

1 A bill to be entitled
2 An act relating to medical assistance eligibility for
3 working individuals with disabilities; creating s.
4 409.9041, F.S.; providing the definition of the term
5 "department"; creating the Working People with
6 Disabilities program within the Agency for Health Care
7 Administration; providing for purpose of the program;
8 providing eligibility requirements; providing income
9 and assets requirements for eligibility in the
10 program; requiring the agency to develop an
11 application process and provide written notice to
12 eligible adults within a specified timeframe;
13 providing requirements for such notice; providing an
14 effective date.

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

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

20 409.9041 Working People with Disabilities program.—

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

23 (2) The Working People with Disabilities program is
24 established within the agency. The purpose of the program is to
25 eliminate barriers to employment by allowing certain working

26 individuals with disabilities to maintain eligibility for
27 Medicaid home and community-based services waiver programs while
28 working and earning additional income.

29 (3) A person is eligible for the program and must be
30 automatically enrolled if he or she:

31 (a) Has a developmental disability as defined in s.
32 393.063.

33 (b) Is currently enrolled in a Medicaid home and
34 community-based services waiver, including the home and
35 community-based services Medicaid waiver program under s.
36 393.0662, the familial dysautonomia waiver authorized under s.
37 409.912(10), the long-term care managed care program under s.
38 409.978, the pilot program for individuals with developmental
39 disabilities under s. 409.9855, or the Florida Medicaid Model
40 Waiver.

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

42 (d) Is employed and has earned income.

43 (4) To maintain Medicaid eligibility, an enrollee in this
44 program may not exceed a maximum monthly income of 550 percent
45 of the Supplemental Security Income Federal Benefit Rate
46 established by the Social Security Administration. The agency
47 and the department must disregard assets up to \$13,000 for an
48 individual and up to \$24,000 for a couple and exclude assets
49 held in a retirement account recognized by the Internal Revenue
50 Service from asset limits when determining eligibility for the

51 Medicaid program.

52 (5) The department shall provide written notice to
53 eligible adults upon initial enrollment in a waiver described in
54 paragraph (3)(b), and at least annually thereafter. The notice
55 shall clearly and concisely communicate all of the following
56 information:

57 (a) Automatic enrollment in the program.

58 (b) Eligibility and qualifications for the program.

59 (c) The ability to maintain Medicaid benefits while
60 earning income in the program.

61 (d) The optional nature of participation in the program.

62 (e) A brief overview of a special needs trust authorized
63 by the federal Social Security Act and how it may assist with
64 maintaining eligibility for benefits.

65 (f) The name and contact information for the person or
66 office within the department responsible for providing
67 information regarding eligibility for or assistance with the
68 program.

69 **Section 2.** The Department of Children and Families shall
70 provide the written notices required under s. 409.9041(5),
71 Florida Statutes, to currently eligible enrollees under s.
72 409.9041(3), Florida Statutes, within 90 days after the
73 effective date of this act.

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