Proposal No. 93

By Commissioner Henderson

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

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 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.

CODING: Words struck through are deletions; words underlined are additions.
(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.

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