

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1295 (2026)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ☐ (Y/N)

ADOPTED AS AMENDED ☐ (Y/N)

ADOPTED W/O OBJECTION ☐ (Y/N)

FAILED TO ADOPT ☐ (Y/N)

WITHDRAWN ☐ (Y/N)

OTHER ☐

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

Representative Greco offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

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

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

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Amendment No. 1

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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Published On: 2/4/2026 5:07:56 PM

## Amendment No. 1

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

## Amendment No. 1

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 relicensure, 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;

## Amendment No. 1

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

## Amendment No. 1

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;

Amendment No. 1

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

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

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

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

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

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

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

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

f. Implement the concept of managed risk.

## Amendment No. 1

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).



## Amendment No. 1

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

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

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

## Amendment No. 1

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:

Amendment No. 1

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.

## Amendment No. 1

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

Amendment No. 1

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.

Amendment No. 1

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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## Amendment No. 1

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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Published On: 2/4/2026 5:07:56 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1295 (2026)

Amendment No. 1

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