

By Representative Burroughs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

House Joint Resolution

A joint resolution proposing an amendment to Section 4, Article X of the State Constitution, relating to homestead exemptions.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 4 of Article X of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

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;

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

3 **(b) The exemption provided in paragraph (1) of**
4 **subsection (a) does not apply to a homestead the assessed**
5 **value of which exceeds two hundred fifty thousand dollars or a**
6 **greater amount prescribed by general law. However, the**
7 **proceeds from the forced sale of such a homestead must be**
8 **applied first to satisfy the payment of taxes and assessments**
9 **thereon; obligations contracted for the purchase, improvement,**
10 **or repair thereof; and obligations contracted for house,**
11 **field, or other labor performed on the realty. Only the**
12 **proceeds from the forced sale which exceed the sum of:**

13 **(1) Two hundred fifty thousand dollars or the greater**
14 **amount prescribed by general law, and**

15 **(2) The amount necessary to satisfy the above taxes,**
16 **assessments, and obligations**

17
18 **shall be applied to fulfill other judgments.**

19 **(c)(b)** These exemptions shall inure to the surviving
20 spouse or heirs of the owner.

21 **(d)(c)** The homestead shall not be subject to devise if
22 the owner is survived by spouse or minor child, except the
23 homestead may be devised to the owner's spouse if there be no
24 minor child. The owner of homestead real estate, joined by
25 the spouse if married, may alienate the homestead by mortgage,
26 sale or gift and, if married, may by deed transfer the title
27 to an estate by the entirety with the spouse. If the owner or
28 spouse is incompetent, the method of alienation or encumbrance
29 shall be as provided by law.

30 BE IT FURTHER RESOLVED that the following statement be
31 placed on the ballot:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

CONSTITUTIONAL AMENDMENT

ARTICLE X, SECTION 4

HOMESTEAD EXEMPTION.--Proposing an amendment to the State Constitution to provide that the exemption from forced sale or execution of a lien on a homestead is limited to sixty acres of contiguous land and improvements thereon for a homestead located outside a municipality and limiting the homestead exemption for homesteads within a municipality or outside a municipality to two hundred fifty thousand dollars or a greater amount prescribed by law.