

By the Committee on General Provisions and Commissioner Mills

A proposal to revise

1 ARTICLE X, s. 4, Fla. Const.; providing a value  
2 limitation on the homestead exemption;  
3 authorizing the legislature to change the  
4 amount of the value limitation; providing that  
5 the homestead exemption does not apply to  
6 certain property.

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8 It is proposed by the Florida Constitution Revision Commission  
9 that:

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11 Section 1. Section 4 of Article X of the Florida  
12 Constitution is revised by amending that section to read:

13 ARTICLE X

14 MISCELLANEOUS

15 SECTION 4. Homestead; exemptions.--

16 (a) There shall be exempt from forced sale under  
17 process of any court, and no judgment, decree or execution  
18 shall be a lien thereon, except for the payment of taxes and  
19 assessments thereon, obligations contracted for the purchase,  
20 improvement or repair thereof, or obligations contracted for  
21 house, field or other labor performed on the realty, the  
22 following property owned by a natural person:

23 (1) a homestead to the extent of two hundred thousand  
24 dollars in value, and if located outside a municipality, to  
25 the extent of one hundred sixty acres of contiguous land and  
26 improvements thereon, which shall not be reduced without the  
27 owner's consent by reason of subsequent inclusion in a  
28 municipality; or if located within a municipality, to the  
29 extent of one-half acre of contiguous land, upon which the  
30 exemption shall be limited to the residence of the owner or  
31 his family;

1           (2) personal property to the value of one thousand  
2 dollars.

3           (b) These exemptions shall inure to the surviving  
4 spouse or heirs of the owner.

5           (c) The homestead shall not be subject to devise if  
6 the owner is survived by spouse or minor child, except the  
7 homestead may be devised to the owner's spouse if there be no  
8 minor child. The owner of homestead real estate, joined by  
9 the spouse if married, may alienate the homestead by mortgage,  
10 sale or gift and, if married, may by deed transfer the title  
11 to an estate by the entirety with the spouse. If the owner or  
12 spouse is incompetent, the method of alienation or encumbrance  
13 shall be as provided by law.

14           (d) The legislature may by general law change the  
15 value limitation of the homestead exemption granted in  
16 paragraph (a)(1) based on changes in the median just value of  
17 Florida homestead properties. For purposes of this section,  
18 the value of homestead property is the just value as reflected  
19 in the records of the county property appraiser.

20           (e) The homestead exemption in this section does not  
21 apply to any property to the extent that it is acquired or  
22 improved or its equity value increased with the intent to  
23 hinder, delay, or defraud creditors. The legislature may by  
24 general law implement this subsection.