15 language is included in a deed:
16

17 "By executing or joining this deed, I intend to waive
18 homestead rights that would otherwise prevent my spouse from
19 devising the homestead property described in this deed to
20 someone other than 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.