

SUMMARY

The provided text explains the significance of two important documents for owners of manufactured or mobile homes in Florida: the Declaration of Homestead and the Declaration of Domicile. Here's a summary of the key points:

Declaration of Homestead:

Legal Protection: Filed under Florida's Homestead laws, it protects a manufactured home on leased land from lien or forced sale by a judgment creditor seeking to collect a debt.

Statutory Reference: Florida Statutes 222.05 and Article 10, Section 4 of the Florida Constitution govern this protection.

Exemption Criteria: Any person owning and occupying a dwelling house, including a mobile or modular home, on leased land may be entitled to the exemption.

Filing Procedure: Obtain a "Declaration of Homestead" form, get it notarized by all owners, and file it with the Clerk of the Court in the county of residence.

Misconception: Many clerks may not be aware of eligibility for manufactured homeowners on leased land. It's not just for those who own the land.

Legal Classification: Without the declaration, a manufactured home is considered a motor vehicle and doesn't have the same protections as a house.

Declaration of Domicile:

Medicaid and Home Ownership: Filed to declare the manufactured home as your "domicile," ensuring eligibility to keep it when applying for Medicaid to pay for nursing home expenses.

Medicaid Rules: You are allowed to keep one home and one car to receive Medicaid aid. The declaration avoids classifying your home as a vehicle.

Requirements: Declare the manufactured home as your permanent and principal place of abode, and you must be a bona fide resident of Florida.

Filing Procedure: Obtain a "Declaration of Domicile" form, usually available on the county's website, go in person to the Clerk's office with a Florida driver's license for identification, pay the required fee, and receive a recorded form.

General Advice:

Keep the original stamped versions of both declarations in a safe place, such as a safety deposit box.

Copies of the declarations are recommended.

Declaration of Domicile is a form of insurance in case Medicaid aid is needed in the future.

If married, consider going together to save on fees.

This information provides a practical guide for manufactured or mobile homeowners in Florida to ensure legal protections and Medicaid eligibility.

THE DECLARATION OF HOMESTEAD THE DECLARATION OF DOMICILE INFORMATION

The Declaration of Homestead and The Declaration of Domicile are two very important documents every owner of a manufactured or mobile home needs to know about.

Under Florida's Homestead laws (Florida Statutes 222.05 and Article 10, Section 4 of the Florida Constitution), a properly filed Declaration of Homestead can protect your manufactured home located on leased land from lien or forced sale by a judgment creditor seeking to collect a debt.

222.05 Setting apart leasehold. —Any person owning and occupying any dwelling house, including a mobile home used as a residence, or modular home, on land not his or her own which he or she may lawfully possess, by lease or otherwise, and claiming such house, mobile home, or modular home as his or her homestead, shall be entitled to the exemption of such house, mobile home, or modular home from levy and sale as aforesaid.

Article X, Section 4 Florida Constitution 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...

You must get a form **DECLARATION OF HOMESTEAD** and file it with the Clerk of the Court for the county you live in. Many of these clerks don't know that you are eligible. They think it is just for those who own the land their home is on. Most land-owned homeowners file it to get a reduction in real estate taxes, which it also does grant. But you, as a manufactured homeowner on leased land, want the legal protection against a forced sale that registering your mobile/manufactured home as your homestead offers.

If you do not register your home with the Clerk of the Court under Florida Statute 222.05, it is considered a motor vehicle and does not have the same protections as a house. Manufactured and mobile homes are registered in the Department of Motor Vehicles and not classified as "homes". You must officially declare it your homestead by filing a Declaration of Homestead with the Clerk of Court.

The FMO has provided a snapshot of the form for the "Declaration of Homestead Manufactured Home", which follows this article. You must have this form notarized by all owners. Do not sign it in advance of going to a Notary. Then after it is notarized take it to the Clerk of Court in your county to register it. Bring the notations from the Florida Statute 222.05 and the Florida Constitution Article 10 Section 4 with you so avoid problems and repeat trips. Then after it is registered with the Clerk of the Court, make copies and keep the original stamped version in a safe place like a safety deposit box.

THE DECLARATION OF DOMICILE

The second important document to file is the Declaration of Domicile. That document declares your manufactured home as your "domicile" in case you ever need Medicaid to pay for a nursing home. According to Medicaid rules, you are allowed to keep one home and one car to receive Medicaid aid. Without this Declaration of Domicile, your home is classified as a vehicle with the Department of Motor Vehicles. Hopefully, you will never need Medicaid, but this simple form is good insurance just in case the future brings problems.

FLORIDA STATUTE THAT GOVERNS FILING

Florida Homestead Exemption Rules

The Florida homestead exemption has three rules:

1. **Primary Residence.** You must intend for the home to be your primary residence.
2. **Occupancy.** You must live in the home.
3. **Legal Title.** You must own the home or have a beneficial interest.

1. Primary Residence

The Florida homestead protection only applies when a person intends for the property to be their primary, permanent residence.

A person can only have one permanent homestead. **Therefore, a person who still lives primarily in another state or country cannot form the required intent to qualify for the Florida homestead protection.** A person may maintain a second residence in another state as long as the Florida house is their primary home.

2. Occupancy

A person must occupy and reside in the property in order for it to qualify for homestead protection. In other words, the person must move in with their principal belongings.

This does not mean a person cannot temporarily reside elsewhere.

3. Legal Title

A person must hold legal title to the property or have a beneficial interest to qualify for the Florida homestead protection. Title can be held in your personal name or in the name of your revocable living trust.

Facts showing intent to occupy a homestead permanently, such as your driver's license and vehicle registration addresses, are more important than a declaration you sign or file with the court.

How do you qualify for homestead exemption in Florida?

Any person can be eligible for the Florida homestead exemption. To qualify, the debtor must be a permanent Florida resident, and the homestead property must be the debtor's primary place of residence.

A second home or investment property cannot be considered a Florida homestead

What does a Florida homestead protect you from?

Florida homestead law protects your house from forced levy and sale by a civil judgment creditor. In other words, if you owe money on a judgment, the creditor cannot take away your home.

There are exceptions to what a homestead protects you from in Florida. The constitution states that homestead is not protected from the following debts:

- Liens on the homestead voluntarily given to secure a loan, such as a mortgage to purchase your home or a home equity loan.
- Mechanics liens for goods and services provided to build, repair, or improve your homestead.
- Liens recorded prior to homestead acquisition to secure payment of homeowner association dues and

MORE INFORMATION ABOUT FILING

special assessments.

-Property taxes, state taxes, and IRS tax liens.

Canadian home owners do not qualify if they are not US citizens

Florida Residency

You must be a Florida resident to qualify for the Florida homestead tax exemption. Residency is a matter of intent. You must occupy a Florida property with the intent to make it your permanent residence.

One common way of establishing intent is to record a Declaration of Domicile with the clerk of the court. The declaration of domicile is evidence of Florida residency, but it alone is not conclusive proof.

There are a few exceptions to what a homestead protects you from in Florida. The constitution states that a Florida homestead is not protected from the following debts:

- Liens on the homestead voluntarily given to secure a loan, such as a mortgage to purchase your home or a home equity loan.
- Mechanics liens for goods and services provided to build, repair, or improve your homestead.
- Liens recorded prior to homestead acquisition to secure payment of homeowner association dues and special assessments.
- Property taxes, state taxes, and IRS tax liens.

There are no other exceptions to the homestead exemption listed in the Florida constitution. In addition, because the state constitution only allows these exceptions, the Florida legislature cannot create additional exceptions to the homestead protection.

Declaration of Domicile Instructions

All information must be legible.

The Declaration of Domicile form must be notarized. All persons who signed the document must appear before the notary, with proper identification.

- Husband and wife, domestic partners, or others who co-habitate may sign the same form. All other individuals must submit separate forms.
- Do not sign your name(s) on the form until you are physically present in front of the Notary Public.
- Have your identification available. You need to have a current government-issued picture identification, such as a driver's license, a state identification card or current passport photo.

1. On the 1st. set of blank lines for address, **put your current address**
2. On the 2nd. set of blank lines for address, **put your current address again.**
3. On the 3rd. set of blank lines for address, **put the address of place you lived before you moved to your current address.**
4. **STOP AFTER COMPLETING THE THIRD BLANK LINE.** Do not finish the form until all parties who need to sign the form are present before a Notary Public.

Items required to bring with you when you go to the Clerk of the Court office

Be sure to take The Declaration of Homestead & Domicile Information Sheet with you to show the clerk if need be.

Certificate of title need both- there is a separate title for each half of a double wide home

Copy of the lease or Rental Agreement

Need both Forms

Do not go to the county tax office.- Go to the Polk County Clerk of Courts office

Go to Bartow

They will scan your originals then give them back to you.

DECLARATION OF DOMICILE

To the Clerk of the Circuit Court (County Comptroller) of POLK County, Florida.

This is my declaration of domicile in the State of Florida that I am filing this day in accordance and in conformity with Section 222.17, Florida Statutes.

FOR DOMICILIARIES OF THE STATE OF FLORIDA:

I hereby declare that I reside in and maintain a place of abode at:

(street and number)
_____, Florida
(city and county)

which place of abode I recognize and intend to maintain as my permanent home and, if I maintain another place or places of abode in some other state or states, I hereby declare that my above-described residence and abode in the State of Florida constitutes my predominant and principal home, and I intend to continue it permanently as such. I am, at the time of making this declaration, a bona fide resident of the State of Florida residing at:

(street and number)
_____, Florida
(city and county)

I formerly resided at:

(street and number)
_____, Florida
(city and county)

and the place or places where I maintain another or other place or places of abode are as follows: (Here list street address, city, county, and state of any other place or places of abode.)

(Print Name)

(Signature)

Sworn to and subscribed before me this _____ of _____, _____.

(Signature of Notary Public, State of Florida)

(Print, type or stamp commissioned name of Notary Public)

Personally Known _____ or Produced Identification _____
(Check One)

Type of Identification Produced: _____

(See reverse side for Domiciliaries of States Other than the State of Florida)

FOR DOMICILIARIES OF STATES OTHER THAN THE STATE OF FLORIDA:

I hereby declare that my domicile is in the State of _____ and that I intend to permanently continue and maintain my domicile in such state. At the time of making this declaration I am a bona fide resident of the State of _____. My place of abode within the State of Florida, if any, is as follows: (Here list street address, city, and county of place of abode in Florida.)

(Person making declaration may also include such other and further facts with reference to any acts done or performed by such person which such person desires or intends not to be construed as evidencing any intention to establish his/her domicile within the State of Florida.)

(Print Name)

(Signature)

Sworn to and subscribed before me this _____ of _____, _____.

(Signature of Notary Public, State of Florida)

(Print, type or stamp commissioned name of Notary Public)

Personally Known _____ or Produced Identification _____
(Check One)

Type of Identification Produced: _____

**DECLARATION OF HOMESTEAD – MANUFACTURED HOME
(Exempting Property from Forced Sale)
Filed Pursuant to Chapter 222.01, 222.02 & 222.05, Florida Statutes**

I (We), _____, the owner(s) and Title Holder(s) of the Manufactured Home described in the attached Title Certificate (attached hereto and incorporated herein as Exhibit "A") and further described as follows:

Manufactured by: _____

Title Number: _____

Manufactured in year: _____

Identification Number: _____

declare that the above manufactured home is located on leased property (a true and correct copy of the lease is attached hereto and incorporated herein as Exhibit "B") in the community or park known as _____, located in _____ county, Florida and that I permanently reside in the above described manufactured home as my residence and homestead within the meaning and definition set forth in Article X, Section IV of the Constitution of Florida, thus exempting the same from levy or forced sale.

Property Address:

Owner:

(signature)

(Print)

The foregoing instrument was acknowledged before me this ____ day of ____, 20__ by _____, who is personally known to me or who has produced _____ (type of identification) as identification and who did take an oath.

STATE OF FLORIDA

COUNTY OF _____

Notary Public

Notary Printed Name

On Tue, Dec 12, 2023 at 1:49 PM Stephens, Stephanie <stephaniestephens@polk-county.net> wrote:

Jim,

I have been forwarded your email by Clerk Stacy Butterfield who received your email from Senator Burton's office. Once completed both forms can be recorded into the official records. Recording fees are \$10.00 for the first page and \$8.50 for each additional page per document. They can be brought in person to the clerk of courts offices in Bartow, Lakeland, or Lake Alfred to be recorded. For in person recording, recording fees can be paid by cash, credit, or debit. They can also be mailed to Polk County Clerk of Courts, PO Box 9000 Drawer CC-8, Bartow FL 33831. Please include a check or money order for the recording fees along with a self-addressed postage paid envelope for the return of the originals after recording. Please let me know if you have additional questions and I will be happy to get you some answers.

Thank you,

Stephanie Stephens, Official Records Manager

863-534-4520 | stephaniestephens@polk-county.net

* **Office of Stacy M. Butterfield, CPA**

Polk County Clerk of the Circuit Court & Comptroller

255 N. Broadway Ave., Bartow, FL 33830 | www.PolkCountyClerk.net

EMAIL TO GIVE TO THE CLERK IF REQUIRED.

LAST PAGE