

By the Committee on Health Policy; and Senator Burton

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30 of such license; creating s. 430.71, F.S.; providing
31 the purpose of the Florida Alzheimer's Center of
32 Excellence; defining terms; creating the center within
33 the Department of Elderly Affairs; authorizing the
34 center to contract for services; providing duties of
35 the center; requiring the center to submit an annual
36 report to the Governor and the Legislature by a
37 specified date; specifying requirements for the
38 report; requiring the center to work with specified
39 agencies, committees, initiatives, clinics, task
40 forces, and other entities to ensure the full use of
41 the state's infrastructure; specifying eligibility
42 requirements for services; authorizing the center to
43 provide assistance to qualified persons, subject to
44 the availability of funds and resources; repealing ss.
45 429.177 and 429.178, F.S., relating to patients with
46 Alzheimer's disease or other related disorders and
47 certain disclosures and special care for persons with
48 Alzheimer's disease or other related disorders,
49 respectively, upon the adoption of certain rules;
50 providing an effective date.

51
52 Be It Enacted by the Legislature of the State of Florida:

53
54 Section 1. Present subsections (15) through (28) of section
55 429.02, Florida Statutes, are redesignated as subsections (17)
56 through (30), respectively, new subsections (15) and (16) are
57 added to that section, and subsection (12) of that section is
58 amended, to read:

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59 429.02 Definitions.—When used in this part, the term:

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

69 (15) "Memory care resident" means a person who suffers from
70 Alzheimer's disease or a related dementia who is a resident of
71 an assisted living facility that claims or otherwise represents
72 that it provides specialized care, services, or activities
73 specifically to support such resident's Alzheimer's disease or
74 related dementia, irrespective of whether such care, services,
75 or activities were listed in the resident's contract.

76 (16) "Memory care services" means specific specialized or
77 focused care, services, or activities an assisted living
78 facility agrees to provide to a memory care resident to support
79 his or her Alzheimer's disease or related dementia. Such
80 services do not include services, care, or activities provided
81 by the assisted living facility as optional supportive services
82 that are available to all residents of the facility.

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

85 429.07 License required; fee.—

86 (3) In addition to the requirements of s. 408.806, each
87 license granted by the agency must state the type of care for

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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

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

132 a. A class I or class II violation;

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

136 c. Three or more class III violations that were not
137 corrected in accordance with the corrective action plan approved
138 by the agency;

139 d. Violation of resident care standards which results in
140 requiring the facility to employ the services of a consultant
141 pharmacist or consultant dietitian;

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

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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,

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175 scope, and outcome of services that are rendered and the general
176 status of the resident's health. A registered nurse, or
177 appropriate designee, representing the agency shall visit the
178 facility at least twice a year to monitor residents who are
179 receiving extended congregate care services and to determine if
180 the facility is in compliance with this part, part II of chapter
181 408, and relevant rules. One of the visits may be in conjunction
182 with the regular survey. The monitoring visits may be provided
183 through contractual arrangements with appropriate community
184 agencies. A registered nurse shall serve as part of the team
185 that inspects the facility. The agency may waive one of the
186 required yearly monitoring visits for a facility that has:

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

189 b. No class I or class II violations and no uncorrected
190 class III violations; and

191 c. No ombudsman council complaints that resulted in a
192 citation for licensure.

193 4. A facility that is licensed to provide extended
194 congregate care services must:

195 a. Demonstrate the capability to meet unanticipated
196 resident service needs.

197 b. Offer a physical environment that promotes a homelike
198 setting, provides for resident privacy, promotes resident
199 independence, and allows sufficient congregate space as defined
200 by rule.

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

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204 d. Adopt and follow policies and procedures that maximize
205 resident independence, dignity, choice, and decisionmaking to
206 permit residents to age in place, so that moves due to changes
207 in functional status are minimized or avoided.

208 e. Allow residents or, if applicable, a resident's
209 representative, designee, surrogate, guardian, or attorney in
210 fact to make a variety of personal choices, participate in
211 developing service plans, and share responsibility in
212 decisionmaking.

213 f. Implement the concept of managed risk.

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

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

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

229 6. Before the admission of an individual to a facility
230 licensed to provide extended congregate care services, the
231 individual must undergo a medical examination as provided in s.
232 429.26(5) and the facility must develop a preliminary service

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233 plan for the individual.

234 7. If a facility can no longer provide or arrange for
235 services in accordance with the resident's service plan and
236 needs and the facility's policy, the facility must make
237 arrangements for relocating the person in accordance with s.
238 429.28(1)(k).

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

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

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

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

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

275 b. No class I or class II violations and no uncorrected
276 class III violations; and

277 c. No ombudsman council complaints that resulted in a
278 citation for licensure.

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

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

288 429.076 Memory care services license.—An assisted living
289 facility that serves one or more memory care residents, or that
290 advertises or otherwise holds itself out as providing memory

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

377 430.71 Florida Alzheimer's Center of Excellence.—

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

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

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

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

387 (a) "Center" means the Florida Alzheimer's Center of
388 Excellence.

389 (b) "Department" means the Department of Elderly Affairs.

390 (3) POWERS AND DUTIES.—

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

398 1. Conduct caregiver assessments to measure caregiver
399 burden.

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

406 3. Educate and assist caregivers with strategies for

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

412 4. Provide online educational resources for caregivers.

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

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

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

429 (4) ELIGIBILITY FOR SERVICES.—

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

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

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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.