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CONSTRUCTION IS DESIGNATED AN ESSENTIAL BUSINESS, ALLOWING CONSTRUCTION SITES TO REMAIN OPEN DURING COVID-19 PANDEMIC

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While many businesses have been ordered closed to try to slow the spread of the COVID-19 virus, the Department of Homeland Security, as well as state and local officials in many jurisdictions following federal guidance, have designated construction as an "essential" business. This includes both Miami-Dade and Broward Counties as well as the City of Fort Lauderdale and the City of Miami, all of which specify open construction sites as essential businesses. As a result, construction, including home building and development, has been allowed to continue.

Although construction is deemed "essential", construction sites are required to follow strict rules and protocols to protect workers from the virus. To comply with the requirements and continue operations, construction companies should follow the best practices published by the Florida Department of Business and Professional Regulation:

1. Conduct all job site meetings outside of construction trailers, with only key personnel, keeping six feet distance per CDC guidelines. As an alternative to gathering for usual start-of-shift meetings, safety reminders can be sent out by email, radio or phone calls.
2. Provide and require the use of hand sanitizer before entering a job site and leaving a job site.
3. Ramp up cleaning and disinfecting of all offsite and job site office facilities.
4. Practice social distancing (i.e. workers required to remain at least six feet apart) per CDC guidelines and work in teams of no more than ten people in one area.
5. Those who feel sick should stay at home.
6. Supply job sites with additional sanitation stations.
7. When working on an occupied dwelling, ask the occupant if he or she is sick and if they are, postpone the work.
8. Supervisors should talk to employees to ascertain if any are ill or exhibiting symptoms related to COVID-19.
9. Post additional signage at job sites along the lines of the following:
    - Have you been asked to self-quarantine or been diagnosed with COVID-19?
    - Have you experienced the recent onset of any illness-related symptoms, such as fever, cough, or shortness of breath?
    - Have you traveled outside of North America in the last 14 days?
    - Have you been on any domestic travel within North America in the last 14 days?

- Have you been in contact with any of the following:
  - Any person(s) who has traveled outside of North America in the last 14 days?
  - Any person(s) who has been asked to self-quarantine?
  - Any person(s) who has been diagnosed with COVID-19?
- Do not allow anyone who answers yes to any of these questions to enter the office or jobsite facilities.

Failure to follow these guidelines and any specific regulations and orders may result in a construction site being shut down. For example. Miami-Dade County, as well as various city police officers, are visiting construction sites to confirm compliance and enforce emergency orders requiring social distancing and other requirements. In Miami-Dade County, the mayor has indicated that construction sites which are not in compliance with requirements, including social distancing, face being shut down, and Miami-Dade County Emergency Order 10-20 specifically states that any essential business that is "unable to consistently observe CDC social distancing guidelines shall be subject to closure by way of a subsequent order."

There is currently no mandatory federal or state order on what is an essential business; cities and counties have their own rules determining what is an essential business. As such, local regulations and emergency orders must be reviewed to determine whether ongoing construction may continue in any particular jurisdiction.

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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