

Florida Constitution

Article X 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 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.

History.--Am. H.J.R. 4324, 1972; adopted 1972; Am. H.J.R. 40, 1983; adopted 1984; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

CASE LAW:

Florida Supreme Court in the case of *Ilkanic v. City of Fort Lauderdale*, 705 So.2d 1371

This question was asked of the Florida Supreme Court in the case of *Ilkanic v. City of Fort Lauderdale*, 705 So.2d 1371. The Supreme Court said that "the legal effect of a statutory lien on homestead property was analyzed in *Demura v. County of Volusia*, 618 So.2d 754. In that case, land owners sued to quiet title to a homestead against a lien that had been imposed by the County for noncompliance with an Order of the Code Enforcement Board. The County argued that the Constitution only prohibits the forced sale of homestead property and does not prohibit the imposition of a lien. The Court properly held that, "although the statute merely provides that any lien created pursuant to an administrative fine may not be foreclosed on real property which is homestead, the Constitution itself goes much farther: No such lien exists as to such homestead property. **In like manner, the civil restitution lien cannot be a cloud on homestead property.**"