

Shutts & Bowen COVID-19 Response

Shutts & Bowen COVID-19 Response Team

Shutts & Bowen has created a firmwide, multidisciplinary COVID-19 Response Team dedicated to assisting clients with navigating the legal issues arising from the Coronavirus (COVID-19) pandemic. In this rapidly evolving worldwide health crisis, Shutts & Bowen will provide clients with timely legal guidance and other resources needed to respond quickly to the immediate challenges impacting their organizations.

Shutts & Bowen's COVID-19 Response Team leverages the firm's deep bench of approximately 300 attorneys across 8 offices throughout Florida. Their practices span the entirety of the firm's practice areas, including hospitality; legislative affairs; government contracts; labor and employment; creditors rights and bankruptcy; tax; financial services; insurance; and many more.

From the onset of the pandemic, Shutts & Bowen's attorneys have been assisting their clients with strategic legal guidance and timely counsel on the legal issues surrounding COVID-19. As business leaders face difficult decisions that will have serious ramifications for their employees, customers, and communities, the COVID-19 Response Team will help its clients with creative solutions to manage immediate concerns as well as long-term planning services.

For inquiries to the COVID-19 Response Team, please contact us at covid19@shutts.com.

COVID-19 Response Team Members:

- [Alexander I. Tachmes](#) (Hospitality)
- [Matthew R. Chait](#) (Real Estate)
- [Logan E. Gans](#) (Tax)
- [Jason Gonzalez](#) (Legislative)
- [R. Alan Higbee](#) (Government Contracts)
- [Mary Ruth Houston](#) (Labor & Employment)
- [Lee D. Mackson](#) (Creditors' Rights & Bankruptcy)
- [John E. Meagher](#) (Insurance)

- [Francis E. Rodriguez](#) (Tax)
- [Bryan Wells](#) (Financial Services)
- [Timothy Woodward](#) (Construction)

Latest Alerts

- [Stop Work Orders and Construction Site Abandonment Series, Part 1 \(Stop Work Orders\)](#)
- [SHUTTS CONSTRUCTION MEMORANDUM: The CARES Act and Construction-Related Updates - March 31, 2020](#)
- [SHUTTS CARES ACT MEMORANDUM - March 30, 2020](#)
- [How Will Borrowers and Lenders Respond to the New Coronavirus Economy?](#)
- [SHUTTS COVID-19 MEMORANDUM - March 25, 2020](#)
- [Rental Housing Industry Responds to Coronavirus Outbreak](#)
- [How the Governor's Emergency Orders Will Affect Building Permits and Inspections](#)
- [Hackers are Leveraging Fear during the COVID-19 Pandemic](#)
- [Florida's Narrow Take on Force Majeure Clauses](#)
- [The Global Supply Chain in the Time of COVID-19](#)
- [Labor & Employment Considerations in the Wake of COVID-19](#)
- [Is Coronavirus a Force Majeure Event?](#)

Coronavirus Related News and Updates

- [John Dannecker Comments on what Stay-at-Home Orders mean for Central Florida's Construction Industry](#)
- [John Meagher Discusses Remote Work During the Pandemic](#)
- [Shutts Partners Weigh In on Hospitality Industry's Battles Amid the Coronavirus](#)
- [How Coronavirus is Impacting the Real Estate Industry \[link to video\]](#)
- [Bowman Brown Discusses the Federal Reserve Bank's Interest Rate Cut amid Coronavirus Pandemic](#)
- [Olga Pina Comments on Coronavirus Trade Impact](#)
- [Update from Shutts & Bowen on COVID-19](#)

Florida Orders and Closure Notices

Counties

- **Alachua County:** Stay-at-Home and Close all Non-Essential Businesses, 3/24/2020 ([Executive Order No. 2020-09](#))
- **Broward County:** Shelter-in-place Order and Closure of Beach, Parks and Non-Essential Businesses, 3/26/2020 ([Broward News Releases](#))
- **Collier County:** Closure of Aquatic Sites and Fitness Centers, Community Centers, Parks Programming, Public Libraries, Museum Events and Programs, Beaches and some Area Transit, 3/18/2020 ([Collier County Closures](#))
- **Duval County:** Work-from-home Order and Beach Closure, 3/23/2020 ([Executive Order No. 2020-3](#), [Executive Order No. 2020-2](#))
- **Escambia County:** Beach closure, 3/26/2020 ([County Updates](#))
- **Hillsborough County:** Safer-at-home Order, 3/27/2020 ([COVID-19 Cancellations and Closures](#))
- **Lee County:** Beach and Public Closures, 3/23/2020 ([Lee County Government Updates](#))
- **Leon County:** Stay-at-home Order and Curfew, 3/25/2020 ([Leon County Order](#))
- **Manatee County:** Beach Closures, 3/26/2020 ([County Updates](#))
- **Miami-Dade County:** Beach and Non-Essential Business Closures and Public Gathering Limits, 3/24/2020 ([Emergency Order 10-20](#))
- **Okaloosa County:** Beach Closure, 3/26/2020 ([County Updates](#))
- **Orange County:** Stay-at-home Order, Curfew and Non-Essential Business Closures, 3/25/2020 ([Executive Order No. 2020-04](#))
- **Osceola County:** Stay-at-home Order, 3/26/2020 ([Executive Order No. 2](#))
- **Palm Beach County:** Beach and Non-Essential Business Closures, 3/20/2020 ([Executive Order No. 20-70](#))
- **Pinellas County:** Safer-at-home Order and Beach Closure, 3/26/2020 ([Pinellas County Update](#))
- **Sarasota County:** Beach Closures, 3/26/2020 ([Sarasota County Updates](#))
- **Santa Rosa County:** Beach Closures, 3/26/2020 ([Santa Rosa COVID-19 Updates](#))
- **Walton County:** Beach Closures, 3/26/2020 ([Walton County Updates](#))
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Cities

- **Aventura:** Safer-at-home Order, Closure of Non-Essential Businesses and Banning of Gatherings, 3/24/2020 ([City Updates](#))
- **Bal Harbour Village:** Stay-at-home Order, Closure of Non-Essential Businesses and Beaches, 3/24/2020 ([Emergency Order – Safer at Home](#))
- **Boca Raton:** Closing of Non-Essential Retail and Commercial Businesses, March 25, 2020 ([Emergency Order](#))
- **Coral Gables:** Stay-at-home Order, 3/26/2020 ([City Alerts](#))

- **Dania Beach:** Stay-at-home Order and Closure of Non-Essential Businesses, 3/24/2020 ([City Updates](#))
- **Golden Beach:** Stay-at-home order, 3/24/2020 ([City Updates](#))
- **Hallendale Beach:** Beach Closures, 3/26/2020 ([City Updates](#))
- **Jacksonville:** Work-from-home Order and Beach Closure, 3/23/2020 ([Executive Order No. 2020-3](#), [Executive Order No. 2020-2](#)).
- **Miami:** Stay-at-home Order and Closure of Non-Essential Businesses, 3/24/2020 ([City Updates](#))
- **Miami Beach:** Safer-at-home Order, Curfew and Non-Essential Business and Beach Closures, 3/24/2020 ([City Updates](#))
- **Naples:** Beach Closures, 3/26/2020 ([Naples COVID-19 Updates](#))
- **Orlando:** Stay-at-home Order, Curfew and Non-Essential Business Closures, 3/25/2020 ([Executive Order No. 2020-04](#))
- **Surfside:** Safer-at-home Order, Business and Beach Closures, 3/24/2020 ([Safer At Home Emergency Directive](#))
- **Tampa:** Stay-at-home Order, Closure of Non-Essential Businesses and Beaches, 3/26/2020 ([City Updates](#))
- **Tallahassee:** Stay-at-home Order and Curfew, 3/25/2020 ([Leon County Order](#))
- **West Palm Beach:** No citywide orders are in effect at this time ([COVID-19 Updates](#))

Legal Issues Impacting Our Clients

Building Permits

On March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, which declared a state of emergency due to the coronavirus outbreak. The order allows for the tolling of certain permits and in some instances up to an additional six months beyond the tolled period.

Overview – § 252.363(1)(a), Florida Statutes

This order allows for the extension of certain permits and authorizations for the duration of the emergency declaration, and for up to six months in addition to the tolled period. Written requests must be submitted to the authorizing governmental agency within the approved number of days for appropriate application as set forth within Section 252.363, Florida Statutes. Permit extensions may apply to:

- building permits;
- a development order issued by a local government, which includes a wide variety of local government approvals that permit development activities;
- a permit issued by the Department of Environmental Protection or a water management district pursuant to Part IV of chapter 373, Florida Statutes; and,
- a Development of Regional Impact's (DRI's) build-out date—Section 380.06(7)(c), Florida Statutes.

To read more on building permits, inspections and extensions, [click here](#), or reach out to our [Construction Law Practice Group](#).

Construction Industry Impact

Impact of the CARES Act on the Construction Industry

The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act” or “Act”) was enacted on March 27, 2020 to provide emergency assistance and health care support for individuals, families and businesses affected by COVID-19. There are several provisions and relevant programs within the Act that will have an impact on the individuals and businesses working in the construction industry, including:

- Construction Project Funding Provisions
- Funding for the “Community Development Fund”
- Construction Business Loans and Loan Exclusions
- Relief for Small Businesses (1-500 employees)
- Emergency EIDL Grants
- Opportunities for construction workers to receive direct cash
- Business and Employment Tax Provisions

To view a comprehensive summary of the impact of the CARES Act on the construction industry, [click here](#).

[Timothy Woodward](#) or any member of the [Construction Law Practice Group](#) is able to advise related businesses and professionals on the quickly evolving legal implications of coronavirus in the construction industry.

Cybersecurity and Working Remotely

Protect Your Business While Employees Work Remotely

Now that many of us are working remotely, we may begin to see an increase in phishing emails that may contain subjects such as “COVID-19 Update,” “Open Immediately,” “Coronavirus” or some variant of these. There are also text messages offering compensation in the form of gift cards due to store closures. Any number of these messages may come from phony senders claiming to be service providers, courts, vendors or even clients. It is also important to remember that hackers will continue their regular phishing activity in addition to health-related phishing attempts. Hackers are counting on their targets having their guard down and having less interaction with their IT teams while working remotely leaving them more susceptible.

Data Privacy

Protect Your Business While Employees Work Remotely

Protect Your Personal Information

By leveraging fear and the good intentions of the public, hackers are using coronavirus messages to steal passwords, personal data and financial information. Individuals should obtain their information from reliable resources, like the Center for Disease Control or the World Health Organization. In order to avoid falling victim to these schemes, remember some of these useful tips below:

- **Ignore emails, texts and phone calls from strangers.**
 - This may include messages related to donating to help the fight against COVID-19, investing in stock options, or online offers for coronavirus-related vaccines and cures.

- **Do not open attachments, download files or click on links from unexpected emails.**
 - These emails may appear to come from individuals or businesses you know, but are actually from a slightly different email account.
- **Do not forward unknown emails, as these might contain viruses or malware.**
- **Be wary of anyone asking for money toward research for a cure or victims of the virus.**
 - These should raise immediate red flags if they request prepaid gift cards or bitcoin.
- **Be careful of fake websites offering coronavirus protective supplies or testing kits, as they may be counterfeit.**

FDEO's Short Time Compensation Program

Employers should be aware that under the Florida Department of Economic Opportunity's new Short Time Compensation Program, employees who have been put on a reduced hours schedule or have been partially furloughed may be entitled to receive unemployment benefits to supplement their reduced paychecks. This program is designed to encourage employers to reduce the hours of their employees as opposed to implementing mass layoffs of employees. More information regarding this Short Term Compensation program can be found [here](#).

[Mary Ruth Houston](#) or any member of the [Labor & Employment Practice Group](#) is able to advise employers of their obligations, especially under the FFCRA, EFMLA and EPSLA, as well as the quickly evolving employment law implications of coronavirus in the workforce.

Furlough

Employers who are considering furloughing employees must be careful to comply with any state specific notice provisions, including those that apply to wages or wage reductions. In structuring furloughs, employers must also bear in mind concerns under the Fair Labor Standards Act, benefits, and similar employment issues. Under certain circumstances, a furlough of more than six (6) months may trigger WARN Act notice obligations. These situations are fact specific and for more information employers should contact [Mary Ruth Houston](#) or any member of the [Labor & Employment Practice Group](#).

Government Loan Programs

The State has created the Florida Small Business Emergency Bridge Loan Program. The program offers loans of up to 0,000 for eligible small businesses in Florida affected by the coronavirus. The loans are interest-free for 12 months and then 12% per annum thereafter. The applicant company cannot have more than 100 employees. Applications are being accepted through May 8, 2020.

Also, the Federal government is offering loans through the U.S. Small Business Administration (SBA) Economic Injury Disaster Loan Program. Florida businesses became eligible to participate in this program after the Governor's Disaster Declaration. The loan amounts are up to million. The interest rate is 3.75% and repayment periods of up to 30 years are being offered in order to keep payments affordable.

For more information, please reach out to [Alexander Tachmes](#) or [Michael Pego](#).

Foreclosures and Evictions

A moratorium on foreclosures and evictions for all FHA-insured single family mortgages (for a 60-day period) is currently in effect for sixty (60) days.

If a business has an existing SBA-backed loan, a lending partner may be able to provide a six-month deferral on loan payments.

For SBA-backed loans sold on the secondary market, lenders can authorize a one-time 90-day deferment without prior investor consent.

For more information, please contact [Matthew Chait](#) at or [Alexander Tachmes](#).

Tax Credits

On March 18, 2020, President Trump signed the "Families First Coronavirus Response Act" (the "Act"), which provides refundable tax credits for two types of leave that were created under the Act: 1) a paid sick leave credit; and 2) a paid child care leave credit. Equivalent credits are available to self-employed individuals based on similar circumstances. The Act generally applies to employers with fewer than 500 employees, except for certain exceptions for employers with

fewer than 50 employees.

Under the Act, eligible employers who pay qualifying sick or child care leave will be able to retain an amount of their payroll taxes equal to the amount of qualifying sick and child care leave that they paid, rather than deposit such taxes with the IRS. The payroll taxes that will be available for retention include withheld federal income taxes, the employee share of Social Security and Medicare taxes, and the employer share of Social Security and Medicare taxes with respect to all employees.

The Florida Department of Revenue is considering, on a case-by-case basis, requests for extensions of the deadline for payment of State corporate income and sales taxes.

Should you have questions regarding US Federal or Florida tax relief concerning COVID-19, please contact [Logan Gans](#) or [Francis Rodriguez](#).

Financial Services Regulatory Relief Efforts

On March 26, 2020, the Florida International Bankers Association (FIBA) requested that the U.S. Securities and Exchange Commission (SEC) consider an extension of the Regulation Best Interest compliance deadline from June 30, 2020 by at least six months to January 31, 2021. [Kimberly Prior](#) and [Greta Trotman](#), who are members of FIBA's Legal & Regulatory Affairs Committee, contributed to the SEC submission. Shutts & Bowen will keep its clients apprised of the SEC's response to this request.

Shutts & Bowen has carefully examined the Regulation Best Interest compliance issues and hosted several workshops on the topic. The firm has developed and implemented strategic solutions to help clients comply with upcoming standards and expectations. For more information or if you have questions, please do not hesitate contact [Bryan Wells](#), [Kimberly Prior](#) or [Greta Trotman](#) from the firm's [Financial Services Practice Group](#).

Related Capabilities:

- [Administrative Law and Licensing](#)
- [Anti-Money Laundering](#)

- [Antitrust](#)
- [Appellate](#)
- [Class Action](#)
- [Commercial Leasing](#)
- [Commercial Lending](#)
- [Community Associations](#)
- [Complex Loan Workouts](#)
- [Construction](#)
- [Corporate](#)
- [Creditors' Rights and Bankruptcy](#)
- [Cuba Task Force](#)
- [Cybersecurity and Data Privacy Task Force](#)
- [Eminent Domain/Inverse Condemnation](#)
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