

CS/HB 1295

2026

A bill to be entitled  
An act relating to memory care; amending s. 429.02, F.S.; defining terms; amending s. 429.07, F.S.; requiring licenses for assisted living facilities that provide memory care services; making technical changes; creating s. 429.076, F.S.; requiring an assisted living facility that serves memory care residents or holds itself out as providing memory care services to obtain a memory care services license; providing an exception; requiring an assisted living facility to maintain certain licensure and meet certain requirements in order to obtain a memory care services license; requiring the Agency for Health Care Administration to adopt rules governing memory care services licenses by a specified date; specifying requirements for such rules; requiring an assisted living facility licensed on or after the effective date of such rules to obtain a memory care services license to carry out certain functions; requiring an assisted living facility licensed before the effective date of such rules to obtain a memory care services license at the time such facility renews its licensure; authorizing a facility that served memory care residents without a memory care services license prior to a specified date to continue to do so if

CS/HB 1295

2026

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

36

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

38

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

44       429.02 Definitions.—When used in this part, the term:  
45       (12) "Extended congregate care" means acts beyond those  
46       authorized in subsection (20) ~~(18)~~ which may be performed  
47       pursuant to part I of chapter 464 by persons licensed thereunder  
48       while carrying out their professional duties, and other  
49       supportive services that may be specified by rule. The purpose  
50       of such services is to enable residents to age in place in a

CS/HB 1295

2026

51      residential environment despite mental or physical limitations  
52      that might otherwise disqualify them from residency in a  
53      facility licensed under this part.

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

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

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

70      429.07 License required; fee.—

71      (3) In addition to the requirements of s. 408.806, each  
72      license granted by the agency must state the type of care for  
73      which the license is granted. Licenses shall be issued for one  
74      or more of the following categories of care: standard, extended  
75      congregate care, limited nursing services, ~~or~~ limited mental

76 health, or memory care services.

77 (a) A standard license shall be issued to facilities  
78 providing one or more of the personal services identified in s.  
79 429.02. Such facilities may also employ or contract with a  
80 person licensed under part I of chapter 464 to administer  
81 medications and perform other tasks as specified in s. 429.255.

82 (b) An extended congregate care license shall be issued to  
83 each facility that has been licensed as an assisted living  
84 facility for 2 or more years and that provides services,  
85 directly or through contract, beyond those authorized in  
86 paragraph (a), including services performed by persons licensed  
87 under part I of chapter 464 and supportive services, as defined  
88 by rule, to persons who would otherwise be disqualified from  
89 continued residence in a facility licensed under this part. An  
90 extended congregate care license may be issued to a facility  
91 that has a provisional extended congregate care license and  
92 meets the requirements for licensure under subparagraph 2. The  
93 primary purpose of extended congregate care services is to allow  
94 residents the option of remaining in a familiar setting from  
95 which they would otherwise be disqualified for continued  
96 residency as they become more impaired. A facility licensed to  
97 provide extended congregate care services may also admit an  
98 individual who exceeds the admission criteria for a facility  
99 with a standard license, if he or she is determined appropriate  
100 for admission to the extended congregate care facility.

101        1. In order for extended congregate care services to be  
102 provided, the agency must first determine that all requirements  
103 established in law and rule are met and must specifically  
104 designate, on the facility's license, that such services may be  
105 provided and whether the designation applies to all or part of  
106 the facility. This designation may be made at the time of  
107 initial licensure or relicensure, or upon request in writing by  
108 a licensee under this part and part II of chapter 408. The  
109 notification of approval or the denial of the request shall be  
110 made in accordance with part II of chapter 408. Each existing  
111 facility that qualifies to provide extended congregate care  
112 services must have maintained a standard license and may not  
113 have been subject to administrative sanctions during the  
114 previous 2 years, or since initial licensure if the facility has  
115 been licensed for less than 2 years, for any of the following  
116 reasons:

117            a. A class I or class II violation;

118            b. Three or more repeat or recurring class III violations  
119 of identical or similar resident care standards from which a  
120 pattern of noncompliance is found by the agency;

121            c. Three or more class III violations that were not  
122 corrected in accordance with the corrective action plan approved  
123 by the agency;

124            d. Violation of resident care standards which results in  
125 requiring the facility to employ the services of a consultant

CS/HB 1295

2026

126 pharmacist or consultant dietitian;

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

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

133  
134 The agency may deny or revoke a facility's extended congregate  
135 care license for not meeting the criteria for an extended  
136 congregate care license as provided in this subparagraph.

137 2. If an assisted living facility has been licensed for  
138 less than 2 years, the initial extended congregate care license  
139 must be provisional and may not exceed 6 months. The licensee  
140 shall notify the agency, in writing, when it has admitted at  
141 least one extended congregate care resident, after which an  
142 unannounced inspection shall be made to determine compliance  
143 with the requirements of an extended congregate care license. A  
144 licensee with a provisional extended congregate care license  
145 which demonstrates compliance with all the requirements of an  
146 extended congregate care license during the inspection shall be  
147 issued an extended congregate care license. In addition to  
148 sanctions authorized under this part, if violations are found  
149 during the inspection and the licensee fails to demonstrate  
150 compliance with all assisted living facility requirements during

151 a follow-up ~~followup~~ inspection, the licensee shall immediately  
152 suspend extended congregate care services, and the provisional  
153 extended congregate care license expires. The agency may extend  
154 the provisional license for not more than 1 month in order to  
155 complete a follow-up ~~followup~~ visit.

156 3. A facility that is licensed to provide extended  
157 congregate care services shall maintain a written progress  
158 report on each person who receives such nursing services from  
159 the facility's staff which describes the type, amount, duration,  
160 scope, and outcome of services that are rendered and the general  
161 status of the resident's health. A registered nurse, or  
162 appropriate designee, representing the agency shall visit the  
163 facility at least twice a year to monitor residents who are  
164 receiving extended congregate care services and to determine if  
165 the facility is in compliance with this part, part II of chapter  
166 408, and relevant rules. One of the visits may be in conjunction  
167 with the regular survey. The monitoring visits may be provided  
168 through contractual arrangements with appropriate community  
169 agencies. A registered nurse shall serve as part of the team  
170 that inspects the facility. The agency may waive one of the  
171 required yearly monitoring visits for a facility that has:

172 a. Held an extended congregate care license for at least  
173 24 months;

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

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

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

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

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

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

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

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

198       f. Implement the concept of managed risk.

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

CS/HB 1295

2026

201       h. In addition to the training mandated in s. 429.52,  
202 provide specialized training as defined by rule for facility  
203 staff.

204       5. A facility that is licensed to provide extended  
205 congregate care services is exempt from the criteria for  
206 continued residency set forth in rules adopted under s. 429.41.  
207 A licensed facility must adopt its own requirements within  
208 guidelines for continued residency set forth by rule. However,  
209 the facility may not serve residents who require 24-hour nursing  
210 supervision. A licensed facility that provides extended  
211 congregate care services must also provide each resident with a  
212 written copy of facility policies governing admission and  
213 retention.

214       6. Before the admission of an individual to a facility  
215 licensed to provide extended congregate care services, the  
216 individual must undergo a medical examination as provided in s.  
217 429.26(5) and the facility must develop a preliminary service  
218 plan for the individual.

219       7. If a facility can no longer provide or arrange for  
220 services in accordance with the resident's service plan and  
221 needs and the facility's policy, the facility must make  
222 arrangements for relocating the person in accordance with s.  
223 429.28(1) (k).

224       (c) A limited nursing services license shall be issued to  
225 a facility that provides services beyond those authorized in

CS/HB 1295

2026

226 paragraph (a) and as specified in this paragraph.

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

242 2. A facility that is licensed to provide limited nursing  
243 services shall maintain a written progress report on each person  
244 who receives such nursing services from the facility's staff.  
245 The report must describe the type, amount, duration, scope, and  
246 outcome of services that are rendered and the general status of  
247 the resident's health. A registered nurse representing the  
248 agency shall visit the facility at least annually to monitor  
249 residents who are receiving limited nursing services and to  
250 determine if the facility is in compliance with applicable

CS/HB 1295

2026

251 provisions of this part, part II of chapter 408, and related  
252 rules. The monitoring visits may be provided through contractual  
253 arrangements with appropriate community agencies. A registered  
254 nurse shall also serve as part of the team that inspects such  
255 facility. Visits may be in conjunction with other agency  
256 inspections. The agency may waive the required yearly monitoring  
257 visit for a facility that has:

258 a. Had a limited nursing services license for at least 24  
259 months;

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

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

264 3. A person who receives limited nursing services under  
265 this part must meet the admission criteria established by the  
266 agency for assisted living facilities. When a resident no longer  
267 meets the admission criteria for a facility licensed under this  
268 part, arrangements for relocating the person shall be made in  
269 accordance with s. 429.28(1)(k), unless the facility is licensed  
270 to provide extended congregate care services.

271 **Section 3. Section 429.076, Florida Statutes, is created  
272 to read:**

273 429.076 Memory care services license.—An assisted living  
274 facility that serves one or more memory care residents, or that  
275 advertises or otherwise holds itself out as providing memory

CS/HB 1295

2026

276 care services, must obtain a memory care services license  
277 pursuant to subsection (3) or subsection (4), as applicable. A  
278 facility is not required to obtain a memory care services  
279 license if the facility solely provides optional supportive  
280 services for residents with Alzheimer's disease and related  
281 dementias which are available to all residents of the facility  
282 so long as the facility complies with agency rules on  
283 advertising pursuant to paragraph (2) (h).

284 (1) To obtain a memory care services license, an assisted  
285 living facility must maintain a standard assisted living  
286 facility license and meet any additional minimum requirements  
287 adopted by rule.

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

291 (a) Policies and procedures for providing memory care  
292 services.

293 (b) Standardized admittance criteria for memory care  
294 residents.

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

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

300 (e) Safety requirements specific to memory care residents,

301 including, but not limited to, requiring a memory care services  
302 licensee to maintain at least one awake staff member to be on  
303 duty at all hours.

304 (f) Physical plant requirements for a facility, or parts  
305 of a facility as specified by the licensee, serving memory care  
306 residents.

307 (g) Requirements for contracts with memory care residents  
308 which, in addition to the requirements established by s. 429.24,  
309 must require a memory care services licensee to specify the  
310 memory care services that will be provided to the memory care  
311 resident.

312 (h) Reasonable limitations on how an assisted living  
313 facility may advertise or hold itself out as providing optional  
314 supportive services for residents with Alzheimer's disease and  
315 related dementias without obtaining a memory care services  
316 license.

317 (3) An assisted living facility licensed on or after the  
318 effective date of the rules required by subsection (2) must  
319 obtain a memory care services license to provide memory care  
320 services, serve memory care residents, or advertise or hold  
321 itself out as providing memory care services or otherwise  
322 serving memory care residents.

323 (4) Except as provided in subsection (5), an assisted  
324 living facility licensed before the effective date of the rules  
325 required by subsection (2) must obtain a memory care services

326 license when such facility renews its license in order to begin  
327 or continue to provide memory care services, serve memory care  
328 residents, or advertise or hold itself out as providing such  
329 services or serving such residents.

330 (5) (a) A facility that serves one or more memory care  
331 residents accepted before the effective date of the rules  
332 required by subsection (2) may continue to serve such memory  
333 care residents and provide memory care services to such  
334 residents without obtaining a memory care services license if  
335 the facility:

336 1. Demonstrates to the agency that it is unable to  
337 reasonably obtain such license;

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

340 a. The facility is required to obtain a memory care  
341 services license;

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

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

345 3. Upon request, assists memory care residents or, if  
346 applicable, their caregivers with finding a suitable alternate  
347 facility.

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

350 (b) If, after receiving the notice required by

351 subparagraph (a)2., a memory care resident or, if applicable,  
352 his or her caregiver decides that the resident will remain at  
353 the facility, the facility must:

- 354 1. Amend the resident's contract to include the memory  
355 care services that are being provided to the resident;
- 356 2. Maintain records pertaining to when and how such  
357 services were provided to the resident; and
- 358 3. Provide such records to the resident, his or her  
359 caregivers, or the agency upon request.

360 **Section 4.** Effective upon the adoption of rules  
361 establishing minimum standards for memory care services  
362 licensees pursuant to s. 429.076, Florida Statutes, ss. 429.177  
363 and 429.178, Florida Statutes, are repealed.

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