

By the Committee on Children, Families, and Elder Affairs; and Senator Bradley

586-02239-26

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

23 Section 1. Section 409.9041, Florida Statutes, is created
24 to read:
25 409.9041 Working People with Disabilities program.—
26 (1) As used in this section, the term "department" means
27 the Department of Children and Families.

28 (2) The Working People with Disabilities program is
29 established within the agency. The purpose of the program is to

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30 eliminate barriers to employment by allowing certain working
31 individuals with disabilities to maintain eligibility for
32 Medicaid home and community-based services waiver programs while
33 working and earning additional income.

34 (3) An individual is eligible for the program if he or she
35 meets all of the following criteria:

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

37 393.063.

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

46 (c) Is at least 18 years of age.

47 (d) Is employed and earning income.

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

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

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59 paragraph (3) (b) and at least annually thereafter. The notice
60 must clearly and concisely communicate all of the following
61 information with the option to opt into the program:

62 (a) Eligibility and qualifications for participation in the
63 program.

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

66 (c) The optional nature of participation in the program.

67 (d) 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 (e) 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 (6) The agency shall identify Medicaid recipients who are
75 enrolled in a Supplemental Security Income program and a
76 Medicaid home and community-based services waiver program listed
77 in paragraph (3) (b) and share such information with the
78 department as necessary to accomplish the purpose of this
79 section.

80 Section 2. The Department of Children and Families shall
81 provide the written notice required under s. 409.9041(5),
82 Florida Statutes, to currently eligible enrollees under s.
83 409.9041(3), Florida Statutes, within 90 days after the
84 effective date of this act.

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