



840284

LEGISLATIVE ACTION

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

Senate Substitute for Amendment (589480) (with title amendment)

Delete lines 81 - 374

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:



840284

11 429.07 License required; fee.-

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

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

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



840284

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

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

- 58 a. A class I or class II violation;
- 59 b. Three or more repeat or recurring class III violations
60 of identical or similar resident care standards from which a
61 pattern of noncompliance is found by the agency;
- 62 c. Three or more class III violations that were not
63 corrected in accordance with the corrective action plan approved
64 by the agency;
- 65 d. Violation of resident care standards which results in
66 requiring the facility to employ the services of a consultant
67 pharmacist or consultant dietitian;
- 68 e. Denial, suspension, or revocation of a license for



840284

69 another facility licensed under this part in which the applicant
70 for an extended congregate care license has at least 25 percent
71 ownership interest; or

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

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

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

97 3. A facility that is licensed to provide extended



840284

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

113 a. Held an extended congregate care license for at least 24
114 months;

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

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

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

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

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



840284

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

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

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

139 f. Implement the concept of managed risk.

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

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

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

155 6. Before the admission of an individual to a facility



840284

156 licensed to provide extended congregate care services, the
157 individual must undergo a medical examination as provided in s.
158 429.26(5) and the facility must develop a preliminary service
159 plan for the individual.

160 7. If a facility can no longer provide or arrange for
161 services in accordance with the resident's service plan and
162 needs and the facility's policy, the facility must make
163 arrangements for relocating the person in accordance with s.
164 429.28(1)(k).

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

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

183 2. A facility that is licensed to provide limited nursing
184 services shall maintain a written progress report on each person



840284

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

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

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

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

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

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



840284

214 429.076 Memory care services license.—An assisted living
215 facility that serves one or more memory care residents, or that
216 advertises or otherwise holds itself out as providing memory
217 care services, must obtain a memory care services license
218 pursuant to subsection (3) or subsection (4), as applicable. A
219 facility is not required to obtain a memory care services
220 license if the facility solely provides supportive services, as
221 defined in s. 429.02, for residents with Alzheimer’s disease and
222 related dementias which are optional and available to all
223 residents of the facility so long as the facility complies with
224 agency rules on advertising pursuant to paragraph (2) (h).

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

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

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

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

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

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

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



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

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

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

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

270 (i) Requirements that a facility must meet to continue to
271 serve memory care residents without obtaining a memory care



840284

272 services license pursuant to subsection (5).

273 (3) An assisted living facility licensed on or after the
274 effective date of the rules required by subsection (2) must
275 obtain a memory care services license to provide memory care
276 services, serve memory care residents, or advertise or hold
277 itself out as providing memory care services or otherwise
278 serving memory care residents.

279 (4) Except as provided in subsection (5), an assisted
280 living facility licensed before the effective date of the rules
281 required by subsection (2) must obtain a memory care services
282 license within 6 months after the effective date of such rules
283 in order to begin or continue to provide memory care services,
284 serve memory care residents, or advertise or hold itself out as
285 providing such services or serving such residents.

286 (5) (a) A facility that serves one or more memory care
287 residents accepted before the effective date of the rules
288 required by subsection (2) may continue to serve such memory
289 care residents and provide memory care services to such
290 residents without obtaining a memory care services license if
291 the facility:

292 1. Demonstrates to the agency that it is unable to
293 reasonably obtain such license;

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

296 a. The facility is required to obtain a memory care
297 services license;

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

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



840284

301 3. Upon request, assists memory care residents or, if
302 applicable, their caregivers with finding a suitable alternate
303 facility.

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

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

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

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

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

316 (c) This subsection may not be construed to exempt a
317 facility from meeting any other requirements in law or rule as
318 applicable to the facility, including, but not limited to,
319 requirements related to the appropriateness of placements for
320 residents of the facility established in s. 429.26.

321 Section 4. Subsection (1) of section 429.17, Florida
322 Statutes, is amended to read:

323 429.17 Expiration of license; renewal; conditional
324 license.—

325 (1) Limited nursing, extended congregate care, ~~and~~ limited
326 mental health licenses, and memory care services shall expire at
327 the same time as the facility's standard license, regardless of
328 when issued.

329



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

331 And the title is amended as follows:

332 Delete lines 13 - 30

333 and insert:

334 services license; requiring that a memory care license
335 be renewed at the same time as the assisted living
336 facility's standard license; requiring the Agency for
337 Health Care Administration to adopt rules governing
338 memory care services licenses by a specified date;
339 specifying requirements for such rules; requiring an
340 assisted living facility licensed on or after the
341 effective date of such rules to obtain a memory care
342 services license to carry out certain functions;
343 requiring an assisted living facility licensed before
344 the effective date of such rules to obtain a memory
345 care services license within a specified timeframe
346 after the effective date of such rules; authorizing a
347 facility that served memory care residents without a
348 memory care services license before a specified date
349 to continue to do so if certain requirements are met;
350 requiring a facility without a memory care services
351 license to meet specified requirements if a memory
352 care resident decides to remain at the facility
353 despite the absence of such license; providing
354 construction; amending s. 492.17, F.S.; providing that
355 a memory care license expires at the same time as the
356 facility's standard license; creating s. 430.71, F.S.;

357 providing