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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/24/2026	.	
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The Committee on Fiscal Policy (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete lines 81 - 341
and insert:
by the assisted living facility as supportive services, as defined in subsection (29), that are optional and 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.-



11 (3) In addition to the requirements of s. 408.806, each
12 license granted by the agency must state the type of care for
13 which the license is granted. Licenses shall be issued for one
14 or more of the following categories of care: standard, extended
15 congregate care, limited nursing services, ~~or~~ limited mental
16 health, or memory care services.

17 (a) A standard license shall be issued to facilities
18 providing one or more of the personal services identified in s.
19 429.02. Such facilities may also employ or contract with a
20 person licensed under part I of chapter 464 to administer
21 medications and perform other tasks as specified in s. 429.255.

22 (b) An extended congregate care license shall be issued to
23 each facility that has been licensed as an assisted living
24 facility for 2 or more years and that provides services,
25 directly or through contract, beyond those authorized in
26 paragraph (a), including services performed by persons licensed
27 under part I of chapter 464 and supportive services, as defined
28 by rule, to persons who would otherwise be disqualified from
29 continued residence in a facility licensed under this part. An
30 extended congregate care license may be issued to a facility
31 that has a provisional extended congregate care license and
32 meets the requirements for licensure under subparagraph 2. The
33 primary purpose of extended congregate care services is to allow
34 residents the option of remaining in a familiar setting from
35 which they would otherwise be disqualified for continued
36 residency as they become more impaired. A facility licensed to
37 provide extended congregate care services may also admit an
38 individual who exceeds the admission criteria for a facility
39 with a standard license, if he or she is determined appropriate



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40 for admission to the extended congregate care facility.

41 1. In order for extended congregate care services to be
42 provided, the agency must first determine that all requirements
43 established in law and rule are met and must specifically
44 designate, on the facility's license, that such services may be
45 provided and whether the designation applies to all or part of
46 the facility. This designation may be made at the time of
47 initial licensure or relicensure, or upon request in writing by
48 a licensee under this part and part II of chapter 408. The
49 notification of approval or the denial of the request shall be
50 made in accordance with part II of chapter 408. Each existing
51 facility that qualifies to provide extended congregate care
52 services must have maintained a standard license and may not
53 have been subject to administrative sanctions during the
54 previous 2 years, or since initial licensure if the facility has
55 been licensed for less than 2 years, for any of the following
56 reasons:

57 a. A class I or class II violation;

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

61 c. Three or more class III violations that were not
62 corrected in accordance with the corrective action plan approved
63 by the agency;

64 d. Violation of resident care standards which results in
65 requiring the facility to employ the services of a consultant
66 pharmacist or consultant dietitian;

67 e. Denial, suspension, or revocation of a license for
68 another facility licensed under this part in which the applicant



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69 for an extended congregate care license has at least 25 percent
70 ownership interest; or

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

73

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

77 2. If an assisted living facility has been licensed for
78 less than 2 years, the initial extended congregate care license
79 must be provisional and may not exceed 6 months. The licensee
80 shall notify the agency, in writing, when it has admitted at
81 least one extended congregate care resident, after which an
82 unannounced inspection shall be made to determine compliance
83 with the requirements of an extended congregate care license. A
84 licensee with a provisional extended congregate care license
85 which demonstrates compliance with all the requirements of an
86 extended congregate care license during the inspection shall be
87 issued an extended congregate care license. In addition to
88 sanctions authorized under this part, if violations are found
89 during the inspection and the licensee fails to demonstrate
90 compliance with all assisted living facility requirements during
91 a follow-up ~~followup~~ inspection, the licensee shall immediately
92 suspend extended congregate care services, and the provisional
93 extended congregate care license expires. The agency may extend
94 the provisional license for not more than 1 month in order to
95 complete a follow-up ~~followup~~ visit.

96 3. A facility that is licensed to provide extended
97 congregate care services shall maintain a written progress



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98 report on each person who receives such nursing services from
99 the facility's staff which describes the type, amount, duration,
100 scope, and outcome of services that are rendered and the general
101 status of the resident's health. A registered nurse, or
102 appropriate designee, representing the agency shall visit the
103 facility at least twice a year to monitor residents who are
104 receiving extended congregate care services and to determine if
105 the facility is in compliance with this part, part II of chapter
106 408, and relevant rules. One of the visits may be in conjunction
107 with the regular survey. The monitoring visits may be provided
108 through contractual arrangements with appropriate community
109 agencies. A registered nurse shall serve as part of the team
110 that inspects the facility. The agency may waive one of the
111 required yearly monitoring visits for a facility that has:

- 112 a. Held an extended congregate care license for at least 24
113 months;
- 114 b. No class I or class II violations and no uncorrected
115 class III violations; and
- 116 c. No ombudsman council complaints that resulted in a
117 citation for licensure.

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

- 120 a. Demonstrate the capability to meet unanticipated
121 resident service needs.
- 122 b. Offer a physical environment that promotes a homelike
123 setting, provides for resident privacy, promotes resident
124 independence, and allows sufficient congregate space as defined
125 by rule.
- 126 c. Have sufficient staff available, taking into account the



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127 physical plant and firesafety features of the building, to
128 assist with the evacuation of residents in an emergency.

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

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

138 f. Implement the concept of managed risk.

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

141 h. In addition to the training mandated in s. 429.52,
142 provide specialized training as defined by rule for facility
143 staff.

144 5. A facility that is licensed to provide extended
145 congregate care services is exempt from the criteria for
146 continued residency set forth in rules adopted under s. 429.41.
147 A licensed facility must adopt its own requirements within
148 guidelines for continued residency set forth by rule. However,
149 the facility may not serve residents who require 24-hour nursing
150 supervision. A licensed facility that provides extended
151 congregate care services must also provide each resident with a
152 written copy of facility policies governing admission and
153 retention.

154 6. Before the admission of an individual to a facility
155 licensed to provide extended congregate care services, the



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156 individual must undergo a medical examination as provided in s.
157 429.26(5) and the facility must develop a preliminary service
158 plan for the individual.

159 7. If a facility can no longer provide or arrange for
160 services in accordance with the resident's service plan and
161 needs and the facility's policy, the facility must make
162 arrangements for relocating the person in accordance with s.
163 429.28(1)(k).

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

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

182 2. A facility that is licensed to provide limited nursing
183 services shall maintain a written progress report on each person
184 who receives such nursing services from the facility's staff.



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185 The report must describe the type, amount, duration, scope, and
186 outcome of services that are rendered and the general status of
187 the resident's health. A registered nurse representing the
188 agency shall visit the facility at least annually to monitor
189 residents who are receiving limited nursing services and to
190 determine if the facility is in compliance with applicable
191 provisions of this part, part II of chapter 408, and related
192 rules. The monitoring visits may be provided through contractual
193 arrangements with appropriate community agencies. A registered
194 nurse shall also serve as part of the team that inspects such
195 facility. Visits may be in conjunction with other agency
196 inspections. The agency may waive the required yearly monitoring
197 visit for a facility that has:

198 a. Had a limited nursing services license for at least 24
199 months;

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

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

204 3. A person who receives limited nursing services under
205 this part must meet the admission criteria established by the
206 agency for assisted living facilities. When a resident no longer
207 meets the admission criteria for a facility licensed under this
208 part, arrangements for relocating the person shall be made in
209 accordance with s. 429.28(1)(k), unless the facility is licensed
210 to provide extended congregate care services.

211 Section 3. Section 429.076, Florida Statutes, is created to
212 read:

213 429.076 Memory care services license.—An assisted living



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214 facility that serves one or more memory care residents, or that
215 advertises or otherwise holds itself out as providing memory
216 care services, must obtain a memory care services license
217 pursuant to subsection (3) or subsection (4), as applicable. A
218 facility is not required to obtain a memory care services
219 license if the facility solely provides supportive services, as
220 defined in s. 429.02, for residents with Alzheimer's disease and
221 related dementias which are optional and available to all
222 residents of the facility so long as the facility complies with
223 agency rules on advertising pursuant to paragraph (2)(h).

224 (1) To obtain a memory care services license, an assisted
225 living facility must maintain a standard assisted living
226 facility license and meet any additional minimum requirements
227 adopted by rule. A memory care services license must be renewed
228 at the same time as the facility's standard license.

229 (2) By June 1, 2027, the agency shall adopt rules to
230 provide minimum standards for memory care services licenses.
231 Such rules must include, but are not limited to:

232 (a) Policies and procedures for providing memory care
233 services.

234 (b) Standardized admittance criteria for memory care
235 residents.

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

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

241 (e) Safety requirements specific to memory care residents,
242 including, but not limited to, requiring a memory care services



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243 licensee to maintain at least one awake staff member to be on
244 duty at all hours.

245 (f) Physical plant requirements for a facility, or parts of
246 a facility as specified by the licensee, serving memory care
247 residents.

248 (g) Requirements for contracts with memory care residents
249 which, in addition to the requirements established by s. 429.24,
250 must require a memory care services licensee to specify the
251 memory care services that will be provided to the memory care
252 resident.

253 (h) Specified terms or terminologies that a facility may
254 not use in its advertising without obtaining a memory care
255 services license. Such terms include, but are not limited to,
256 memory care, memory care facility, memory care services, memory
257 care residents, dementia care, dementia care facility,
258 Alzheimer's care, and Alzheimer's care facility. A facility that
259 is not licensed to provide memory care services may advertise
260 the supportive services, as defined in s. 429.02, it provides
261 for persons with Alzheimer's disease and related dementias so
262 long as such advertisements do not use any terms or terminology
263 prohibited by the agency's rules pursuant to this subsection,
264 such advertisements do not make any claim that the facility
265 provides memory care services, and the facility maintains a copy
266 of such advertisements in its records. The agency shall examine
267 all such advertisements in the facility's records as part of its
268 licensure renewal procedure.

269 (3) An assisted living facility licensed on or after the
270 effective date of the rules required by subsection (2) must
271 obtain a memory care services license to provide memory care



272 services, serve memory care residents, or advertise or hold
273 itself out as providing memory care services or otherwise
274 serving memory care residents.

275 (4) Except as provided in subsection (5), an assisted
276 living facility licensed before the effective date of the rules
277 required by subsection (2) must obtain a memory care services
278 license within 6 months after the effective date of such rules
279 in order to begin

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

282 And the title is amended as follows:

283 Delete lines 13 - 22

284 and insert:

285 services license; requiring that a memory care license
286 be renewed at the same time as the assisted living
287 facility's standard license; requiring the Agency for
288 Health Care Administration to adopt rules governing
289 memory care services licenses by a specified date;
290 specifying requirements for such rules; requiring an
291 assisted living facility licensed on or after the
292 effective date of such rules to obtain a memory care
293 services license to carry out certain functions;
294 requiring an assisted living facility licensed before
295 the effective date of such rules to obtain a memory
296 care services license within a specified timeframe
297 after the effective date of such rules;