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MEMORANDUM

TO: The Business Law Section of The Florida Bar

FROM: Metz, Husband & Daughton, P.A.

RE: Florida COVID-19 Update

DATE: April 17, 2020

CONFIRMED CASES / TESTING

Florida Department of Health's [COVID-19 Data & Surveillance Dashboard](#) is updated twice daily – at approximately 11am and 6pm.

Thursday, April 16 @ 6:00pm
Total Cases: 23,340 [22,519 yesterday]
Total Deaths: 668 [614 yesterday]
Total Tests: 225,736 [215,521 yesterday]
Total Tests Positive: 23,340 (10.4%) [22,519 yesterday]
22,674 Positive Resident Cases [21,865 yesterday]
666 Non-Florida Positive Cases [654 yesterday]
Total Hospitalized: 3,458 [3,249 yesterday]

While Florida's testing has increased over the past week, the percent of those testing positive for COVID-19 overall is 10 percent. Of the 10,957 tests performed on April 15, there were 1,265 positive results, or 12 percent.

Thirty-five people have died who tested positive for COVID-19 Charlotte, Collier, Dade, Highlands, Indian River, Manatee, Orange, Palm Beach, Polk, Santa Rosa, Seminole, St. Lucie, Suwannee and Volusia counties.

New Florida cases include:

- 443 additional positive COVID-19 cases (439 Florida residents and 4 non-Florida residents) reported to the Florida Department of Health.
- There are currently 22,674 positive cases in Florida residents and 666 positive cases in non-Florida residents.

Florida recently partnered with private laboratories around the state to expand COVID-19 laboratory testing capacity. This partnership will increase the number of tests conducted each day and ensure Floridians receive the critical health information they need in a timely manner.

Expansion to private laboratories changes the COVID-19 testing landscape in Florida. Private laboratories are running tests as they receive swab samples from practitioners. Testing and reporting times vary among commercial and DOH laboratories. Demographic information may be updated during investigations.

RECENT FLORIDA HEADLINES

[*Gov. DeSantis sets up Florida 'reopening' task force, names new unemployment boss*](#)
[*Marco Rubio says country must prepare to go back to work and expect more virus deaths*](#)
[*Medical pot patients in Florida may be left in lurch by social distancing*](#)
[*Medical groups say classrooms should remain closed*](#)
[*Royal Caribbean to lay off, furlough hundreds of South Florida workers*](#)

FEDERAL GUIDELINES

The White House guidelines for re-opening the economy can be found [here](#).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DBPR has updated the dedicated [webpage for filing complaints](#) related to compliance with executive orders related to department stakeholders. Also the DBPR has provided a Frequently Asked Questions page related to Restaurants and Alcoholic Beverage Vendors [here](#).

[DBPR Emergency Order 2020-03](#) – Issued March 23, 2020 suspends and tolls through May 31, 2020, all time requirements, notice requirements, and deadlines for final agency action on applications for permits, licenses, rates, and other approvals under any statutes or rules for which such applications are deemed approved unless disapproved in writing by specified deadlines; all final orders reflecting final agency action; all time requirements, notice requirements and deadlines for filing responses to notices of intended agency action pursuant to s. 120.569, Florida Statutes; and all deadlines for licensure eligibility and examination eligibility.

[DBPR Emergency Order 2020-01](#) – Issued March 16, 2020 suspends the license renewal deadline for a period of 30 days following the existing renewal deadline for any license, permit, registration, or certificate with an expiration occurring in March or April. The order also provides that license renewal requirements for completion of continuing education, if applicable, are also suspended for the same time period.

The Florida Department of Economic Opportunity (DEO) announced more than 1,000 small businesses have been awarded more than \$49 million from the [Florida Small Business Emergency Bridge Loan](#).

DEO has recently announced U.S. Housing and Urban Development's (HUD) approval of the state of [Florida's Action Plan for Mitigation for \\$633 million](#) in first-of-its-kind federal funding for disaster mitigation. DEO is prepared to launch new Rebuild Florida mitigation programs over the next few months. Additionally, \$100 million in infrastructure funding is available for [communities impacted by Hurricane Irma](#) through the [Rebuild Florida Infrastructure Repair Program](#).

Governor DeSantis has waived the work search and work registration requirements for individuals requesting Reemployment Assistance benefits. For more information, see the [Reemployment Assistance Frequently Asked Questions](#).

The [Small Business Administration's \(SBA\) Economic Injury Disaster Loan](#) program is offering working capital loans and loan advances to small businesses impacted by COVID-19.

The [Business Damage Assessment survey](#) has been activated to assess the impact of COVID-19 on Florida's local business operations and determine the appropriate actions for recovery.

Find more information on DEO's response to COVID-19 [here](#).

DEPARTMENT OF STATE

The Annual Report filing deadline has been extended until June 30, 2020. For more information can be found [here](#).

COURTS & CLERKS

Jury Trials Suspended:

[No. AOSC20-23, April 6](#): suspending jury trials in Florida until May 29, 2020, and combines previous orders regarding use of communication equipment, administering of oaths, jury proceedings and trials, etc.

Clerks of Court:

The [Clerks of Court has created a web page](#) with links to clerks' offices and frequently updated announcements and resources.

Court Websites:

[Florida court websites](#) links to the Courts page of the Florida Bar website for state and federal court information.

The Florida Bar:

Much of information above is from [The Florida Bar](#) which also has other COVID-19 related information and updates it regularly.

The Florida Bar News:

Another great [website](#) resource with several new stories each day.

USPTO:

The [US Patent & Trademark Office](#) has extended various deadlines and handwritten signature requirement.

ENTERPRISE FLORIDA

Enterprise Florida, Inc. (EFI) [recently announced](#) the suspension of initial fees for its [Microfinance Loan Guarantee Program](#) to support Florida's small business community impacted by COVID-19. Interested businesses must apply through a local lender. For further information please contact your lender or visit [Enterprise Florida's website](#).

See resources compiled by EFI for businesses impacted by COVID-19 [here](#).

DEPARTMENT OF REVENUE

DOR's Revised COVID-19 Frequently Asked Questions (FAQs), can be found [here](#).

The Governor's [Executive Order 20-95](#) directs DOR to issue an emergency order suspending taxation imposed under Chapter 201, F.S., for notes and other written obligations made pursuant to Title I of the CARES Act.

[Emergency Order 20-52-DOR-001](#) – Extends final due date for property tax payments

[Emergency Order 20-52-DOR-002](#) – Extends certain filing deadlines for Florida businesses

OFFICE OF FINANCIAL REGULATION

The Office of Financial Regulation (OFR) has issued [Emergency Order 2020-02](#) extending certain filing deadlines for Florida's financial services providers.

OFR has issued [Emergency Order 2020-01](#) extending certain renewal deadlines for money services businesses.

OFR has provided [guidance for consumer finance businesses and professionals](#).

OFR has provided [guidance](#) and an [operational update](#) for Florida's securities businesses and professionals.

OFR has provided [informational guidance](#) and an [update](#) to Florida's financial institutions.

OFR has created helpful resource lists for businesses and individuals to contact their financial services providers:

- [Florida Financial Institution Resource List](#)
- [Top 40 Mortgage Servicers Resource List](#)

[Additional Financial Information and Resources List](#)

FLORIDA LEGISLATIVE ACTIONS

President Galvano's memorandum to senators regarding Florida unemployment statistics, national economic forecasts, and federal funds via CARES Act: [Galvano Memo](#)

ATTORNEY GENERAL ACTIONS

Attorney General's Consumer Alert on Stimulus Payment Deposits Targeted by Scammers, can be found [here](#).

Florida Attorney General Ashley Moody activated Florida's Price Gouging hotline. Violators of the price gouging statute are subject to civil penalties of \$1,000 per violation and up to a total of \$25,000 for multiple violations committed in a single 24-hour period. Consumers may call the hotline at (866) 9NO-SCAM if they suspect prices on goods have been artificially escalated to exploit the scare. Scams can also be reported at www.MyFloridaLegal.com. More information on price gouging, can be found [here](#).

List of commodities covered under the state's price gouging laws during the COVID-19 State of Emergency, can be found [here](#).

Attorney General's Consumer Alert on Protecting Your Private Meetings from Zoombombing, can be found [here](#).

DEPARTMENT OF HEALTH

DOH launches COVID-19 Community Action Survey, **StrongerThanC-19**, designed to aid Florida as the state continues to fight the spread of COVID-19. This tool gives residents the power to unite in the fight to help slow the spread of coronavirus in Florida. DOH's StrongerThanC-19 anonymous survey can be found [here](#).

DOH allows out of state licensed doctors and other medical professionals to practice in Florida and provide telehealth services to Floridians. [DOH No. 20-002](#)

DOH and the Agency for Health Care Administration (AHCA) are highlighting current guidance related COVID-19 testing for the elderly or individuals with a serious underlying medical condition. Information can be found [here](#).

Here is the [COVID-19 Resource Toolkit](#) from the DOH website.

DOH's Daily Update on COVID-19 can be found [here](#).

DIVISION OF EMERGENCY MANAGEMENT

Nursing homes, assisted living facilities, and other similar healthcare facilities in every Florida county must restrict entry to only certain people, all of whom must meet health and travel criteria. [DEM ORDER NO. 20-006](#)

Nursing homes, assisted living facilities, and other similar healthcare facilities in Broward County must prohibit entry of all persons except staff and resident.

April 7, 2020: FDEM's COVID-19 Daily Media Releases, can be found [here](#).

April 7, 2020: FDEM's COVID-19 Daily Data Report, can be found [here](#).

Information on FDEM's COVID-19 response, can be found [here](#).

AGENCY FOR HEALTH CARE ADMINISTRATION/ MEDICAID

AHCA has set up a link to all Medicaid Provider and managed care organization guidance letters, FAQs, etc. This site is updated as new alerts are posted [here](#).

Statewide Medicaid Managed Care (SMMC) COVID-19 State of Emergency Policy Transmittal 2020-20: Telemedicine Services, can be found [here](#) and includes:

Payment Parity

During the state of emergency, the managed care plan must reimburse services provided via telemedicine at the same rate that is paid if the services were delivered through a face-to-face encounter (i.e., payment parity). This provision only applies when the encounter includes a two-way live audio and video link between the enrollee and health care provider for the duration of the service.

Coverage of Telephonic (Audio-Only) Communications

The managed care plan must expand its coverage of telehealth services to include coverage of the telephone communications, only when rendered by licensed physicians (includes psychiatrists), physician extenders, and licensed behavioral health practitioners.

Medicaid Telemedicine Flexibilities for Behavioral Health Providers During the COVID-19 State of Emergency, can be found [here](#).

Medicaid Payment Flexibility When Transporting Individuals Requiring Isolation Precautions Related to COVID-19, can be found [here](#).

Guidance on Billing for Behavior Analysis Services via Telemedicine, can be found [here](#).

[Telemedicine Guidance](#): Florida Medicaid has expanded telemedicine/telehealth services in the fee-for-service delivery system for physicians, APRNs, physician assistants, as well as

for physical therapy, occupational therapy and speech therapy. This includes evaluation, diagnostic, and treatment services as long as the services can be delivered in a manner that is consistent with the standard of care. In addition, Florida Medicaid has expanded telemedicine coverage to:

- Behavior analysis services
- Specified behavioral health services
- Early intervention services

Florida Medicaid is waiving prior authorization requirements for medically necessary hospital services, physician services, advanced practice registered nursing services, physician assistant services, home health services, and durable medical equipment and supplies. In addition to the services listed above, Florida Medicaid is waiving prior authorization requirements for all services (except pharmacy services) necessary to appropriately evaluate and treat Medicaid recipients diagnosed with COVID-19.

Florida Medicaid will reimburse for a 90-day supply of maintenance prescriptions when available at the pharmacy. The recipient must request that the pharmacy dispense a 90-day supply. In addition, Florida Medicaid is waiving any limits on mail order delivery of maintenance prescriptions. Florida Medicaid and managed care plans will pay for a 90-day supply of maintenance prescriptions through mail order delivery. See Florida Medicaid Health Care Alert [here](#). See Statewide Medicaid Managed Care Policy Transmittal: 2020-15 [here](#).

Medicaid managed care plans must ensure that enrollees impacted by COVID-19 are able to see nonparticipating providers if they are unable to access covered services from participating providers. The managed care plan must ensure that providers (including out of state providers and providers not licensed in Florida) not known to Florida Medicaid that rendered services during the state of emergency complete the Agency's provisional (temporary) enrollment process to obtain a provider identification number for services rendered to enrollees.

Florida Medicaid providers who have a revalidation date of March 19, 2020 through September 30, 2020, will automatically have their revalidation date extended 6 months from the current revalidation date. **This systematic update will occur with no action required by the provider.** Additionally, for those Florida Medicaid providers with revalidation dates of March 19, 2020 and forward, who currently have an active restriction on their file due to incomplete revalidation, the Agency will remove that restriction and extend their revalidation date for 6 months.

Secretary Mayhew provides greater workforce flexibility to Florida long-term care providers in reaction to COVID. Information can be found [here](#).

AHCA and the Florida Department of Children and Families announced that they will maintain Medicaid eligibility for current recipients through the last day of the month of the state of emergency. For more information click [here](#).

PHARMACY

The Governor signed [Executive Order 20-52](#) that allows pharmacists/pharmacies to refill prescriptions early.

FLORIDA OFFICE OF INSURANCE REGULATION

[Informational Memorandum OIR-20-06M](#) – Guidance on the use of technology to help combat the spread of COVID-19, including telehealth services, and requesting PBMs to transition to an electronic audit process

[Informational Memorandum OIR-20-05M](#) – Reminder to insurers of applicable statutes regarding workers' compensation insurance

[Informational Memorandum OIR-20-04M](#) – Guidance on treatment of policyholders relating to response to COVID-19

[Informational Memorandum OIR-20-03M](#) – Review and update of business continuity and/or continuity of operations plans

[Informational Memorandum OIR-20-02M](#) – Reminder to health insurers, HMOs, and health entities on allowance for early prescription refills
Information on OIR's COVID-19 response, can be found [here](#).

VISIT FLORIDA

March 24, 2020: To better understand and measure the impact of COVID-19 on Florida's tourism industry, Visit Florida launched a new data dashboard to track key economic indicators and trends, including: hotel demand, vacation rental bookings, airline capacity, and web traffic relating to vacation planning. For more information and to view the data dashboard, [click here](#). Visit Florida is also encouraging tourism-related businesses who have been impacted by COVID-19 to participate in the Department of Economic Opportunity's [business damage assessment survey](#).

EXECUTIVE ORDERS

[Executive Order 2020- 104](#): Emergency Temporary Action Related to Unemployment Compensation – COVID-19

April 16, 2020: The Governor issued the EO which suspends the biweekly "actively seeking work" reporting requirement by claimants.

[Executive Order 20-103](#): Extending Executive Order 20-87 on Vacation Rental Closures
April 10, 2020: The EO extends [Executive Order 20-87](#), related to vacation rentals, until April 30, 2020.

[Executive Order 20-92](#): Essential Services & Activities During COVID-19 Emergency
April 1, 2020: This EO amends Section 4 of EO 20-91 to clarify that EO 20-91 supersedes any conflicting official action or order issued by local officials in response to COVID- 19.

[Executive Order 20-91](#): Essential Services and Activities - COVID-19 – Safer At Home
April 1, 2020: The EO directs senior citizens and individuals with a significant underlying medical condition to remain at home. The EO further requires all other individuals to remain home except to obtain or provide essential services. Essential services are defined as those services listed in the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020) and those services listed in the various the Governor’s executive order 20-89 and Miami-Dade County emergency order 20-70 (and amendments 1, 2, and 3 thereof).

[Executive Order 20-89](#): Emergency Management – COVID-19 – Stay Safe at Home Shelter Order – Public Access Restrictions for Miami-Dade, Broward, Palm Beach & Monroe Counties

March 30, 2020: The EO creates a stay at home order through mid-April for Miami-Dade, Broward, Palm Beach and Monroe Counties. The EO references Miami-Dade County’s existing shelter order as a floor and allows county administrators to implement provisions above the state EO.

[Executive Order 20-88](#): Emergency Management – COVID-19 – Re-employment of Essential Personnel

March 30, 2020: The EO directs that retired Florida state employees may be rehired to assist in the COVID-19 response. The mission-critical categories outlined in the EO are law enforcement, first responders, emergency management and public safety personnel, health and medical professionals, and other critical COVID-19 response personnel as determined by a state agency head.

[Executive Order 20-87](#): Emergency Management – COVID-19 – Vacation Rental Closures

March 27, 2020: The EO orders all parties engaged in rental of vacation rental properties to suspend vacation rental operations. Vacation rentals are prohibited from making new reservations or bookings and shall not accept new guests for check-in for the duration of this order.

[Executive Order 20-86](#): Emergency Management – COVID-19 – Additional Requirements of Certain Individuals Traveling to Florida

March 27, 2020: The EO directs all persons who enter Florida from an area with substantial community spread, to include Louisiana, to isolate or quarantine for a period of 14 days from the time of entry into Florida or the duration of the person’s presence in the State of Florida, whichever is shorter.

[Executive Order 2020-85](#): Emergency Management – COVID-19 – Telehealth & Immunizations for State Group Health Insurance

March 26, 2020: The EO directs DMS to amend the state employee health benefits plan immediately to include telehealth services at no cost to state employees and to amend the state employee pharmacy benefits plan to include telehealth services, for employees participating in the state group insurance plan. Further, the EO directs the Division of State Group Insurance to ensure that all state employees have access to telehealth through the

contracted HMO and PPO plans without cost sharing. Pertaining to immunizations, the EO further directs DMS to amend the SGI plan to provide state employees the option to receive immunizations covered by the employee's plan in either a physician's office under the PPO plan, or the current HMO contract, or a participating pharmacy in the State Employees' pharmacy benefit manager's network. All cost sharing for a flu vaccination under the SGI plan is waived under the EO.

[Executive Order 2020-83](#): Emergency Management – COVID-19 – Protective Measures for Vulnerable Populations, Gatherings of Private Citizens & Density of the Workforce
March 24, 2020: The EO directs the State Surgeon General to issue a public health advisory to persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19. The advisory urges these persons to stay home and to take such other measures as necessary to limit their risk of exposure to COVID-19. Further, the public health advisory advises against all social or recreational gatherings of 10 or more people and urges those persons who can work remotely to do so.

[Executive Order 2020-82](#): Emergency Management – COVID-19 – Isolation of Individuals Travelling to Florida
March 24, 2020: The EO requires individuals who entered Florida from New York, New Jersey, or Connecticut during the last three weeks to isolate or self-quarantine for 14 days from the time of entry into the state or for the duration of the person's stay in Florida, whichever is shorter. The order does not apply to persons employed by the airlines or those performing military, emergency or health response. The EO applies retroactively to all persons who have entered Florida after being in the tri-state area with substantial community spread within the previous 14 days prior to March 24. Further, the EO directs all persons covered under the self-quarantine to inform any individual in Florida with whom they had direct physical contact in the past 21 days that they traveled from the areas with substantial community spread, and failure to comply is punishable as a second-degree misdemeanor.

March 23, 2020: Governor DeSantis sent a [letter](#) to President Trump formally requesting that he declare a Major Disaster as Florida responds to COVID-19. The letter requested the inclusion of the following Individual Assistance Programs in the declaration: Disaster Unemployment Assistance, Crisis Counseling, Community Disaster Loans and the Disaster Supplemental Nutrition Program. In addition to the Individual Assistance Programs, the declaration requests additional resources and support from FEMA.

[Executive Order 2020-80](#): Emergency Management – COVID-19 – Airport Screening and Isolation

March 23, 2020: Governor DeSantis issued an executive order mandating a 14-day self-quarantine or isolation period for travelers coming to Florida from airports in New York, New Jersey and Connecticut amid the coronavirus pandemic.

[Executive Order 2020-72](#): Emergency Management – Elective Medical Procedures
March 20, 2020: In an effort to preserve essential resources, this executive order prohibits hospitals, surgical centers, dental, orthodontic offices and other health care practitioners'

offices from providing any medically unnecessary, non-urgent or non-emergency procedure.

[Executive Order 2020-71](#): Emergency Management – Alcohol Sales, Restaurants and Gyms
March 20, 2020: This executive order provides flexibility on alcohol sales by allowing sale for off-premise consumption by those previously prohibited by law. The order suspends on-premise food consumption but allows establishments to operate their kitchens for delivery or take out services. Additionally, the executive order closes gyms and fitness centers.

[Executive Order 2020-70](#): Emergency Management – Broward and Palm Beach County Closures

March 20, 2020: This executive order closes on-premise service of customers in restaurants, bars, night clubs, banquet halls in Broward and Palm Beach Counties. Establishments can continue to operate kitchens for delivery services, employees, janitorial personnel, contractors and delivery personnel. Additionally, this executive order closes movie theatres, concert houses, auditoriums, playhouses and beaches in Broward County and Palm Beach County.

[Executive Order 2020-69](#): Emergency Management – Local Government Public Meetings

March 20, 2020: Following a consultation with Attorney General Ashley Moody, this EO gives further insight to local governments regarding teleconferencing and other technological support in order to comply with the CDC guidance regarding social distancing.

[Executive Order 2020-52](#): Emergency Management – Public Health Emergency

March 9, 2020: With eight counties' confirmed cases, the Governor issues a State of Emergency for Florida. The emergency declaration allows for a unified command structure to limit the spread of the virus and helps the state more effectively mobilize resources. The order activates the Division of Emergency Management and the State Emergency Operations Center to provide coordination and response. Additionally, this EO provides flexibility and autonomy to local municipalities, prescription drug refills, and medical licensing.

[Executive Order 2020-51](#): Establishes Coronavirus Response Protocol – Directs Public Health Emergency

March 1, 2020: In response to the first two identified cases of COVID-19, Governor DeSantis issued EO 2020-51 which establishes a unified command, including the State Health Officer and Surgeon General, Dr. Scott Rivkees and the Department of Health as the lead state agency to coordinate response.

LOCAL GOVERNMENT

This link takes you to a website which has all local government orders: [Find local orders here](#)