The Downsides of a Florida Lady Bird Deed

WHERE IT FALLS SHORT, AND WHAT CAN HELP

A Lady Bird deed is a simple, low-cost way to pass one Florida home outside probate while keeping full control during life. That simplicity is also its limit. Knowing where it falls short helps decide whether it fits on its own or works best alongside other tools.

Downside	Why it matters	What can help
Limited legal guidance	No Florida statute spells out how enhanced life estate deeds work. Courts and title standards recognize them, but wording varies from deed to deed.	Attorney-drafted wording that matches current title practice.
Homestead limits Your individual circumstances are reviewed on a case-by-case basis.	With a spouse or minor child, Florida's homestead rules can override the deed. A spouse generally has to sign, and the deed doesn't clearly fit the statutory exception for lifetime transfers.	Homestead review before signing; sometimes a different tool fits better.
Title insurance questions	Title companies may ask for extra documents or question unusual wording, which can slow a later sale or refinance.	A title company's written requirements before relying on the deed.
Heirs' creditors and liens	Once heirs own the home, their creditors, judgments, divorces, and bankruptcies can reach it. The deed offers no protective terms.	A trust that holds the home for an heir who needs protection.
Co-ownership among heirs	Several heirs become co-owners with equal say. Disagreements over selling, renting, or costs can lead to a buyout, sale, or court-supervised partition.	A trustee who decides, an heirs' agreement, or one heir takes the home and life insurance equalizes the rest.
No plan for incapacity	The deed doesn't name anyone to manage the home if the owner can't. Selling or refinancing then depends on a durable power of attorney that covers real estate.	A durable power of attorney, or a trust with a successor trustee.
No protection for vulnerable heirs Your individual circumstances are reviewed on a case-by-case basis.	A minor can't manage property directly, and an heir on SSI or Medicaid can lose benefits by inheriting outright. The deed can't stage or protect a share.	Naming a trust, such as a special-needs trust, as the beneficiary.
Public record	The recorded deed names the beneficiaries, and anyone can look it up.	A trust, whose terms generally stay private.
Not a Medicaid or asset-protection plan Your individual circumstances are reviewed on a case-by-case basis.	It doesn't make anyone eligible for Medicaid, and it doesn't shield the home from every claim. It only changes how one property passes at death.	Elder-law planning that looks at the whole picture.
One property, one plan	It covers only the property described. Accounts, vehicles, other real estate, and personal items need their own arrangements, and a beneficiary who dies first needs backup language.	A will, beneficiary designations, and clear contingency wording.

Where it tends to work well

- One Florida home with clear title
- Capable adult beneficiaries who get along
- No minor child, and a spouse who signs if married
- A will and durable power of attorney alongside it
- No need for ongoing management or protection for heirs

This material is general educational information, not legal advice, and it doesn't create an attorney-client relationship. Florida homestead, marital rights, minor-child protections, title history, and the wording of a deed can change the outcome, and a Florida-licensed attorney is the right resource before signing or recording a deed.

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