

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1295 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u> (Y/N)
ADOPTED AS AMENDED	<u> </u> (Y/N)
ADOPTED W/O OBJECTION	<u> </u> (Y/N)
FAILED TO ADOPT	<u> </u> (Y/N)
WITHDRAWN	<u> </u> (Y/N)
OTHER	<u> </u>

1 Committee/Subcommittee hearing bill: Health Care Facilities &
2 Systems Subcommittee

3 Representative Greco offered the following:

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Present subsections (15) through (28) of**
8 **section 429.02, Florida Statutes, are redesignated as**
9 **subsections (17) through (30), respectively, new subsections**
10 **(15) and (16) are added to that section, and subsection (12) of**
11 **that section is amended, to read:**

12 429.02 Definitions.—When used in this part, the term:

13 (12) "Extended congregate care" means acts beyond those
14 authorized in subsection (20) (18) which may be performed
15 pursuant to part I of chapter 464 by persons licensed thereunder
16 while carrying out their professional duties, and other

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supportive services that may be specified by rule. The purpose of such services is to enable residents to age in place in a residential environment despite mental or physical limitations that might otherwise disqualify them from residency in a facility licensed under this part.

(15) "Memory care resident" means a person who suffers from Alzheimer's disease or a related dementia who is a resident of an assisted living facility that claims or otherwise represents that it provides specialized care, services, or activities specifically to support such resident's Alzheimer's disease or related dementia, irrespective of whether such care, services, or activities were listed in the resident's contract.

(16) "Memory care services" means specific specialized or focused care, services, or activities an assisted living facility agrees to provide to a memory care resident to support his or her Alzheimer's disease or related dementia. Such services do not include services, care, or activities provided by the assisted living facility as optional supportive services that are available to all residents of the facility.

Section 2. Subsection (3) of section 429.07, Florida Statutes, is amended to read:

429.07 License required; fee.—

(3) In addition to the requirements of s. 408.806, each license granted by the agency must state the type of care for which the license is granted. Licenses shall be issued for one

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42 or more of the following categories of care: standard, extended
43 congregate care, limited nursing services, or limited mental
44 health, or memory care services.

45 (a) A standard license shall be issued to facilities
46 providing one or more of the personal services identified in s.
47 429.02. Such facilities may also employ or contract with a
48 person licensed under part I of chapter 464 to administer
49 medications and perform other tasks as specified in s. 429.255.

50 (b) An extended congregate care license shall be issued to
51 each facility that has been licensed as an assisted living
52 facility for 2 or more years and that provides services,
53 directly or through contract, beyond those authorized in
54 paragraph (a), including services performed by persons licensed
55 under part I of chapter 464 and supportive services, as defined
56 by rule, to persons who would otherwise be disqualified from
57 continued residence in a facility licensed under this part. An
58 extended congregate care license may be issued to a facility
59 that has a provisional extended congregate care license and
60 meets the requirements for licensure under subparagraph 2. The
61 primary purpose of extended congregate care services is to allow
62 residents the option of remaining in a familiar setting from
63 which they would otherwise be disqualified for continued
64 residency as they become more impaired. A facility licensed to
65 provide extended congregate care services may also admit an
66 individual who exceeds the admission criteria for a facility

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67 with a standard license, if he or she is determined appropriate
68 for admission to the extended congregate care facility.

69 1. In order for extended congregate care services to be
70 provided, the agency must first determine that all requirements
71 established in law and rule are met and must specifically
72 designate, on the facility's license, that such services may be
73 provided and whether the designation applies to all or part of
74 the facility. This designation may be made at the time of
75 initial licensure or re licensure, or upon request in writing by
76 a licensee under this part and part II of chapter 408. The
77 notification of approval or the denial of the request shall be
78 made in accordance with part II of chapter 408. Each existing
79 facility that qualifies to provide extended congregate care
80 services must have maintained a standard license and may not
81 have been subject to administrative sanctions during the
82 previous 2 years, or since initial licensure if the facility has
83 been licensed for less than 2 years, for any of the following
84 reasons:

85 a. A class I or class II violation;
86 b. Three or more repeat or recurring class III violations
87 of identical or similar resident care standards from which a
88 pattern of noncompliance is found by the agency;
89 c. Three or more class III violations that were not
90 corrected in accordance with the corrective action plan approved
91 by the agency;

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92 d. Violation of resident care standards which results in
93 requiring the facility to employ the services of a consultant
94 pharmacist or consultant dietitian;

95 e. Denial, suspension, or revocation of a license for
96 another facility licensed under this part in which the applicant
97 for an extended congregate care license has at least 25 percent
98 ownership interest; or

99 f. Imposition of a moratorium pursuant to this part or
100 part II of chapter 408 or initiation of injunctive proceedings.

101
102 The agency may deny or revoke a facility's extended congregate
103 care license for not meeting the criteria for an extended
104 congregate care license as provided in this subparagraph.

105 2. If an assisted living facility has been licensed for
106 less than 2 years, the initial extended congregate care license
107 must be provisional and may not exceed 6 months. The licensee
108 shall notify the agency, in writing, when it has admitted at
109 least one extended congregate care resident, after which an
110 unannounced inspection shall be made to determine compliance
111 with the requirements of an extended congregate care license. A
112 licensee with a provisional extended congregate care license
113 which demonstrates compliance with all the requirements of an
114 extended congregate care license during the inspection shall be
115 issued an extended congregate care license. In addition to
116 sanctions authorized under this part, if violations are found

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117 during the inspection and the licensee fails to demonstrate
118 compliance with all assisted living facility requirements during
119 a follow-up ~~followup~~ inspection, the licensee shall immediately
120 suspend extended congregate care services, and the provisional
121 extended congregate care license expires. The agency may extend
122 the provisional license for not more than 1 month in order to
123 complete a follow-up ~~followup~~ visit.

124 3. A facility that is licensed to provide extended
125 congregate care services shall maintain a written progress
126 report on each person who receives such nursing services from
127 the facility's staff which describes the type, amount, duration,
128 scope, and outcome of services that are rendered and the general
129 status of the resident's health. A registered nurse, or
130 appropriate designee, representing the agency shall visit the
131 facility at least twice a year to monitor residents who are
132 receiving extended congregate care services and to determine if
133 the facility is in compliance with this part, part II of chapter
134 408, and relevant rules. One of the visits may be in conjunction
135 with the regular survey. The monitoring visits may be provided
136 through contractual arrangements with appropriate community
137 agencies. A registered nurse shall serve as part of the team
138 that inspects the facility. The agency may waive one of the
139 required yearly monitoring visits for a facility that has:

140 a. Held an extended congregate care license for at least
141 24 months;

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142 b. No class I or class II violations and no uncorrected
143 class III violations; and

144 c. No ombudsman council complaints that resulted in a
145 citation for licensure.

146 4. A facility that is licensed to provide extended
147 congregate care services must:

148 a. Demonstrate the capability to meet unanticipated
149 resident service needs.

150 b. Offer a physical environment that promotes a homelike
151 setting, provides for resident privacy, promotes resident
152 independence, and allows sufficient congregate space as defined
153 by rule.

154 c. Have sufficient staff available, taking into account
155 the physical plant and firesafety features of the building, to
156 assist with the evacuation of residents in an emergency.

157 d. Adopt and follow policies and procedures that maximize
158 resident independence, dignity, choice, and decisionmaking to
159 permit residents to age in place, so that moves due to changes
160 in functional status are minimized or avoided.

161 e. Allow residents or, if applicable, a resident's
162 representative, designee, surrogate, guardian, or attorney in
163 fact to make a variety of personal choices, participate in
164 developing service plans, and share responsibility in
165 decisionmaking.

166 f. Implement the concept of managed risk.

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167 g. Provide, directly or through contract, the services of
168 a person licensed under part I of chapter 464.

169 h. In addition to the training mandated in s. 429.52,
170 provide specialized training as defined by rule for facility
171 staff.

172 5. A facility that is licensed to provide extended
173 congregate care services is exempt from the criteria for
174 continued residency set forth in rules adopted under s. 429.41.
175 A licensed facility must adopt its own requirements within
176 guidelines for continued residency set forth by rule. However,
177 the facility may not serve residents who require 24-hour nursing
178 supervision. A licensed facility that provides extended
179 congregate care services must also provide each resident with a
180 written copy of facility policies governing admission and
181 retention.

182 6. Before the admission of an individual to a facility
183 licensed to provide extended congregate care services, the
184 individual must undergo a medical examination as provided in s.
185 429.26(5) and the facility must develop a preliminary service
186 plan for the individual.

187 7. If a facility can no longer provide or arrange for
188 services in accordance with the resident's service plan and
189 needs and the facility's policy, the facility must make
190 arrangements for relocating the person in accordance with s.
191 429.28(1) (k).

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(c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. This designation may be made at the time of initial licensure or licensure renewal, or upon request in writing by a licensee under this part and part II of chapter 408. Notification of approval or denial of such request shall be made in accordance with part II of chapter 408. An existing facility that qualifies to provide limited nursing services must have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. A facility that is licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services from the facility's staff. The report must describe the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit the facility at least annually to monitor

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217 residents who are receiving limited nursing services and to
218 determine if the facility is in compliance with applicable
219 provisions of this part, part II of chapter 408, and related
220 rules. The monitoring visits may be provided through contractual
221 arrangements with appropriate community agencies. A registered
222 nurse shall also serve as part of the team that inspects such
223 facility. Visits may be in conjunction with other agency
224 inspections. The agency may waive the required yearly monitoring
225 visit for a facility that has:

226 a. Had a limited nursing services license for at least 24
227 months;

228 b. No class I or class II violations and no uncorrected
229 class III violations; and

230 c. No ombudsman council complaints that resulted in a
231 citation for licensure.

232 3. A person who receives limited nursing services under
233 this part must meet the admission criteria established by the
234 agency for assisted living facilities. When a resident no longer
235 meets the admission criteria for a facility licensed under this
236 part, arrangements for relocating the person shall be made in
237 accordance with s. 429.28(1)(k), unless the facility is licensed
238 to provide extended congregate care services.

239 Section 3. Section 429.076, Florida Statutes, is created
240 to read:

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241 429.076 Memory care services license.-An assisted living
242 facility that serves one or more memory care residents, or that
243 advertises or otherwise holds itself out as providing memory
244 care services, must obtain a memory care services license
245 pursuant to subsection (3) or subsection (4), as applicable. A
246 facility is not required to obtain a memory care services
247 license if the facility solely provides optional supportive
248 services for residents with Alzheimer's disease and related
249 dementias which are available to all residents of the facility
250 so long as the facility complies with agency rules on
251 advertising pursuant to paragraph (2)(h).

252 (1) To obtain a memory care services license, an assisted
253 living facility must maintain a standard assisted living
254 facility license and meet any additional minimum requirements
255 adopted by rule.

256 (2) By October 1, 2026, the agency shall adopt rules to
257 provide minimum standards for memory care services licenses.
258 Such rules must include, but are not limited to:

259 (a) Policies and procedures for providing memory care
260 services.

261 (b) Standardized admittance criteria for memory care
262 residents.

263 (c) The minimum level of care, services, and activities
264 that must be provided to memory care residents.

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265 (d) Minimum training requirements for staff at a facility
266 with a memory care services license, which must meet or exceed
267 training requirements established in s. 430.5025.

268 (e) Safety requirements specific to memory care residents,
269 including, but not limited to, requiring a memory care services
270 licensee to maintain at least one awake staff member to be on
271 duty at all hours.

272 (f) Physical plant requirements for a facility, or parts
273 of a facility as specified by the licensee, serving memory care
274 residents.

275 (g) Requirements for contracts with memory care residents
276 which, in addition to the requirements established by s. 429.24,
277 must require a memory care services licensee to specify the
278 memory care services that will be provided to the memory care
279 resident.

280 (h) Reasonable limitations on how an assisted living
281 facility may advertise or hold itself out as providing optional
282 supportive services for residents with Alzheimer's disease and
283 related dementias without obtaining a memory care services
284 license.

285 (3) An assisted living facility licensed on or after the
286 effective date of the rules required by subsection (2) must
287 obtain a memory care services license to provide memory care
288 services, serve memory care residents, or advertise or hold

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289 itself out as providing memory care services or otherwise
290 serving memory care residents.

291 (4) Except as provided in subsection (5), an assisted
292 living facility licensed before the effective date of the rules
293 required by subsection (2) must obtain a memory care services
294 license when such facility renews its license in order to begin
295 or continue to provide memory care services, serve memory care
296 residents, or advertise or hold itself out as providing such
297 services or serving such residents.

298 (5) (a) A facility that serves one or more memory care
299 residents accepted before the effective date of the rules
300 required by subsection (2) may continue to serve such memory
301 care residents and provide memory care services to such
302 residents without obtaining a memory care services license if
303 the facility:

304 1. Demonstrates to the agency that it is unable to
305 reasonably obtain such license;

306 2. Notifies any memory care residents the facility serves
307 and their caregivers, if applicable, that:

308 a. The facility is required to obtain a memory care
309 services license;

310 b. The facility is unable to obtain such license; and

311 c. The memory care resident may relocate to a facility
312 with a memory care services license, if desired.

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313 3. Upon request, assists memory care residents or, if
314 applicable, their caregivers with finding a suitable alternate
315 facility.

316 4. No longer accepts any new memory care residents without
317 first obtaining a memory care services license.

318 (b) If, after receiving the notice required by
319 subparagraph (a)2., a memory care resident or, if applicable,
320 his or her caregiver decides that the resident will remain at
321 the facility, the facility must:

322 1. Amend the resident's contract to include the memory
323 care services that are being provided to the resident;

324 2. Maintain records pertaining to when and how such
325 services were provided to the resident; and

326 3. Provide such records to the resident, his or her
327 caregivers, or the agency upon request.

328 **Section 4.** Effective upon the adoption of rules
329 establishing minimum standards for memory care services
330 licensees pursuant to s. 429.076, Florida Statutes, ss. 429.177
331 and 429.178, Florida Statutes, are repealed.

332 **Section 5.** This act shall take effect upon becoming a law.

333
334
335 -----

336 **T I T L E A M E N D M E N T**

337 Remove everything before the enacting clause and insert:

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338 An act relating to memory care; amending s. 429.02,
339 F.S.; defining terms; amending s. 429.07, F.S.;
340 requiring licenses for assisted living facilities that
341 provide memory care services; making technical
342 changes; creating s. 429.076, F.S.; requiring an
343 assisted living facility that serves memory care
344 residents or holds itself out as providing memory care
345 services to obtain a memory care services license;
346 providing an exception; requiring an assisted living
347 facility to maintain certain licensure and meet
348 certain requirements in order to obtain a memory care
349 services license; requiring the Agency for Health Care
350 Administration to adopt rules governing memory care
351 services licenses by a specified date; specifying
352 requirements for such rules; requiring an assisted
353 living facility licensed on or after the effective
354 date of such rules to obtain a memory care services
355 license to carry out certain functions; requiring an
356 assisted living facility licensed before the effective
357 date of such rules to obtain a memory care services
358 license at the time such facility renews its
359 licensure; authorizing a facility that served memory
360 care residents without a memory care services license
361 prior to a specified date to continue to do so if
362 certain requirements are met; requiring a facility

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363 without a memory care services license to meet
364 specified requirements if a memory care resident
365 decides to remain at the facility despite the lack of
366 such license; repealing ss. 429.177 and 429.178, F.S.,
367 relating to patients with Alzheimer's disease or other
368 related disorders and certain disclosures and special
369 care for persons with Alzheimer's disease or other
370 related disorders, respectively, upon the adoption of
371 certain rules; providing an effective date.