Marshall Law, P.A. Publishes Elder Law Guidance on Florida Medicaid and Homestead Property in Wildwood, Florida

September 15, 2026

WILDWOOD, FL - September 15, 2026 -
Marshall Law, P.A., an estate planning attorney practice located in Wildwood, Florida, has published an article addressing whether Florida Medicaid can require the sale of a family home to pay for long term care. The firm provides estate planning, elder law, probate, trust administration, and guardianship representation to residents of Wildwood, The Villages, and surrounding Central Florida communities, and Medicaid planning forms part of its elder law practice. The article, titled Can Medicaid Really Take Your House?, draws on a recent episode of the firm's podcast, Trust Me, It's Complicated, and examines the homestead exemption under Florida law along with the drafting errors that can remove it.

Residents of Wildwood and The Villages seeking elder law and Medicaid planning representation face eligibility rules that differ substantially from those in other states. To qualify for Florida Medicaid in 2026, the article states that an applicant's gross monthly income cannot exceed $2,982 and countable assets cannot exceed $2,000. Countable assets include bank accounts, stocks, and bonds. Homestead property is an exempt asset and is not counted toward the $2,000 limit, which means a Florida resident can own a home and still meet the asset test without selling it. One limit applies: the article states that homestead equity cannot exceed $752,000 in 2026, a figure that adjusts annually for inflation. Selling a home valued above that cap converts an exempt asset into countable cash, and the article describes a home equity line of credit as one method of reducing equity below the threshold while keeping the property intact.

The estate planning practice at Marshall Law, P.A., available to clients in Leesburg, Lady Lake, and Fruitland Park in Lake County, addresses a drafting issue the article identifies as a recurring source of loss. Under Florida statute and case law, a directive in a will or trust to sell homestead property, including one that is only implied, nullifies homestead protections after death and exposes the property to Medicaid recovery. Documents prepared in other states frequently carry standard liquidation language of that kind, and the article recommends updating an estate plan after any move to a new state. The firm's probate and trust administration practice serves families in Sumter County and in Marion County, including Ocala, where those documents are administered under Florida law, and guardianship representation is available across those counties when a family member no longer has capacity to sign documents.

The article notes that the protection is constitutional in origin. Article X, Section 4 of the Florida Constitution exempts homestead property from creditor claims, with limited exceptions for federal tax liens, unpaid county property taxes, and secured lienholders such as mortgage companies and homeowners associations. Medicaid is not among them. On whether homestead status survives a move into a care facility, the article states that Florida case law turns on proven intent to abandon the property, not on the resident's ability to return home independently. Mobile and modular homes on rented land are treated differently. They are protected from creditor claims during the owner's lifetime but lose exempt status after death, and the article states that owning the land beneath the home closes that gap.

John Thomas Marshall, Esq., Owner and Founder of Marshall Law, has more than 20 years of legal experience and holds a Juris Doctor and a Master of Taxation from the University of Akron. He was admitted to The Florida Bar in 2006 and to the United States Tax Court in 2008, and he is a member of the Elder Law Section and the Real Property, Probate and Trust Law Section of The Florida Bar, WealthCounsel, and ElderCounsel. He writes and presents continuing education courses for attorneys on Florida probate, Florida guardianship law, and estate planning techniques.

?Florida homestead property is an exempt asset, which means it is not counted toward the $2,000 asset limit, and Medicaid cannot force its sale during the owner's lifetime or recover from it after death,? said Marshall. ?Most of the families who come to this office moved here from states where the rules are far less protective, and many have already spent down savings they never needed to spend. Planning done ten or twenty years before care is needed opens options that planning done in the middle of a crisis closes.?

Marshall Law, P.A. is located at 1305 Cleveland Ave Ste D, Wildwood, FL 34785, and serves clients throughout Sumter County, including Wildwood, The Villages, and Oxford, along with Lake County, including

Minneola and Mount Dora, and Marion County, including Ocala. Directions to the Wildwood office are available through the firm's Google Maps listing. Consultations on elder law and Medicaid planning matters are scheduled by telephone at (352) 432-8859.

For more information about elder law and Medicaid planning representation at Marshall Law, P.A. in Wildwood, Florida, visit marshalllawpa.com or view the firm's Google Business Profile. The firm continues to publish articles and podcast episodes on estate planning, probate, guardianship, and elder law topics affecting families in Sumter, Lake, and Marion Counties.

###

For more information about Marshall Law, contact the company here:Marshall Law P.A.John Marshall(352) 432-8859service@marshalllawpa.com1305 Cleveland Ave Suite D, Wildwood, FL 34785

Marshall Law

Marshall Law is your premier estate planning attorney serving all of Central Florida. Our firm is distinguished for bespoke legal solutions tailored to each client's unique estate planning, probate, and guardianship needs.

Website: https://www.marshalllawpa.com/

Email: service@marshalllawpa.com

Phone: (352) 432-8859