

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED

**Committee on Children, Families,
And Elder Affairs**

HB 6047 — Florida ABLE Program

by Rep. Roach (SB 1300 by Senator Benacquisto)

The bill repeals section 11 of the 2018-2019 budget implementing bill (ch. 2018-10, L.O.F) relating to the Florida Achieving a Better Life Experience (ABLE) program. The Legislature established the ABLE program in 2015 to encourage and assist persons saving for the cost of their disability. Contributions to ABLE accounts are tax exempt and pay for a variety of expenses related to maintaining the health, independence and quality of life for persons with disabilities. Many of the persons in the ABLE program are provided medical care by the Medicaid program. Section 1009.986, F.S. allows the Medicaid program, upon the death of the designated beneficiary, to file a claim with the ABLE program to allow the state to recoup the cost of medical care provided to the designated beneficiary.

Section 10 of the implementing bill prohibits the Medicaid program from filing a claim upon the death of a Medicaid recipient who has assets in an ABLE account during fiscal year 2018-2019. Section 11 removes this prohibition effective July 1, 2019. By repealing section 11, the law that prohibits a claim by Medicaid on an ABLE account will remain in effect beyond fiscal year 2018-2019.

If approved by the Governor, these provisions take effect June 30, 2019.

Vote: Senate 40-0; House 110-0