Sawyer & Sawyer, P.A. Publishes Estate Planning Guidance on Florida Residency and Asset Protection for Orlando Families

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Sawyer & Sawyer, P.A., an estate planning attorney firm located in Orlando, Florida, has published guidance addressing how families relocating to the state establish legal residency for tax purposes and how Florida asset protection rules apply once they arrive. The firm provides estate planning, revocable living trust, probate, and elder law representation to clients in Orlando, Windermere, Winter Garden, and Winter Park. The guidance appears in an article the firm published on September 1, 2026, under the title "Estate Planning for High-Net-Worth Families in Florida: Strategies That Save Millions." The title refers to categories of cost discussed within the article, including probate administrative expense and federal estate tax exposure on large estates, and is not a representation about the outcome of any individual matter.

According to the article, the absence of a state income tax and a state estate tax has drawn families to Central Florida, but purchasing a home in the state does not by itself establish Florida residency for tax purposes. The article states that states including New York, California, and Illinois examine the available evidence when an individual claims Florida domicile, including where the individual votes, where vehicles are registered, where a driver's license is issued, how much time is spent in Florida compared with the prior state,

and where bills are sent. It identifies an unusually low Florida utility bill alongside a high utility bill in the former state as the kind of inconsistency a state auditor is likely to flag.

The article states that relocating families generally need more than a change of address, and that documents drafted under another state's law warrant review. It describes an out-of-state durable power of attorney as an instrument that will technically work in Florida while creating friction and expense for a family at the moment the document is needed. The article also identifies affidavits of domicile and trust funding formulas as items requiring attention, noting that many plans drafted between 2017 and 2025 were built around an anticipated reduction in the federal estate tax exemption that did not occur, and that formula-based funding provisions in those documents may now shift assets between trusts in a manner the client did not intend. The firm identifies estate planning and trust administration clients in Winter Park and Windermere among those affected by that issue.

Two Florida asset protection tools are addressed in detail. The article describes tenancy by the entirety, a form of ownership available to married couples, as one in which each spouse holds an undivided interest and under which a creditor holding a judgment against only one spouse generally cannot reach the property without also obtaining a judgment against the other spouse. It states that revocable trusts provide no creditor protection while the grantor is living, and that retitling assets out of tenancy by the entirety and into a revocable living trust can therefore reduce the protection those assets carry. The article further states that single-member limited liability companies in Florida do not receive the same charging order protection that multi-member companies receive, and that transfers made after a lawsuit has been filed may be treated as potentially fraudulent and no longer serve a protective purpose. These are presented in the article as general descriptions of Florida law rather than as guidance applicable to any particular set of facts, and the article notes that structure must be evaluated before any creditor threat emerges. Sawyer & Sawyer, P.A. handles revocable living trust, probate, and guardianship matters for clients in Winter Garden and throughout Orlando, Florida.

"Buying a home in Florida is not the same thing as establishing Florida residency, and the states that families leave do not give up their tax claims easily," said Thomas P. Moss, Esq., Senior Attorney at Sawyer & Sawyer, P.A. "A revocable trust provides no creditor protection while the grantor is alive, so for married couples in high-exposure professions, assets held as tenancy by the entirety may carry protection that a trust does not."

Moss holds advanced degrees in law and business, and his practice focuses on estate planning, guardianship, probate, and trust administration. He is a member of the National Academy of Elder Law Attorneys and of WealthCounsel, and a member of the Orange County Bar Association, where he formerly served as Co-Chair of the Estate, Guardianship and Trust Law Committee section. The firm's article states that he has practiced for nearly three decades.

Sawyer & Sawyer, P.A. is located at 8913 Conroy Windermere Rd., Orlando, FL 32835, and consultations are scheduled by telephone or through the firm's website. For more information about estate planning, revocable living trust, probate, and elder law representation at the firm in Orlando, Florida, visit their website or view the firm's Google Business Profile. The full article is available at https://sawyerandsawyerpa.com/estate-planning-for-high-net-worth-families-in-florida-strategies-that-save-millions/. The firm has indicated that it will continue publishing educational material on Florida estate planning and asset protection topics.

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Sawyer & Sawyer, Professional Association

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