



A Professional Corporation

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You have asked about becoming a Florida resident. Many people consider this step as Florida has no state income tax, no state inheritances taxes, offers better creditor protection than Indiana, and allows you to limit the growth on property tax increases on your Florida property.

The legal term involved is to determine your "domicile." Domicile is generally defined as the place where a person resides with the intention to remain permanently. Residence is simply defined as a place where you can reside. You can have many residences, but only one domicile.

There are numerous factors which determine your domicile. Many of them are discussed below and are quite obvious. One of the biggest factors is where you spend most of your time. You could take all the steps suggested in this letter, but if you only spend three weeks in Florida a year, you are not going to convince anyone you are domiciled there. Florida has no fixed rules on the number of days required in Florida to automatically make or not make Florida your domicile. However, Indiana does tax persons who "maintain a permanent place of residence in this state and spends more than 183 days of the year within the state. This makes it difficult for a couple spending more than 183 days in Indiana to claim to be Florida domiciliaries.

In general, to establish a Florida domicile, you will need to maximize your ties to Florida while minimizing your ties to Indiana. Below are factors which show intent to establish domicile in Florida:

1. Spend as much time as possible in Florida, preferably a majority of the year. Document the amount of time you spend in each state.
2. File a Florida Declaration of Domicile in the Office of the Clerk of the Circuit Court in the county in which you reside.
3. Declare Florida as your state of legal residency in estate planning documents.
4. Apply for the homestead exemption in Florida before March 1st. You must be a resident on or before January 1st.
5. Give up your Indiana homestead exemption.

6. Have a primary home or place of residence in Florida.
7. Move the bulk of your possessions, such as expensive paintings, antiques, collections, the library, etc. to the Florida home.
8. Register to vote in Florida and vote there.
9. Transfer all bank accounts, safe deposit boxes and securities to a Florida bank.
10. Register your automobiles, RVs, boats, etc. in Florida.
11. Obtain a Florida driver's license.
12. File your Federal income tax return using your Florida address.
13. File a non-resident income tax return with Indiana using your Florida address.
14. Place real estate in Indiana (or any other state) in a trust, or another legal entity.
15. Change the address on all credit cards and insurance policies to the Florida address.
16. Change social, religious and other national organization memberships to Florida.
17. Move brokerage account(s) to a broker licensed in Florida.
18. Move pensions to Florida, if possible.
19. Update social media profiles to reflect your new state residence.
20. Use advisors licensed in Florida for your financial, legal and accounting matters.
21. Move your medical records to a Florida physician.
22. Update the address on your passport to your new address, even if your passport has not expired yet.
23. Do not look for/use discounts offered to residents of your former state (for example, applying for "in state tuition" in former state.)
24. Notify Social Security Administration, Medicare, and Medicaid of new Florida address to send billing information to.
25. If applicable, register pets with a Florida veterinarian.

26. If applicable, register your children in your Florida school district.

The determination of your domicile could be investigated by an Indiana taxing authority, a Florida taxing authority, a court, or a creditor. Separating any of the above items between Florida and Indiana could allow either state to determine the state of domicile which is most effective for them. This means Florida and Indiana could both determine they are your state of domicile, making you liable to taxes in both. Also remember that you will be signing your tax returns each year under penalties of perjury stating in which state you are domiciled.

If you decide to move forward on this, our office can help you prepare and file the Florida Declaration of Domicile, file a non-domicile in your current county, obtain the information on what steps are needed to apply for the homestead exemption in your Florida county, revise your current estate planning documents or prepare new documents that show your residence as the State of Florida, and/or prepare Quitclaim Deed(s) placing your current residence and/or Florida residence in your trust.

After you have reviewed the above information, please feel free to call me if you have any questions, or if you would like us to prepare any of the above documents.