

By Commissioner Rundle

1 A proposal to revise
 2 ARTICLE X, s. 4, Fla. Const.; providing an
 3 exception to the exemption from the forced sale
 4 of homestead property for property acquired or
 5 improved with the proceeds of felonious
 6 criminal activity or used in the commission of
 7 felonious criminal acts.

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

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

ARTICLE X

MISCELLANEOUS

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 forfeiture of property
 19 acquired or improved, in whole or in part, with funds obtained
 20 through felonious criminal activity or property used in the
 21 commission of a felony,the payment of taxes and assessments
 22 thereon, obligations contracted for the purchase, improvement
 23 or repair thereof, or obligations contracted for house, field
 24 or other labor performed on the realty, the following property
 25 owned by a natural person:

26 (1) a homestead, if located outside a municipality, to
 27 the extent of one hundred sixty acres of contiguous land and
 28 improvements thereon, which shall not be reduced without the
 29 owner's consent by reason of subsequent inclusion in a
 30 municipality; or if located within a municipality, to the
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1 extent of one-half acre of contiguous land, upon which the
2 exemption shall be limited to the residence of the owner or
3 his family;
4 (2) personal property to the value of one thousand
5 dollars.
6 (b) These exemptions shall inure to the surviving
7 spouse or heirs of the owner.
8 (c) The homestead shall not be subject to devise if
9 the owner is survived by spouse or minor child, except the
10 homestead may be devised to the owner's spouse if there be no
11 minor child. The owner of homestead real estate, joined by
12 the spouse if married, may alienate the homestead by mortgage,
13 sale or gift and, if married, may by deed transfer the title
14 to an estate by the entirety with the spouse. If the owner or
15 spouse is incompetent, the method of alienation or encumbrance
16 shall be as provided by law.
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