

By Commissioner Henderson

1 A proposal to revise
2 ARTICLE X, s. 4, Fla. Const.; eliminating the
3 prohibition against devising a homestead if the
4 owner is survived by a spouse or minor child.

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6 It is proposed by the Florida Constitution Revision Commission
7 that:

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

11 ARTICLE X

12 MISCELLANEOUS

13 SECTION 4. Homestead; exemptions.--

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

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

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

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

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