PETITION FOR EMERGENCY VARIANCE
DEPARTMENT OF ELDER AFFAIRS

Greenwood Place is formerly known as Brookdale Eau Gallie and previous requests were done under both current and prior ownership. Greenwood Place has since undergone a change of ownership.

In Re: American Eagle Eau Gallie, LLC d/b/a Greenwood Place

1. Greenwood Place
   2680 Croton Road
   Melbourne, FL 32935
   License #AL8885
   Brevard County
   (p) (321) 255-5443
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2. Pursuant to Florida Statutes Section 120.542, Greenwood Place 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, Greenwood Place 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." Greenwood Place requested, and received approval, of an extension until January 1, 2019 for implementation of Rule 58A-5.036. Greenwood Place is now requesting an additional extension under Florida Statutes Section 120.542 as laid out in Section (4)(b) of the rule.

3. Greenwood Place requests a temporary emergency variance until the date listed in #4 below to allow sufficient time to comply with Rule 58A-5.036. Greenwood Place 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 expediency, 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. Greenwood Place has been working in preparation for implementation of the requirements of the rule. Greenwood Place was previously given an extension until January 31, 2019 and subsequently, May 31, 2019. Installation of the generator is complete. Due to issues that arose during the local inspection in which F.S. 119.071(3)(a)2.b. Greenwood Place hereby requests an additional extension until June 30, 2019.

5. Greenwood Place 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 Greenwood Place 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 Greenwood Place from meeting its previous planned commission date. Greenwood Place 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, Greenwood Place will continue to follow its existing emergency plans in the event of disaster or loss of power. Greenwood Place 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.

[Signature]

Stacey E. Meyer
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