

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

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

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

14 ARTICLE X

15 MISCELLANEOUS

16 SECTION 4. Homestead; exemptions.--

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

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

1 exemption shall be limited to the residence of the owner or
2 his family;

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

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

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

16 (d) The legislature may by general law raise the value
17 limitation of the homestead exemption granted in paragraph
18 (a)(1). For purposes of this section, the value of homestead
19 property is the just value as reflected in the records of the
20 county property appraiser.

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