



Florida Judge to Hear Challenge That Would Stop Cuts to AIDS Drug Assistance Program

AIDS Healthcare Foundation's legal petition may help over 16,000 Floridians on ADAP keep their access to HIV meds and services.

February 5, 2026 By Eva Lorenz

[AIDS Healthcare Foundation](#) (AHF) sued Florida's Department of Health (DOH) over its recent changes to the state AIDS Drug Assistance Program (ADAP). [Advocates predict over 16,000 Floridians](#) will lose access to lifesaving HIV treatment and services because of the changes.

The complaint, filed on January 27, states that the health department broke the law by changing rules regarding the income eligibility threshold for ADAP without going through the mandatory rulemaking process. Because of the urgency of the matter—[people on ADAP](#) could lose access to HIV meds starting March 1—a Florida judge expedited the case and will hear it on February 18.

“Rulemaking is not a matter of agency discretion. Each statement that an agency like the Department of Health issues that meets the statutory definition of a rule must be adopted through legally mandated rulemaking procedures. [Florida](#) has simply not done so here,” said Tom Myers, chief of public affairs and general counsel for AHF, in a [press release](#). “The whole point of having to follow procedures and rules is to make sure any decisions made are deliberate, thought through and minimize harm. Floridians living with HIV and the general public's health are at stake here and jeopardized by these arbitrary and unlawful DOH rule changes.”

ADAP is a state-by-state prescription medication program that is federally funded under the [Ryan White HIV/AIDS Program](#). In January, the Florida health department announced funding cuts to ADAP, tightening eligibility from 400% to 130% of the federal poverty level. The changes would also end insurance premium assistance and restrict access to Biktarvy, a popular single-tablet HIV treatment.

The new policy was first reported in mid-January and is scheduled to take effect March 1, which

gives Floridians affected by ADAP changes less than two months to secure new HIV coverage.

AHF asked the state Division of Administrative Hearings to hear the case before these changes are implemented.

“If these cuts go through, you’re going to have sicker people, and you are going to have more HIV infections, which is ultimately going to cost the state a lot more money,” said Esteban Wood, AHF’s director for advocacy, legislative affairs and community engagement on Wednesday during a press conference.

Administrative Law Judge W. David Watkins will hear the dispute on February 18.

Access to and adherence to treatment are vital not only to people diagnosed with HIV but also to efforts to end the epidemic. People with HIV who achieve and maintain viral suppression experience slower disease progression, enjoy better overall health and are less likely to develop opportunistic illnesses. What’s more, people with an undetectable viral load don’t transmit HIV to others through sex. This is known as treatment as prevention, or [Undetectable Equals Untransmittable](#) (U=U).

Needless to say, adherence is impossible without reliable access to HIV meds.

For more information on ADAP changes, click [#AIDS Drug Assistance Program](#) to read articles like “[Florida’s Changes to Its AIDS Drug Assistance Program Will Cause Harm](#)” and more.