

PETITION FOR EMERGENCY VARIANCE  
DEPARTMENT OF ELDER AFFAIRS

Crescent Wood is formerly known as Brookdale Titusville and previous requests were done under both current and prior ownership. Crescent Wood has since undergone a change of ownership.

In Re: American Eagle Titusville, LLC d/b/a Crescent Wood

1. Crescent Wood  
1800 Harrison Street  
Titusville, FL 32780  
License #AL5758  
Brevard County  
(p) (321) 383-6000  
(f) (321) 367-6308

2. Pursuant to Florida Statutes Section 120.542, Crescent Wood 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, Crescent Wood 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." Crescent Wood requested, and received approval, of an extension until January 1, 2019 for implementation of Rule 58A-5.036. Crescent Wood is now requesting an additional extension under Florida Statutes Section 120.542 as laid out in Section (4)(b) of the rule.

3. Crescent Wood requests a temporary emergency variance until the date listed in #4 below to allow sufficient time to comply with Rule 58A-5.036. Crescent Wood 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. Crescent Wood has been working in preparation for implementation of the requirements of the rule. Crescent Wood was previously given an extension until January 31, 2019 and subsequently, May 31, 2019. The installation of the generator is complete; however, the community is waiting on **F.S. 119.071(3)(a)2.b.** Crescent Wood anticipates this being completed by June 14, 2019, but hereby requests an additional extension until June 30, 2019 in the event of additional minor delays.

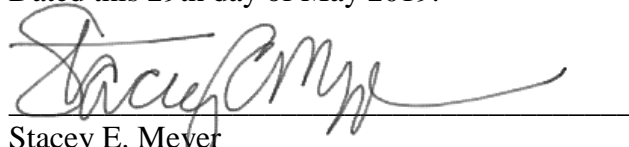
5. Crescent Wood remains committed to compliance with the rules enacted on March 26, 2018. The community has taken all appropriate steps to date and will continue to complete all remaining steps. The emergency variance is being requested to allow Crescent Wood additional

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 Crescent Wood from meeting its previous planned commission date. Crescent Wood therefore requests an emergency 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, Crescent Wood 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.**

[REDACTED] Crescent Wood 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.



Stacey E. Meyer  
Authorized Representative  
American Eagle Titusville, LLC  
6737 W. Washington Street, Suite 2300  
Milwaukee, WI 53214  
smeyer@brookdale.com  
(p) 414-918-5445  
(f) 414-918-6077