

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS

PETITION TO REZONE PROPERTY

LAKE COUNTY ZONING BOARD
December 7, 2011



BOARD OF COUNTY COMMISSIONERS
December 20, 2011

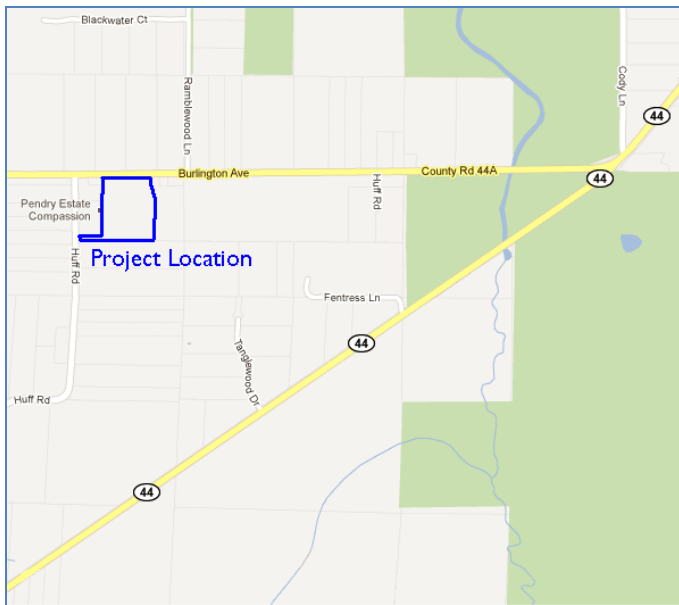
PH #1-12-4 Pendry Estates	Case Manager: Melving Isaac, Planner	Agenda Item #2
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Owner: Compassion In Care, LLC (the "Owner")

Applicant: Victor Richburg (the "Applicant")

Requested Action: Rezone property from Agriculture (A) to Community Facility District (CFD) for a Community Residential Home.

- Site Location & Information -



Approximate site location outlined in Blue

Size	11.62 +/- acres	
Location	Eustis area, Southeast of the CR 44A and Huff Road intersection	
Alternate Key #	1757959	
Future Land Use	Wekiva River Protection Area A-1-20 Sending Area	
	Existing	Proposed
Zoning District	A	CFD
Impervious Surface Ratio	.10	.30 max (Policy I-3.2.2)
Floor Area Ratio	.10	1.0 max
Joint Planning Area	N/A	
Utility Area:	N/A	
Site Utilities	Existing well and septic system	
Road Classification	CR 44A – Rural Major Collector	
Flood Zone/ FIRM Panel	X(245/385)	
Commissioner District	4 (Campione)	

Site Visit November 18, 2011
Sign Posted November 18, 2011 (2 posted)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential, Plant Nursery	Property surrounded by CR 44A at the north
South	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential	
East	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A)	Residential, Vacant Residential	
West	Wekiva River Protection Area A-1-20 Sending Area	Agriculture (A), C-1	Residential	

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL with conditions** of the proposed rezoning request and waiver, subject to the conditions as set forth in the attached Ordinance.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone property from Agriculture (A) to Community Facility District (CFD) for a Community Residential Home. Section 3.01.02(E.4) of the Land Development Regulations (LDR) describes a Community Residential Home as a living environment for 7 to 14 unrelated residents. The applicant is also requesting a waiver to allow a maximum capacity of 20 unrelated residents as permitted by the regulating agency (see Attachment 1).

The property currently has an existing 5,235 sq. ft. Family Residential Home that allows a maximum of six (6) unrelated residents. The Applicant seeks to increase the number of people receiving assistance in the existing facility to 20, therefore requiring rezoning the property to CFD for a Community Residential Home, which allows a higher number of residents, and requiring a waiver to permit 20 residents, or 6 more than the 14 permitted under the LDR in a Community Residential Home. The subject property consists of 11.62 +/- acres and is located in the Eustis area, southeast of the CR 44A and Huff Road intersection.

The proposed rezoning request is consistent with the Comprehensive Plan and LDR that permits Community Residential Homes in the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category (FLUC) and in the CFD Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;

The proposed rezoning is consistent with the LDR as seen in Section 3.00.03 that permits the CFD Zoning District in the Wekiva River Protection Area A-1-20 Sending Area FLUC. Community Residential Home uses are permitted in the CFD Zoning District, as established in LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*.

Section 3.01.02(E.4) LDR describes Community Residential Home as a living environment for up to 14 unrelated residents. The Applicant is also requesting a waiver to allow a maximum capacity of 20 unrelated residents as permitted by the regulating agency. A waiver to this requirement is requested and is included in the proposed CFD Ordinance.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;

The CFD zoning request is consistent with Comprehensive Plan Policy I-3.2.2 and is an allowable use in the Wekiva River Protection Area A-1-20 Sending Area FLUC. This policy permits civic uses (community facility uses, as defined by the Comprehensive Plan) with the issuance of a Conditional Use Permit (CUP). The CFD rezoning will satisfy the requirements of a CUP for the proposed use.

C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;

The subject property is surrounded by large acreage rural residential uses, vacant rural lands, and by CR 44A and a plant nursery at the north. Increasing the use of the site to have more residents is consistent with the proposed CFD rezoning and the surrounding uses with the conditions included in the ordinance. Therefore, the proposed rezoning is generally consistent with the land use patterns in the area.

D. Whether there have been changed conditions that justify a rezoning;

The Applicant seeks to increase the number of residents in the existing facilities, therefore requiring rezoning to CFD for a Community Residential Home is necessary to allow a higher number of residents.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;

Water/Sewage - The existing private well and septic system will be evaluated by the Lake County Health Department (LCHD) for capacity at the time of site plan approval.

Transportation – The existing driveway for the site is currently off Huff Rd which will need to be modified to meet Lake County commercial driveway apron requirements.

Solid Waste – Non impact is anticipated.

Fire and Emergency Services – The subject parcel is approximately 2 miles from Lake County Fire Station 21 (closest fire station), located at 25100 County Road 44A, Eustis.

F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;

The property contains an existing Family Residential Home and will have no adverse impacts on the natural environment.

G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;

Staff has no evidence that the proposed rezoning would adversely affect property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;

The proposed facility is consistent with the proposed CFD Zoning District and existing uses and development pattern in the surrounding area.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The proposed rezoning would be in harmony with the general intent of the Comprehensive Plan and LDR.

J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

N/A.

FINDINGS OF FACT: Staff has reviewed the application for the proposed rezoning and found:

1. The request is consistent with the Comprehensive Plan as seen in Policy I-3.2.2 as Civic uses (community facility uses) are allowable and conforms to the general land use criteria and activities of the Wekiva River Protection Area A-1-20 Sending Area Land Use Category.
2. The request is consistent with LDR Table 3.00.03 that permits the CFD Zoning District within the Wekiva River Protection Area A-1-20 Sending Area Land Use Category.
3. The request is consistent with LDR Table 3.01.03, Schedule of Permitted and Conditional Uses, which permits Community Residential Home uses in the CFD Zoning District.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, subject to the conditions as set forth in the attached Ordinance.

WRITTEN COMMENTS FILED:

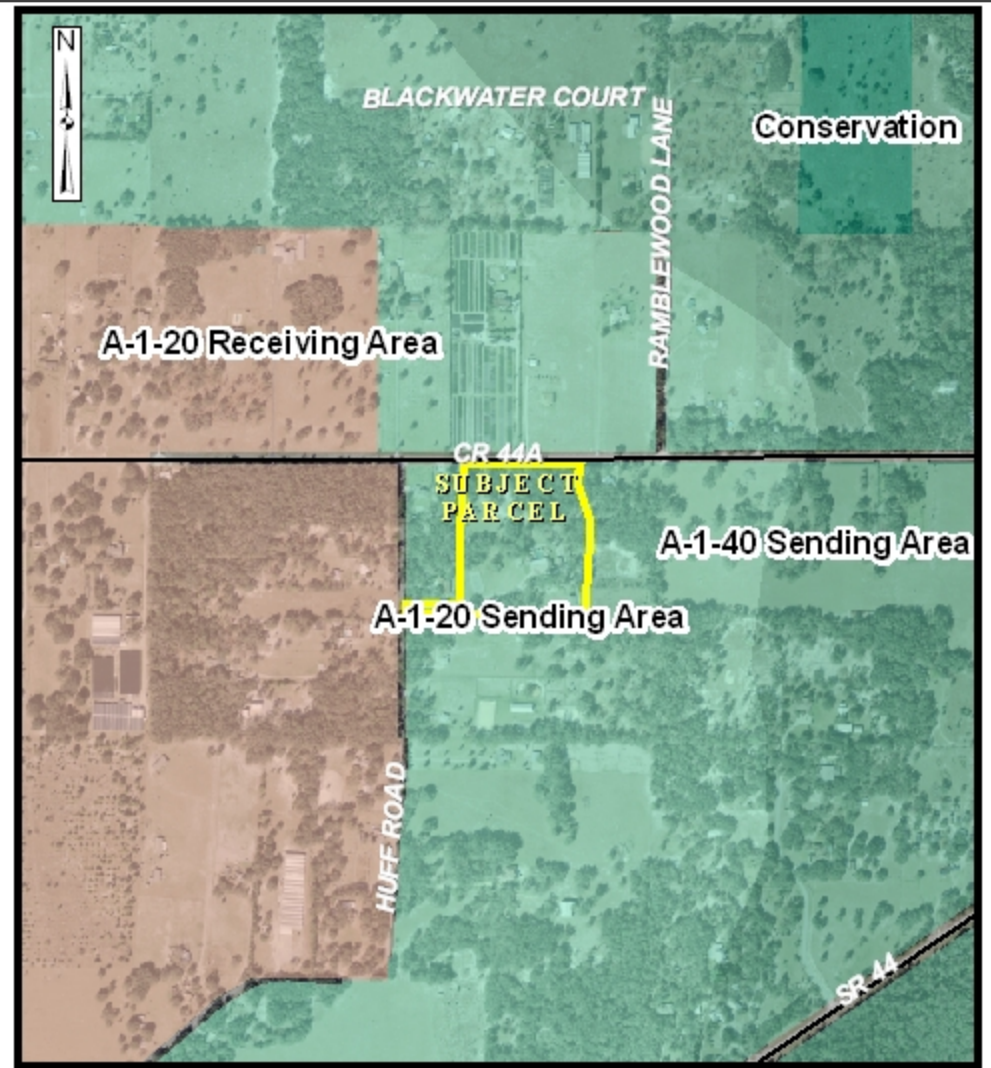
Supportive: -0-

Concern: -0-

Opposition: -0-



CURRENT ZONING
AGRICULTURE (A)



ADOPTED FUTURE LAND USE

WEKIVA RIVER PROTECTION AREA A-1-20 SENDING AREA

PENDRY ESTATES


CASE NO.
PH #1-12-4

CASE LOCATION:
T18S, R28E, S34

RE QUE STING:
Rezone property to Community Facility District (CFD)
for a Community Residential Home

 **ZONING**

 **LAND USE**

 **SUBJECT PARCEL**

REFERENCES:

Lake County GIS Department, Planimetric, 2000 Aerial Image,
Data Completion and Map production compliments of the
Growth Management Department, Planning and Community Design

This map product was prepared from a Geographic Information System
established by the Lake County Board of County Commissioners, its
employees, agents and personnel, made no warranty as to its accuracy
and in particular its accuracy as to labeling, dimensions, contours, property
boundaries, or placement or location of any map features therein. The Lake
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MAP COMPOSITION
JANUARY 2003

FOCUS AREA



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ORDINANCE #2011-XX
Pendry Estates
PH #1-12-4

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AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Victor Richburg (the "Applicant") made a request on behalf of Compassion In Care, LLC (the "Owner") to rezone property from Agriculture (A) to Community Facility District (CFD) for a Community Residential Home; and

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WHEREAS, the subject property consists of 11.62 +/- acres and is generally located in the Eustis area, Southeast of the CR 44A and Huff Road intersection, in Section 34, Township 18 South, Range 28 East, currently having Alternate Key Number 1757959, and further described as:

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LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

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WHEREAS, the subject property is located within the Wekiva River Protection Area A-1-20 Sending Area Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

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WHEREAS, the Lake County Zoning Board reviewed Petition PH #1-12-4 on December 7, 2011;

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AND, after giving Notice of Hearing on petition for a change in the use of land, including notice that said ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on December 20, 2011; and

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WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

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WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

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NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property, subject to the following terms:

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Section 1. Terms:

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The County Manager or designee shall amend the Official Zoning Map to rezone the subject property from Agriculture (A) to Community Facility District (CFD) in accordance with this Ordinance.

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A. Land Uses:

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1. Community Residential Home with a maximum capacity of 20 unrelated residents.
 2. One dwelling unit to be used as caretaker's residence.

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All uses shall be generally consistent with the Conceptual Plan as shown on EXHIBIT "B". To the extent where there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance shall take precedence.

- 1 Accessory uses directly associated with the above uses may be approved by the County
2 Manager or designee. Any other use of the site shall require an amendment to this Ordinance
3 as approved by the Board of County Commissioners.
- 4 B. Outside Agency Approval. The use of the property for the Community Residential Home shall
5 be in conformance with all Federal, State and Local Regulations at all times, including but not
6 limited to the Florida Department of Health, Agency for Health Care Administration (AHCA) or
7 Department of Children and Families (DCF). A copy of the AHCA or DCF approval shall be
8 provided with the site plan application.
- 9 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall
10 be in accordance with the Comprehensive Plan and LDR, as amended.
- 11 D. Landscaping, Buffering, and Screening shall comply with the LDR, as amended.
- 12 E. Transportation Improvements/Access Management: The existing driveway off of Huff Rd shall
13 meet Lake County commercial driveway apron requirements. Access management shall be in
14 accordance with the LDR, as amended.
- 15 F. Lighting: Exterior lighting shall be in accordance with the LDR, as amended, and consistent
16 with Dark-Sky Principles.
- 17 G. Signage: Signs shall be in accordance with the LDR, as amended.
- 18 H. Concurrency Management Requirements: Any development shall comply with the Lake County
19 Concurrency Management System.
- 20 I. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be
21 required to submit a site plan generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN
22 for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 23 J. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in
24 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
25 Comprehensive Plan, and Lake County Land Development Regulations shall include any
26 future amendments to the Statutes, Code, Plans, and/or Regulations.

27 **Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:

- 28 A. After establishment of the facilities as provided herein, the aforementioned property shall only
29 be used for the purposes named in this Ordinance. Any other proposed use must be
30 specifically authorized by the Board of County Commissioners.
- 31 B. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
32 move, convert, or demolish any building structure, add other uses, or alter the land in any
33 manner within the boundaries of the above described land without first obtaining the necessary
34 approvals in accordance with the Lake County Code, as amended, and obtaining the permits
35 required from the other appropriate governmental agencies.
- 36 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
37 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
38 Owner and any successor, and shall be subject to each and every condition herein set out.
- 39 D. Construction and operation of the proposed use shall at all times comply with the regulations of
40 this and other governmental permitting agencies.

1 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
2 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
3 made good and aware of the conditions established by this Ordinance and agrees to be bound
4 by these conditions. The purchaser or lessee may request a change from the existing plans
5 and conditions by following procedures contained in the Land Development Regulations, as
6 amended.

7 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code
8 Enforcement Special Master shall have authority to enforce the terms and conditions set forth
9 in this ordinance and to recommend that the ordinance be revoked.

10 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
11 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
12 affect the validity of the remaining portions of this Ordinance.

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14 **Section 4. Effective Date.** This Ordinance shall become effective as provided by law.

15 ENACTED this _____ day of _____, 2011.

16 FILED with the Secretary of State _____, 2011.

17 EFFECTIVE _____, 2011.

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22 BOARD OF COUNTY COMMISSIONERS
23 LAKE COUNTY, FLORIDA

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26 _____
27 , Chairman

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29 ATTEST:

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31 _____
32 NEIL KELLY, Clerk of the
33 Board of County Commissioners
34 Lake County, Florida

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36 APPROVED AS TO FORM AND LEGALITY

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38 _____
39 SANFORD A. MINKOFF, County Attorney
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EXHIBIT "A" – LEGAL DESCRIPTION

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2 That part of the West 600 feet (actually 591.15 feet) of the East 1000 feet (actually 991.15 feet) of the NE
3 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28 East, Lake County, Florida, lying South of
4 the Southerly right-of-way line of State Road 44-A and that part of the North 186.94 feet of the SE 1/4 of the
5 SW 1/4 of said Section 34; less the West 307.46 feet thereof and less that part lying East of the following
6 described line; Begin on the North line of the said SE 1/4 of the SW 1/4 at a course of S89°33'01"W 400.00
7 feet, when measured from the Northeast corner of said SE 1/4 of the SW 1/4 of Section 34; run thence
8 S17°00'43"E 195.04 feet for a point of terminus.

9 AND

10 The North 1/2 of the SE 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28 East, Lake County,
11 Florida. Subject to a Road Right-of-Way for Huff Road along the West side thereof, less the North 186.94
12 feet and less that part lying East of the following line: From the Southeast corner of said N 1/2 of the SE 1/4
13 of the SW 1/4 of Section 34, run thence S89°31'06"W along the South line of said SE 1/4 of the SW 1/4 a
14 distance of 368.55 feet to a point on a fence line for a Point of Beginning, thence N01°43'02"E along said
15 fence line and the Northerly extension thereof 477.86 feet to a point on the South line of the North 186.94
16 feet of said SE 1/4 of the SW 1/4 of Section 34 for a point of terminus.

17 LESS THE FOLLOWING:

18 A portion of the North 1/2 of the SE 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28 East,
19 Lake County, Florida. Subject to Road right-of-way for Huff Road along the West side being more
20 particularly described as follows:

21 Commence at the SW corner of the NE 1/4 of the SW 1/4 of Section 34, Township 18 South, Range 28
22 East; thence run East 25.00 feet to the East right of way lien of Huff Road; thence run South 01°00'58"
23 East along the said East right of way line a distance of 186.94 feet to a 5/8" Iron rod and cap RLS#1916 to
24 the Point of Beginning; thence continue South 01°00'58" West along said East right of way line a distance
25 of 437.69 feet; thence departing said right of way run North 89°31'09" East a distance of 238.93 feet;
26 thence run North 74°34'24" East a distance of 44.35 feet; thence run North 01°00'58" West parallel to said
27 East right of way a distance of 425.68 feet to a 5/8" iron rod and cap RLS#1916; thence run South
28 89°38'06" West 281.90 feet to the Point of Beginning.

Attachment 1

Florida Administrative Code (FAC) **58A-5.019 Staffing Standards.**

(1) **ADMINISTRATORS.** Every facility shall be under the supervision of an administrator who is responsible for the operation and maintenance of the facility including the management of all staff and the provision of adequate care to all residents as required by Part I of Chapter 429, F.S., and this rule chapter.

(a) The administrators shall:

1. Be at least 21 years of age;
2. If employed on or after August 15, 1990, have a high school diploma or general equivalency diploma (G.E.D.), or have been an operator or administrator of a licensed assisted living facility in the State of Florida for at least one of the past 3 years in which the facility has met minimum standards. Administrators employed on or after October 30, 1995, must have a high school diploma or G.E.D.;

3. Be in compliance with Level 2 background screening standards pursuant to Section 429.174, F.S.; and

4. Complete the core training requirement pursuant to Rule 58A-5.0191, F.A.C.

(b) Administrators may supervise a maximum of either three assisted living facilities or a combination of housing and health care facilities or agencies on a single campus. However, administrators who supervise more than one facility shall appoint in writing a separate “manager” for each facility who must:

1. Be at least 21 years old; and

2. Complete the core training requirement pursuant to Rule 58A-5.0191, F.A.C.

(c) Pursuant to Section 429.176, F.S., facility owners shall notify both the Agency Field Office and Agency Central Office within ten (10) days of a change in a facility administrator on the Notification of Change of Administrator, AHCA Form 3180-1006, January 2006, which is incorporated by reference and may be obtained from the Agency Central Office. The Agency Central Office shall conduct a background screening on the new administrator in accordance with Section 429.174, F.S., and Rule 58A-5.014, F.A.C.

(2) **STAFF.**

(a) Newly hired staff shall have 30 days to submit a statement from a health care provider, based on a examination conducted within the last six months, that the person does not have any signs or symptoms of a communicable disease including tuberculosis. Freedom from tuberculosis must be documented on an annual basis. A person with a positive tuberculosis test must submit a health care provider’s statement that the person does not constitute a risk of communicating tuberculosis. Newly hired staff does not include an employee transferring from one facility to another that is under the same management or ownership, without a break in service. If any staff member is later found to have, or is suspected of having, a communicable disease, he/she shall be removed from duties until the administrator determines that such condition no longer exists.

(b) All staff shall be assigned duties consistent with his/her level of education, training, preparation, and experience. Staff providing services requiring licensing or certification must be appropriately licensed or certified. All staff shall exercise their responsibilities, consistent with their qualifications, to observe residents, to document observations on the appropriate resident’s record, and to report the observations to the resident’s health care provider in accordance with this rule chapter.

(c) All staff must comply with the training requirements of Rule 58A-5.0191, F.A.C.

(d) Staff provided by a staffing agency or employed by a business entity contracting to provide direct or indirect services to residents must be qualified for the position in accordance with this rule chapter. The contract between the facility and the staffing agency or contractor shall specifically describe the services the staffing agency or contractor will be providing to residents.

(e) For facilities with a licensed capacity of 17 or more residents, the facility shall:

1. Develop a written job description for each staff position and provide a copy of the job description to each staff member; and

2. Maintain time sheets for all staff.

(3) **BACKGROUND SCREENING.**

(a) All staff, who are hired on or after October 1, 1998, to provide personal services to residents, must be screened in accordance with Section 429.174, F.S., and meet the screening standards of Section 435.03, F.S. A packet containing background screening forms and instructions may be obtained from the Agency Background Screening Unit, 2727 Mahan Drive, Tallahassee, FL 32308; telephone (850)410-3400. Within ten (10) days of an individual’s employment, the facility shall submit the following to the Agency Background Screening Unit:

1. A completed Level 1 Criminal History Request, AHCA Form 3110-0002, July 2005, which is incorporated by reference and may be obtained in the screening packet referenced in paragraph (3)(a) of this rule; and

2. A check to cover the cost of screening.

(b) The results of employee screening conducted by the agency shall be maintained in the employee's personnel file.

(c) Staff with the following documentation in their personnel records shall be considered to have met the required screening requirement:

1. A copy of their current professional license, proof that a criminal history screening has been conducted, and an affidavit of current compliance with Section 435.03, F.S.;

2. Proof of continuous employment in an occupation which requires Level 1 screening without a break in employment that exceeds 180 days, and proof that a criminal history screening has been conducted within the previous two (2) years; or

3. Proof of employment with a corporation or business entity or related entity that owns, operates, or manages more than one facility or agency licensed under Chapter 400, F.S., that conducted Level 1 screening as a condition of initial or continued employment.

(4) STAFFING STANDARDS.

(a) Minimum staffing:

1. Facilities shall maintain the following minimum staff hours per week:

Number of Residents	Staff Hours/Week
0-5	168
6-15	212
16-25	253
26-35	294
36-45	335
46-55	375
56-65	416
66-75	457
76-85	498
86-95	539

For every 20 residents over 95 add 42 staff hours per week.

2. At least one staff member who has access to facility and resident records in case of an emergency shall be within the facility at all times when residents are in the facility. Residents serving as paid or volunteer staff may not be left solely in charge of other residents while the facility administrator, manager or other staff are absent from the facility.

3. In facilities with 17 or more residents, there shall be at least one staff member awake at all hours of the day and night.

4. At least one staff member who is trained in First Aid and CPR, as provided under Rule 58A-5.0191, F.A.C., shall be within the facility at all times when residents are in the facility.

5. During periods of temporary absence of the administrator or manager when residents are on the premises, a staff member who is at least 18 years of age, must be designated in writing to be in charge of the facility.

6. Staff whose duties are exclusively building maintenance, clerical, or food preparation shall not be counted toward meeting the minimum staffing hours requirement.

7. The administrator or manager's time may be counted for the purpose of meeting the required staffing hours provided the administrator is actively involved in the day-to-day operation of the facility, including making decisions and providing supervision for all aspects of resident care, and is listed on the facility's staffing schedule.

8. Only on-the-job staff may be counted in meeting the minimum staffing hours. Vacant positions or absent staff may not be counted.

(b) Notwithstanding the minimum staffing requirements specified in paragraph (a), all facilities, including those composed of apartments, shall have enough qualified staff to provide resident supervision, and to provide or arrange for resident services in accordance with the residents scheduled and unscheduled service needs, resident contracts, and resident care standards as described in Rule 58A-5.0182, F.A.C.

(c) The facility must maintain a written work schedule which reflects its 24-hour staffing pattern for a given time period. Upon request, the facility must make the daily work schedules for direct care staff available to residents or representatives, specific to the resident's care.

(d) The facility shall be required to provide staff immediately when the Agency determines that the requirements of paragraph

(a) are not met. The facility shall also be required to immediately increase staff above the minimum levels established in paragraph (a) if the Agency determines that adequate supervision and care are not being provided to residents, resident care standards described in Rule 58A-5.0182, F.A.C., are not being met, or that the facility is failing to meet the terms of residents' contracts. The Agency shall consult with the facility administrator and residents regarding any determination that additional staff is required.

1. When additional staff is required above the minimum, the agency shall require the submission, within the time specified in the notification, of a corrective action plan indicating how the increased staffing is to be achieved and resident service needs will be met. The plan shall be reviewed by the agency to determine if the plan will increase the staff to needed levels and meet resident needs.

2. When the facility can demonstrate to the agency that resident needs are being met, or that resident needs can be met without increased staffing, modifications may be made in staffing requirements for the facility and the facility shall no longer be required to maintain a plan with the agency.

3. Based on the recommendations of the local fire safety authority, the Agency may require additional staff when the facility fails to meet the fire safety standards described in Section 429.41, F.S., and Rule Chapter 69A-40, F.A.C., until such time as the local fire safety authority informs the Agency that fire safety requirements are being met.

(e) Facilities that are co-located with a nursing home may use shared staffing provided that staff hours are only counted once for the purpose of meeting either assisted living facility or nursing home minimum staffing ratios.

(f) Facilities holding a limited mental health, extended congregate care, or limited nursing services license must also comply with the staffing requirements of Rule 58A-5.029, 58A-5.030, or 58A-5.031, F.A.C., respectively.

Rulemaking Authority 429.41, 429.52, 429.275 FS. Law Implemented 429.02, 429.174, 429.24, 429.275, 429.41, 429.52 FS. History—New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 4-15-10.