

PETITION FOR EMERGENCY VARIANCE
DEPARTMENT OF ELDER AFFAIRS

In Re: Summerville 17, LLC d/b/a Brookdale Deer Creek

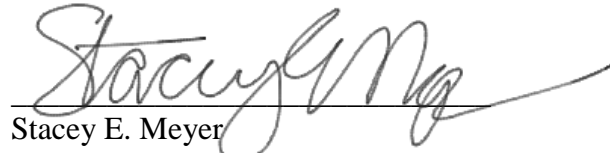
1. Brookdale Deer Creek
2403 West Hillsboro Boulevard
Deerfield Beach, Florida 33442
License #AL9401
Broward County
(p) (954) 426-3800
(f)
2. Pursuant to Florida Statutes Section 120.542, Brookdale Deer Creek requests a variance from Rule 58A-5.036, Emergency Environmental Control for Assisted Living 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 Deer Creek 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 Deer Creek requested, and received approval, of an extension until January 1, 2019 for implementation of Rule 58A-5.036. Brookdale Deer Creek is now requesting an additional extension under Florida Statutes Section 120.542 as laid out in Section (4)(b) of the rule.
3. Brookdale Deer Creek requests a temporary variance until the date listed in #4 below to allow sufficient time to comply with Rule 58A-5.036. Brookdale Deer Creek 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 Deer Creek has been working in preparation for implementation of the requirements of the rule. Brookdale Deer Creek was previously given an extension. Brookdale Deer Creek is has experienced significant delays in commencing installation of the generator due to ongoing problems obtaining local permits. Brookdale Deer Creek hereby requests an additional extension until July 15, 2019.
5. Brookdale Beckett Lake 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 variance is being requested to allow Brookdale Beckett Lake 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 Beckett Lake from meeting its planned commission. Brookdale Margate therefore requests a variance to the requirement under 58A-5.036 for a time limited variance to meet the implementation requirement. 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 Beckett Lake 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 Beckett Lake 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 28th day of May, 2019.



Stacey E. Meyer
Assistant Secretary
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