

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

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

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

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

(c) Is at least 18 years of age.

(d) Is employed and earning income.

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

(5) The department shall provide written notice to eligible adults upon initial enrollment in a waiver program described in 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.