Proposal No. 23

By Commissioner Rundle

A proposal to revise

ARTICLE X, s. 4, Fla. Const.; providing an
exception to the exemption from the forced sale
of homestead property for property acquired or
improved with the proceeds of felonious
criminal activity or used in the commission of
felonious criminal acts.

It is proposed by the Florida Constitution Revision Commission
that:

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

ARTICLE X
MISCELLANEOUS

SECTION 4. Homestead; exemptions.--
(a) There shall be exempt from forced sale under
process of any court, and no judgment, decree or execution
shall be a lien thereon, except for the forfeiture of property
acquired or improved, in whole or in part, with funds obtained
through felonious criminal activity or property used in the
commission of a felony, the payment of taxes and assessments
thereon, obligations contracted for the purchase, improvement
or repair thereof, or obligations contracted for house, field
or other labor performed on the realty, the following property
owned by a natural person:

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