

PETITION FOR EMERGENCY VARIANCE  
DEPARTMENT OF ELDER AFFAIRS

In Re: Summerville at Oak Park, LLC d/b/a Brookdale Clermont

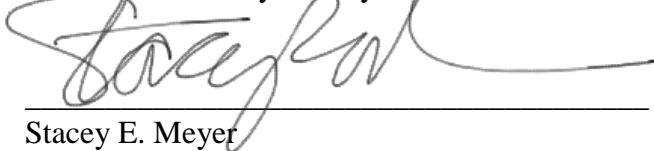
1. Brookdale Clermont  
650 East Minnehaha Avenue  
Clermont, Florida 34711  
License #AL9139  
Lake County  
(p) (352) 241-0844
2. Pursuant to Florida Statutes Section 120.542, Brookdale Clermont requests a variance from Rule 58A-5.036, Emergency Environmental Control for Assisted Living Facilities, enacted on March 26, 2018, which requires licensees of assisted living facilities to develop and implement a detailed written plan for the acquisition of generators and sufficient fuel that will maintain ambient temperatures at or below 81 degrees for a minimum of 96 hours in the event of a power loss. Specifically, Brookdale Clermont is requesting a variance to Section (4)(a) of the rule, which states: "Each assisted living facility licensed prior to the effective date of this rule shall, no later than June 1, 2018, have implemented the plan required under this rule." Brookdale Clermont requested, and received approval, of an extension until January 1, 2019 for implementation of Rule 58A-5.036. Brookdale Clermont is now requesting an additional extension under Florida Statutes Section 120.542 as laid out in Section (4)(b) of the rule.
3. Brookdale Clermont requests a temporary emergency variance until the date listed in #4 below to allow sufficient time to comply with Rule 58A-5.036. Brookdale Clermont requests an emergency variance due to the urgency of the need for approval as the time frames requested are significantly less than ninety days. If the variance is not issued with expedience, the community could be subject to survey citations and/or licensure actions if it does not have an approved variance to complete its generator installation.
4. Brookdale Clermont has been working in preparation for implementation of the requirements of the rule. Brookdale Clermont was previously given an extension and planned to have installation completed no later than May 31, 2019. The generator installation is complete; however, the community is awaiting a § 119.071(3)(a)2.b for final installation. Brookdale Clermont anticipates this being completed by June 7, 2019, but hereby requests an additional extension until June 30, 2019 in the event of additional minor delays.
5. Brookdale Clermont remains committed to compliance with the rules enacted on March 26, 2018. The community has taken all appropriate steps to date and will continue to complete all remaining steps. The emergency variance is being requested to allow Brookdale Clermont additional time to complete the required installation as the original timeline cannot be met due to the factors detailed in #4 and attached which are outside the control of the community. These delays will prevent Brookdale Clermont from meeting its previous planned commission date. Brookdale Clermont therefore requests an emergency variance to the requirement under 58A-

5.036 for a time limited variance to meet the implementation requirement. Brookdale Clermont plans to have sufficient generator power and fuel installed no later than by March 31, 2019. If additional factors arise preventing implementation by such date, we reserve the right to request an additional variance. Additionally, we request that DOEA withhold applying any disciplinary action during the time it takes DOEA to decide on the variance request and the additional time to comply as requested in the variance.

6. As a continuation of its efforts to comply with the emergency rule until complete implementation can be achieved and to maintain the safety and well-being of our residents, Brookdale Clermont will continue to follow its existing emergency plans in the event of disaster or loss of power. **F.S. 119.071(3)(a)2.b.**

Brookdale Clermont will continue to update emergency plans on file with the appropriate authority as necessary and submit required reports to DOEA until in full compliance.

Dated this 29th day of May 2019.



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