

By Senator Bradley

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A bill to be entitled

An act relating to medical assistance eligibility for working persons with disabilities; creating s. 409.9041, F.S.; defining the term "department"; creating the Working People with Disabilities program within the Agency for Health Care Administration; providing the purpose of the program; specifying eligibility requirements; specifying income and asset requirements for eligibility in the program; requiring the Department of Children and Families to provide a written notice of specified information to eligible adults upon their initial enrollment in certain Medicaid waiver programs, and at least annually thereafter; requiring the department to provide the initial written notice to currently eligible enrollees within a specified timeframe; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 409.9041, Florida Statutes, is created to read:

409.9041 Working People with Disabilities program.—

(1) As used in this section, the term "department" means
Department of Children and Families.

(2) The Working People with Disabilities program is established within the agency. The purpose of the program is to eliminate barriers to employment by allowing certain working individuals with disabilities to maintain eligibility for

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30 Medicaid home and community-based services waiver programs while
31 working and earning additional income.

32 (3) An individual is eligible for the program and must
33 automatically be enrolled if he or she meets all of the
34 following criteria:

35 (a) Has a developmental disability as defined in s.
36 393.063.

37 (b) Is currently enrolled in a Medicaid home and community-
38 based services waiver program, including the home and community-
39 based services Medicaid waiver program under s. 393.0662, the
40 familial dysautonomia waiver program authorized under s.
41 409.912(10), the long-term care managed care program under s.
42 409.978, the pilot program for individuals with developmental
43 disabilities under s. 409.9855, or the Florida Medicaid Model
44 Waiver.

45 (c) Is at least 18 years of age.
46 (d) Is employed and earning income.

47 (4) To maintain Medicaid eligibility, the enrollee's
48 maximum monthly income may not exceed 550 percent of the
49 Supplemental Security Income Federal Benefit Rate established by
50 the Social Security Administration. The agency and department
51 shall disregard assets up to \$13,000 for an enrollee and up to
52 \$24,000 for an enrollee and his or her spouse, and exclude an
53 enrollee's assets held in a retirement account recognized by the
54 Internal Revenue Service, when determining eligibility for the
55 Medicaid program.

56 (5) The department shall provide written notice to eligible
57 adults upon initial enrollment in a waiver program described in
58 paragraph (3) (b) and at least annually thereafter. The notice

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59 must clearly and concisely communicate all of the following
60 information:

61 (a) Automatic enrollment in the program.
62 (b) Eligibility and qualifications for participation in the
63 program.

64 (c) The enrollee's ability to maintain Medicaid benefits
65 while earning income under the program.

66 (d) The optional nature of participation in the program.
67 (e) A brief overview of a special needs trust authorized by
68 the federal Social Security Act and how it may assist with
69 maintaining eligibility for benefits.

70 (f) The name and contact information for the person or
71 office within the department responsible for providing
72 information regarding eligibility for or assistance with the
73 program.

74 Section 2. The Department of Children and Families shall
75 provide the written notice required under s. 409.9041(5),
76 Florida Statutes, to currently eligible enrollees under s.
77 409.9041(3), Florida Statutes, within 90 days after the
78 effective date of this act.

79 Section 3. This act shall take effect upon becoming a law.