

CHAPTER 2018-22

Committee Substitute for Senate Bill No. 512

An act relating to homestead waivers; creating s. 732.7025, F.S.; providing language that may be used to waive spousal homestead rights concerning devise restrictions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 732.7025, Florida Statutes, is created to read:

732.7025 Waiver of homestead rights through deed.—

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

“By executing or joining this deed, I intend to waive homestead rights that would otherwise prevent my spouse from devising the homestead property described in this deed to someone other than me.”

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

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

Approved by the Governor March 19, 2018.

Filed in Office Secretary of State March 19, 2018.