

West's Florida Statutes Annotated
Florida Constitution--1968 Revision (Refs & Annos)
Article X. Miscellaneous (Refs & Annos)

West's F.S.A. Const. Art. 10 § 4

§ 4. **Homestead; exemptions**

Currentness

(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 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.

Credits

Amended, general election, Nov. 7, 1972; general election, Nov. 6, 1984; general election, Nov. 3, 1998.

Editors' Notes

COMMENTARY TO 1972, 1984, AND 1998 AMENDMENTS

<By William A. Buzzett and Deborah K. Kearney>

<1972 Amendment>

<(1972 House Joint Resolution 4324)>

In 1972, the following language was added to modify the prohibition on the devise of a **homestead** to a spouse or minor child: "except the **homestead** may be devised to the owner's spouse if there be no minor child." Because the