

By the Committee on Health Policy; and Senator Burton

588-02424-26

20261404c1

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 license;
authorizing a facility that served memory care
residents without a memory care services license
before a specified date to continue to do so if
certain requirements are met; requiring a facility
without a memory care services license to meet
specified requirements if a memory care resident
decides to remain at the facility despite the absence

588-02424-26

20261404c1

of such license; creating s. 430.71, F.S.; providing the purpose of the Florida Alzheimer's Center of Excellence; defining terms; creating the center within the Department of Elderly Affairs; authorizing the center to contract for services; providing duties of the center; requiring the center to submit an annual report to the Governor and the Legislature by a specified date; specifying requirements for the report; requiring the center to work with specified agencies, committees, initiatives, clinics, task forces, and other entities to ensure the full use of the state's infrastructure; specifying eligibility requirements for services; authorizing the center to provide assistance to qualified persons, subject to the availability of funds and resources; 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.

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

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

588-02424-26

20261404c1

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 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

588-02424-26

20261404c1

88 which the license is granted. Licenses shall be issued for one
89 or more of the following categories of care: standard, extended
90 congregate care, limited nursing services, ~~or~~ limited mental
91 health, or memory care services.

92 (a) A standard license shall be issued to facilities
93 providing one or more of the personal services identified in s.
94 429.02. Such facilities may also employ or contract with a
95 person licensed under part I of chapter 464 to administer
96 medications and perform other tasks as specified in s. 429.255.

97 (b) An extended congregate care license shall be issued to
98 each facility that has been licensed as an assisted living
99 facility for 2 or more years and that provides services,
100 directly or through contract, beyond those authorized in
101 paragraph (a), including services performed by persons licensed
102 under part I of chapter 464 and supportive services, as defined
103 by rule, to persons who would otherwise be disqualified from
104 continued residence in a facility licensed under this part. An
105 extended congregate care license may be issued to a facility
106 that has a provisional extended congregate care license and
107 meets the requirements for licensure under subparagraph 2. The
108 primary purpose of extended congregate care services is to allow
109 residents the option of remaining in a familiar setting from
110 which they would otherwise be disqualified for continued
111 residency as they become more impaired. A facility licensed to
112 provide extended congregate care services may also admit an
113 individual who exceeds the admission criteria for a facility
114 with a standard license, if he or she is determined appropriate
115 for admission to the extended congregate care facility.

116 1. In order for extended congregate care services to be

588-02424-26

20261404c1

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

- a. A class I or class II violation;
- b. Three or more repeat or recurring class III violations of identical or similar resident care standards from which a pattern of noncompliance is found by the agency;
- c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;
- d. Violation of resident care standards which results in requiring the facility to employ the services of a consultant pharmacist or consultant dietitian;
- e. Denial, suspension, or revocation of a license for another facility licensed under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

588-02424-26

20261404c1

146 f. Imposition of a moratorium pursuant to this part or part
147 II of chapter 408 or initiation of injunctive proceedings.
148

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

152 2. If an assisted living facility has been licensed for
153 less than 2 years, the initial extended congregate care license
154 must be provisional and may not exceed 6 months. The licensee
155 shall notify the agency, in writing, when it has admitted at
156 least one extended congregate care resident, after which an
157 unannounced inspection shall be made to determine compliance
158 with the requirements of an extended congregate care license. A
159 licensee with a provisional extended congregate care license
160 which demonstrates compliance with all the requirements of an
161 extended congregate care license during the inspection shall be
162 issued an extended congregate care license. In addition to
163 sanctions authorized under this part, if violations are found
164 during the inspection and the licensee fails to demonstrate
165 compliance with all assisted living facility requirements during
166 a follow-up ~~followup~~ inspection, the licensee shall immediately
167 suspend extended congregate care services, and the provisional
168 extended congregate care license expires. The agency may extend
169 the provisional license for not more than 1 month in order to
170 complete a follow-up ~~followup~~ visit.

171 3. A facility that is licensed to provide extended
172 congregate care services shall maintain a written progress
173 report on each person who receives such nursing services from
174 the facility's staff which describes the type, amount, duration,

588-02424-26

20261404c1

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

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

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.

588-02424-26

20261404c1

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.

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

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

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

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

588-02424-26

20261404c1

plan for the individual.

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

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

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

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

588-02424-26

20261404c1

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

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

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.

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

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

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

588-02424-26

20261404c1

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

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

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

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

(b) Standardized admittance criteria for memory care residents.

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

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

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

(f) Physical plant requirements for a facility, or parts of

588-02424-26

20261404c1

a facility as specified by the licensee, serving memory care residents.

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

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

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

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

(5)(a) A facility that serves one or more memory care residents accepted before the effective date of the rules required by subsection (2) may continue to serve such memory care residents and provide memory care services to such

588-02424-26

20261404c1

residents without obtaining a memory care services license if
the facility:

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

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

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

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

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

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

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

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

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

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

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

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

430.71 Florida Alzheimer's Center of Excellence.—

588-02424-26

20261404c1

(1) PURPOSE AND INTENT.—The purpose of this section is to assist and support persons with Alzheimer’s disease or related dementias and their caregivers by connecting them with resources in their communities to address the following goals:

(a) To allow residents of this state living with Alzheimer’s disease or related dementias to age in place.

(b) To empower family caregivers to improve their own well-being.

(2) DEFINITIONS.—As used in this section, the term:

(a) “Center” means the Florida Alzheimer’s Center of Excellence.

(b) “Department” means the Department of Elderly Affairs.

(3) POWERS AND DUTIES.—

(a) There is created within the department the Florida Alzheimer’s Center of Excellence, which shall assist in improving the quality of care for persons living with Alzheimer’s disease or related dementias and improving the quality of life for family caregivers. The center may contract for services necessary to implement this section. The center shall do all of the following:

1. Conduct caregiver assessments to measure caregiver burden.

2. Create personalized plans that guide caregivers to community resources, empowering them with the skills, education, support, and planning necessary for effective caregiving, including addressing any medical, emotional, social, legal, or financial challenges experienced by the person with Alzheimer’s disease or a related dementia.

3. Educate and assist caregivers with strategies for

588-02424-26

20261404c1

caregiving for someone with Alzheimer's disease or a related dementia and provide guidance on all aspects of home-based care, including home safety, physical and mental health, legal and financial preparedness, communication skills, and hands-on care techniques.

4. Provide online educational resources for caregivers.

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

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

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

(4) ELIGIBILITY FOR SERVICES.—

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

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

588-02424-26

20261404c1

436 2. The caregiver or the person diagnosed with, or suspected
437 to have, Alzheimer's disease or a related dementia is a resident
438 of this state.

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

442 (b) If the person seeking assistance meets the criteria in
443 paragraph (a), the center may provide assistance to the
444 caregiving family, subject to the availability of funds and
445 resources.

446 Section 5. Effective upon the adoption of rules
447 establishing minimum standards for memory care services
448 licensees pursuant to s. 429.076, Florida Statutes, ss. 429.177
449 and 429.178, Florida Statutes, are repealed.

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