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THE REGULATORY IMPACT OF FLORIDA'S COVID -19 EMERGENCY DECLARATION

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Stephen Covey said, "If there's one thing that's certain in business, it's uncertainty," and today his statement is proven loud and clear. We are in an unprecedented time which calls for unprecedented measures, for the good of our families, our communities, and our state. As communities prepare and brace for the effects of Novel Coronavirus Disease 2019 ("COVID-19"), it is important for businesses operating in Florida to understand Florida's current emergency declaration and to assess the short and long-term impact it has on your organization and industry. On March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, declaring a state of emergency because of COVID-19. The state of emergency covers the entire state of Florida and gives broad power to state and local government agencies in responding to COVID-19 to ensure the health, safety, and welfare of all Floridians. The Executive Order specifically allows state and local government agencies to suspend the application of the statutes, rules, ordinances, and orders they may administer, especially if strict compliance with the provisions would in any way prevent, hinder, or delay necessary actions in coping with the emergency. Examples within the Order include, budgetary and regulatory rules affecting leasing, purchasing, travel, and employment. Similarly, state and local government agencies may waive the formalities and procedures necessary to perform public works that protect the public health, safety, and welfare. The recently declared state of emergency further waives licensure requirements for out-of-state health care professionals, social workers, and counselors who render services in Florida related to COVID-19. Also, pharmacists may dispense up to a 30-day emergency supply of medications. Finally, the new executive order allows state and local agencies to close any public buildings.

As a result of the Executive Order and subsequent guidance we are all receiving daily from the World Health Organization (WHO), the Centers For Disease Control (CDC), and others, the new restrictions which are in place impact our daily lives, which in turn impacts most, if not all, areas of state government regulation. If your business is regulated by a state government agency you should review the current Executive Order to determine whether your business is impacted by it and whether or not there are rules and regulations in place that you believe should be waived or suspended during this global health crisis. You should also work to understand what the regulatory expectations are for your industry. Additionally, if you do business with the State of Florida, the current Executive Order allows state and local government agencies to suspend certain budgetary and regulatory rules. If your business or service could positively impact the State's COVID-19 mitigation, response, or recovery plan, you should actively encourage state and local government agencies to look at its procurement policies to assess whether the policies should be expanded and if existing procurement timelines and dates should be reconsidered. To safeguard against regulatory action post COVID-19, businesses should consistently communicate with regulators and document any actions the organization believes may deviate from current regulatory and administrative rules and statutes.

Unprecedented times call for unprecedented measures. State and local government leaders are working tirelessly to safeguard us from the effects of COVID-19, considering the depth and breadth of this evolving crisis. Businesses regulated by and doing business with state and local governments should do the same by continuing to focus on family, community, and ways in which we can protect ourselves and our organizations

during this unprecedented global pandemic. If your business or organization has questions about Executive Order Number 20-52 or how it affects operations in the current regulatory environment in Florida, please feel free to contact me.

The COVID-19 pandemic is creating rapidly-changing issues for businesses, and government aid processes and measures designed to assist businesses may also change materially from when this post is issued. We therefore encourage you to monitor our website, review our future posts and generally remain alert for additional updates or modifications to laws and regulations.

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