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LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 02/02/2026 | . | |
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The Committee on Health Policy (Burton) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Present subsections (15) through (28) of section
6 429.02, Florida Statutes, are redesignated as subsections (17)
7 through (30), respectively, new subsections (15) and (16) are
8 added to that section, and subsection (12) of that section is
9 amended, to read:

10 429.02 Definitions.—When used in this part, the term:



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11 (12) "Extended congregate care" means acts beyond those
12 authorized in subsection (20) ~~(18)~~ which may be performed
13 pursuant to part I of chapter 464 by persons licensed thereunder
14 while carrying out their professional duties, and other
15 supportive services that may be specified by rule. The purpose
16 of such services is to enable residents to age in place in a
17 residential environment despite mental or physical limitations
18 that might otherwise disqualify them from residency in a
19 facility licensed under this part.

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

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

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

36 429.07 License required; fee.—

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



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

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

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

67 1. In order for extended congregate care services to be
68 provided, the agency must first determine that all requirements



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

83 a. A class I or class II violation;

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

87 c. Three or more class III violations that were not
88 corrected in accordance with the corrective action plan approved
89 by the agency;

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

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

97 f. Imposition of a moratorium pursuant to this part or part



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98 II of chapter 408 or initiation of injunctive proceedings.

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

103 2. If an assisted living facility has been licensed for
104 less than 2 years, the initial extended congregate care license
105 must be provisional and may not exceed 6 months. The licensee
106 shall notify the agency, in writing, when it has admitted at
107 least one extended congregate care resident, after which an
108 unannounced inspection shall be made to determine compliance
109 with the requirements of an extended congregate care license. A
110 licensee with a provisional extended congregate care license
111 which demonstrates compliance with all the requirements of an
112 extended congregate care license during the inspection shall be
113 issued an extended congregate care license. In addition to
114 sanctions authorized under this part, if violations are found
115 during the inspection and the licensee fails to demonstrate
116 compliance with all assisted living facility requirements during
117 a follow-up ~~followup~~ inspection, the licensee shall immediately
118 suspend extended congregate care services, and the provisional
119 extended congregate care license expires. The agency may extend
120 the provisional license for not more than 1 month in order to
121 complete a follow-up ~~followup~~ visit.

122 3. A facility that is licensed to provide extended
123 congregate care services shall maintain a written progress
124 report on each person who receives such nursing services from
125 the facility's staff which describes the type, amount, duration,
126 scope, and outcome of services that are rendered and the general



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127 status of the resident's health. A registered nurse, or
128 appropriate designee, representing the agency shall visit the
129 facility at least twice a year to monitor residents who are
130 receiving extended congregate care services and to determine if
131 the facility is in compliance with this part, part II of chapter
132 408, and relevant rules. One of the visits may be in conjunction
133 with the regular survey. The monitoring visits may be provided
134 through contractual arrangements with appropriate community
135 agencies. A registered nurse shall serve as part of the team
136 that inspects the facility. The agency may waive one of the
137 required yearly monitoring visits for a facility that has:

138 a. Held an extended congregate care license for at least 24
139 months;

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

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

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

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

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

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

155 d. Adopt and follow policies and procedures that maximize



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156 resident independence, dignity, choice, and decisionmaking to
157 permit residents to age in place, so that moves due to changes
158 in functional status are minimized or avoided.

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

164 f. Implement the concept of managed risk.

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

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

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

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



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

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

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

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



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

224 a. Had a limited nursing services license for at least 24
225 months;

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

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

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

237 Section 3. Section 429.076, Florida Statutes, is created to
238 read:

239 429.076 Memory care services license.—An assisted living
240 facility that serves one or more memory care residents, or that
241 advertises or otherwise holds itself out as providing memory
242 care services, must obtain a memory care services license



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243 pursuant to subsection (3) or subsection (4), as applicable. A
244 facility is not required to obtain a memory care services
245 license if the facility solely provides optional supportive
246 services for residents with Alzheimer's disease and related
247 dementias which are available to all residents of the facility
248 so long as the facility complies with agency rules on
249 advertising pursuant to paragraph (2)(h).

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

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

257 (a) Policies and procedures for providing memory care
258 services.

259 (b) Standardized admittance criteria for memory care
260 residents.

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

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

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

270 (f) Physical plant requirements for a facility, or parts of
271 a facility as specified by the licensee, serving memory care



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272 residents.

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

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

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

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

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



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301 the facility:

302 1. Demonstrates to the agency that it is unable to
303 reasonably obtain such license;

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

306 a. The facility is required to obtain a memory care
307 services license;

308 b. The facility is unable to obtain such license; and
309 c. The memory care resident may relocate to a facility with
310 a memory care services license, if desired.

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

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

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

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

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

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

326 Section 4. Section 430.71, Florida Statutes, is created to
327 read:

328 430.71 Florida Alzheimer's Center of Excellence.—

329 (1) PURPOSE AND INTENT.—The purpose of this section is to



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330 assist and support persons with Alzheimer's disease or related
331 dementias and their caregivers by connecting them with resources
332 in their communities to address the following goals:
333 (a) To allow residents of this state living with
334 Alzheimer's disease or related dementias to age in place.
335 (b) To empower family caregivers to improve their own well-
336 being.
337 (2) DEFINITIONS.-As used in this section, the term:
338 (a) "Center" means the Florida Alzheimer's Center of
339 Excellence.
340 (b) "Department" means the Department of Elderly Affairs.
341 (3) POWERS AND DUTIES.-
342 (a) There is created within the department the Florida
343 Alzheimer's Center of Excellence, which shall assist in
344 improving the quality of care for persons living with
345 Alzheimer's disease and related dementias and improving the
346 quality of life for family caregivers. The center may contract
347 for services necessary to implement this section. The center
348 shall do all of the following:
349 1. Conduct caregiver assessments to measure caregiver
350 burden.
351 2. Create personalized plans that guide caregivers to
352 community resources, empowering them with the skills, education,
353 support, and planning necessary for effective caregiving,
354 including addressing any medical, emotional, social, legal, or
355 financial challenges experienced by the person with Alzheimer's
356 disease or a related dementia.
357 3. Educate and assist caregivers with strategies for
358 caregiving for someone with Alzheimer's disease or a related



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359 dementia and provide guidance on all aspects of home-based care,
360 including home safety, physical and mental health, legal and
361 financial preparedness, communication skills, and hands-on care
362 techniques.

363 4. Provide online educational resources for caregivers.

364 5. Track outcomes, including, but not limited to, decreased
365 hospitalizations, reduced emergency department visits, reduction
366 in falls, and reduction in caregiver burnout.

367 6. By December 1 of each year, submit a report to the
368 Governor, the President of the Senate, and the Speaker of the
369 House of Representatives which addresses the number of families
370 served, the types of services provided, and the outcomes
371 achieved.

372 (b) The center shall work with area agencies on aging as
373 defined in s. 430.203; the Alzheimer's Disease Advisory
374 Committee established under s. 430.501; the Alzheimer's Disease
375 Initiative established under ss. 430.501-430.504; the state-
376 funded memory disorder clinics established under s. 430.502; the
377 department's Dementia Care and Cure Initiative task forces;
378 universities; hospitals; and other available community resources
379 to ensure full use of the state's infrastructure.

380 (4) ELIGIBILITY FOR SERVICES.—

381 (a) To qualify for assistance from the center, an
382 individual or a caregiver must meet all of the following
383 criteria:

384 1. At least one person in the household is a caregiver for
385 a person diagnosed with, or suspected to have, Alzheimer's
386 disease or a related dementia.

387 2. The caregiver or the person diagnosed with, or suspected



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388 to have, Alzheimer's disease or a related dementia is a resident
389 of this state.

390 3. The person seeking assistance has the goal of providing
391 in-home care for the person diagnosed with, or suspected to
392 have, Alzheimer's disease or a related dementia.

393 (b) If the person seeking assistance meets the criteria in
394 paragraph (a), the center may provide assistance to the
395 caregiving family, subject to the availability of funds and
396 resources.

397 Section 5. Effective upon the adoption of rules
398 establishing minimum standards for memory care services
399 licensees pursuant to s. 429.076, Florida Statutes, ss. 429.177
400 and 429.178, Florida Statutes, are repealed.

401 Section 6. This act shall take effect upon becoming a law.

402 ===== T I T L E A M E N D M E N T =====

403 And the title is amended as follows:

404 Delete everything before the enacting clause
405 and insert:

406 A bill to be entitled
407 An act relating to memory care; amending s. 429.02,
408 F.S.; defining terms; amending s. 429.07, F.S.;
409 requiring licenses for assisted living facilities that
410 provide memory care services; making technical
411 changes; creating s. 429.076, F.S.; requiring an
412 assisted living facility that serves memory care
413 residents or holds itself out as providing memory care
414 services to obtain a memory care services license;
415 providing an exception; requiring an assisted living



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417 facility to maintain certain licensure and meet
418 certain requirements in order to obtain a memory care
419 services license; requiring the Agency for Health Care
420 Administration to adopt rules governing memory care
421 services licenses by a specified date; specifying
422 requirements for such rules; requiring an assisted
423 living facility licensed on or after the effective
424 date of such rules to obtain a memory care services
425 license to carry out certain functions; requiring an
426 assisted living facility licensed before the effective
427 date of such rules to obtain a memory care services
428 license at the time such facility renews its
429 licensure; authorizing a facility that served memory
430 care residents without a memory care services license
431 prior to a specified date to continue to do so if
432 certain requirements are met; requiring a facility
433 without a memory care services license to meet
434 specified requirements if a memory care resident
435 decides to remain at the facility despite the lack of
436 such license; creating s. 430.71, F.S.; providing the
437 purpose of the Florida Alzheimer's Center of
438 Excellence; defining terms; creating the center within
439 the Department of Elderly Affairs; authorizing the
440 center to contract for services; providing duties of
441 the center; requiring the center to submit an annual
442 report to the Governor and the Legislature by a
443 specified date; specifying requirements for the
444 report; specifying eligibility requirements for
445 services; authorizing the center to provide assistance



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446 to qualified persons, subject to the availability of
447 funds and resources; repealing ss. 429.177 and
448 429.178, F.S., relating to patients with Alzheimer's
449 disease or other related disorders and certain
450 disclosures and special care for persons with
451 Alzheimer's disease or other related disorders,
452 respectively, upon the adoption of certain rules;
453 providing an effective date.