

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

586-02239-26

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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 agency to identify certain  
Medicaid recipients and share such information with  
the department for a specified purpose; 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

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

(3) An individual is eligible for the program 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

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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.