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Navigating 2026 Florida Medicaid

Eligibility Limits, Miller Trusts &
Protecting Your Family's Future

FREE CONSULTATION AVAILABLE

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This guide is for informational purposes only and does not constitute legal advice.

THE COST OF CARE vs. THE INCOME GAP

Florida nursing home care is extraordinarily expensive — and Medicare does not cover long-term custodial care. Understanding this gap is the first step toward protecting your family.

Monthly Nursing Home Cost in Florida	\$10,000 – \$13,000+
Average Social Security + Pension Income	~\$2,000 – \$2,800/mo
The Gap Families Must Cover	\$7,000 – \$11,000+/mo

The Reality: Families are often forced to deplete life savings before Medicaid will help. Waiting until a crisis limits your legal options significantly. Early planning is essential.

2026 FLORIDA MEDICAID — FINANCIAL LIMITS AT A GLANCE

<p>MONTHLY GROSS INCOME CAP ■ (SINGLE APPLICANT)</p> <p style="font-size: 2em; font-weight: bold;">\$2,982</p> <p><small>Strict income cap state</small></p>	<p>COUNTABLE ASSET LIMIT ■ (SINGLE APPLICANT)</p> <p style="font-size: 2em; font-weight: bold;">\$2,000</p> <p><small>Increased for 2026</small></p>	<p>HOME EQUITY EXEMPTION</p> <p style="font-size: 2em; font-weight: bold;">\$752,000</p> <p><small>Primary residence</small></p>
<p>PERSONAL NEEDS ■ ALLOWANCE</p> <p style="font-size: 2em; font-weight: bold;">\$160/mo</p> <p><small>Nursing home resident</small></p>	<p>TRANSFER PENALTY ■ DIVISOR</p> <p style="font-size: 2em; font-weight: bold;">\$10,645</p> <p><small>Increased for 2026</small></p>	<p>CSRA (HEALTHY SPOUSE)</p> <p style="font-size: 2em; font-weight: bold;">\$162,660</p> <p><small>Countable assets kept</small></p>

ASSET LIMITS: COUNTABLE vs. EXEMPT

COUNTABLE — Must Stay Under \$2,000	EXEMPT — Safely Protected
<ul style="list-style-type: none"> Checking, savings, and money market accounts Stocks, bonds, and mutual funds Secondary real estate or vacation homes Life insurance cash value exceeding \$2,500 	<ul style="list-style-type: none"> Primary residence (up to \$752,000 in equity) One vehicle of any value Irrevocable burial contracts (+ up to \$2,500 in burial funds) Retirement accounts (IRAs/401ks) currently in pay status

PROTECTING THE HEALTHY SPOUSE FROM FINANCIAL HARDSHIP

When one spouse requires nursing home care, federal law provides important financial protections to prevent the healthy (community) spouse from being left without resources.

Community Spouse Resource Allowance (CSRA)	Minimum Monthly Maintenance Needs Allowance (MMMNA)
The healthy, non-applicant spouse is legally allowed to keep up to \$162,660 in countable assets — regardless of the \$2,000 limit applied to the applicant.	If the healthy spouse's income is low, a portion of the applicant's income can be diverted to them — ranging from a minimum of \$2,644 up to a maximum of \$4,066.50/month for 2026.

THE INCOME CAP TRAP: WHY \$1 CAN COST YOU EVERYTHING

Florida is a Strict Income Cap State	The Critical Distinction
For 2026, earning \$2,983/month in gross income disqualifies you entirely from long-term care Medicaid — unless proper legal steps are taken. The cap is \$2,982. One dollar over means denial.	Medicaid counts your GROSS income , not your net bank deposit. You must add back automatic deductions — like your \$174.70 Medicare Part B premium — when calculating eligibility. Many families are caught off guard by this rule.

THE SOLUTION: THE QUALIFIED INCOME TRUST (MILLER TRUST)

A **Qualified Income Trust (QIT)**, commonly called a Miller Trust, is a federal and state-sanctioned legal tool that solves the income cap problem. By redirecting your excess monthly income into this specialized trust, that money is legally excluded from the \$2,982 countable income test — allowing you to qualify for Medicaid and secure essential long-term care.

Step 1: Receive ■ Gross Income

Social Security, pension, and other income sources are received as normal.

Step 2: Deposit ■ Excess Income

The entire payment from the designated income source is deposited into the dedicated QIT bank account. Check-splitting is strictly prohibited by DCF.

Step 3: Timing Is ■ Everything

The deposit must occur during the exact calendar month the income is received. Missing a single month means an immediate loss of Medicaid benefits for that period.

ANATOMY OF A VALID MILLER TRUST

Florida DCF imposes strict requirements. A Miller Trust that fails even one of these three elements will be invalid — and the applicant will be denied Medicaid coverage.

<p>The trust cannot be canceled, amended, or revoked by the grantor once executed.</p>	<p>Absolutely no assets (savings, property sale proceeds) can be deposited. It manages recurring income only.</p>	<p>Upon the applicant's death, the State of Florida must receive all funds remaining up to the exact amount of medical assistance paid.</p>
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THE HIERARCHY OF TRUST DISBURSEMENTS

Once income is deposited into the Miller Trust, it is disbursed in the following strict order each month before any funds are paid to the nursing facility:

- 1

Personal Needs Allowance (PNA)
 \$160/mo retained by the nursing home resident for personal items such as clothing, toiletries, and incidentals.
- 2

Spousal Maintenance
 Diversion of income to the community spouse to meet the Minimum Monthly Maintenance Needs Allowance (MMMNA).
- 3

Medical Expenses
 Payment of uncovered health insurance premiums, including Medicare Part B and Part D.
- 4

Patient Responsibility
 The remaining balance is paid directly to the nursing facility to offset the state's cost.

TWO PATHS OF CARE: ICP vs. HCBS

Institutional Care Program (ICP)	Home & Community-Based Services (HCBS)
<ul style="list-style-type: none"> Covers skilled nursing facilities It is an entitlement program — no waitlists Medicaid pays the facility directly 	<ul style="list-style-type: none"> Care at home or an Assisted Living Facility Not an entitlement — subject to priority waitlists Recipient keeps income to pay room/board, but still requires a QIT if gross income exceeds \$2,982

THE 5-YEAR LOOK-BACK RULE & TRANSFER PENALTIES

Florida Medicaid heavily scrutinizes all financial transactions from the past **60 months (5 years)**. Gifting or transferring assets for less than fair market value triggers a penalty period during which Medicaid will not cover your care costs.

How the Penalty Is Calculated	Critical Warning
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p style="text-align: center;">Total Uncompensated Transfers</p> <hr style="border: 0.5px solid black;"/> <p style="text-align: center;">÷ \$10,645 (State Penalty Divisor)</p> <p style="text-align: center;">= Months of Delayed Coverage</p> </div>	<p>The penalty period does not begin when the gift was made. It begins only when you enter a facility and apply for care — meaning you could be responsible for months of expensive nursing home bills with no Medicaid coverage.</p> <p>Example: A \$53,225 gift ÷ \$10,645 = 5 months of no Medicaid coverage.</p>

CRISIS PLANNING: BEYOND THE MILLER TRUST

When immediate care is needed and both the income cap and asset limit are exceeded, the Miller Trust is paired with advanced asset protection strategies:

<p>Legally spend down assets without triggering look-back penalties by paying a family member a lump sum for future care-coordination services at fair market value.</p>	<p>Protect the primary family home from Medicaid Estate Recovery (MERP) by ensuring the property bypasses probate entirely upon death through a Florida-specific enhanced life estate deed.</p>
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THE HIDDEN TRAP: YOUR DURABLE POWER OF ATTORNEY

■ Your Standard DPOA May Not Be Enough

A standard or outdated Power of Attorney often lacks the specific legal language required by Florida Medicaid. If an applicant is incapacitated, the DPOA must feature **explicit, properly initialed provisions** granting the agent the authority to **"create a trust."**

Without this critical language, establishing a Miller Trust may require a costly, court-supervised guardianship process — causing significant delays while nursing home bills mount.

STRATEGIC NEXT STEPS

1**Audit Your Income**

Calculate your true gross monthly income by adding back all Medicare premiums and tax deductions. Your net bank deposit is not what Medicaid counts.

2**Review Your Legal Documents**

Ensure your Durable Power of Attorney contains Medicaid-specific trust creation powers before a crisis occurs.

3**Consult a Medicaid Planning Attorney**

Medicaid planning is not DIY. The rules are complex, the stakes are high, and mistakes are costly. Partner with an experienced elder law attorney to structure your assets, establish a valid Miller Trust, and protect your family's legacy.

Ready to Protect What Matters Most?

Medicaid planning is time-sensitive. Every month without a plan is a month of financial exposure for your family. Zoecklein Law P.A. has helped hundreds of Florida families navigate this complex process.

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This guide is for general informational purposes only and does not constitute legal advice. Medicaid rules are complex and change annually. Please consult with a qualified elder law attorney before making any planning decisions.