



HJR 0973

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House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article X of the State Constitution to limit the exemption of homestead property from liens and to authorize legislation to permit the forced sale of homestead property obtained by fraudulent means.

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

That the amendment to Section 4 of Article X of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2004:

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 the owner's



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31 family, provided that a lien may be placed on the value of the
32 equity of such property in excess of one million dollars and the
33 legislature may provide by general law that the provisions of
34 this subsection shall not apply to property obtained directly or
35 indirectly through a fraudulent transfer of assets or to
36 property purchased with unlawfully obtained assets;

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

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

41 (c) The homestead shall not be subject to devise if the
42 owner is survived by spouse or minor child, except the homestead
43 may be devised to the owner's spouse if there be no minor child.
44 The owner of homestead real estate, joined by the spouse if
45 married, may alienate the homestead by mortgage, sale or gift
46 and, if married, may by deed transfer the title to an estate by
47 the entirety with the spouse. If the owner or spouse is
48 incompetent, the method of alienation or encumbrance shall be as
49 provided by law.

50 BE IT FURTHER RESOLVED that the title and substance of the
51 amendment proposed herein shall appear on the ballot as follows:

52 LIMITATION ON EXEMPTION FROM LIENS ON AND
53 FORCED SALE OF HOMESTEAD PROPERTY

54 Proposes an amendment to Section 4 of Article X of the
55 State Constitution to provide that a lien may be placed on the
56 equity of homestead property to the extent the equity exceeds \$1
57 million and that the Legislature may provide by general law for
58 the forced sale of homestead property obtained fraudulently or
59 with fraudulently or unlawfully obtained assets.