

CONTACT

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Jeffrey J. Wilcox

RELATED CAPABILITIES

Employment Law

Insurance Coverage Litigation

COVID-19 RESPONSE TEAM

The impacts of the Coronavirus Disease 2019 (COVID-19) to most industries are far-reaching. Hill Ward Henderson's COVID-19 Response Team is a cross-disciplinary group of lawyers that is closely monitoring the legal implications the outbreak has on your business.

Our lawyers continue to advise clients on the significant legal challenges facing companies and businesses, and can provide comprehensive guidance in the following areas:

CARES Act

On March 27, 2020, the House of Representatives passed the largest economic bill in U.S. History, and President Trump signed the Coronavirus Aid, Relief, and Economic Security Act (the "CARES Act") into law. The CARES Act is expected to provide \$2 trillion in emergency economic relief to those impacted by the novel coronavirus (COVID-19) pandemic. Our attorneys can help businesses navigate and take advantage of this stimulus package. Please click here for a summary of the significant provisions of the CARES Act.

Contacts: Kevin Sutton, Robert Shimberg, Gordon Hill, Kirsten Vignec, Bret Hamlin, Zach Watt, Matt Hall, Prestin Weidner, Justin Wallace

Communication, Crisis Management and Emergency Preparedness

Communication and a timely response to fast moving issues are critical considerations for all businesses. Our attorneys are available round the clock to address questions and to assist in drafting communication to employees, customers and the public as well as preparing and updating emergency preparedness and contingency plans. We are also available to assist in the event your business, work area or job site encounters some type of COVID-19 related issue.

Contacts: Robert Shimberg, Scott McLaren

Labor and Employment

Our Employment Law team can assist with human resources counseling and drafting response plans, policies, procedures, and employee notices related to COVID-19 in the workplace. We can help with managing employees who have tested positive or who have been

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exposed to the virus, workplace safety issues, absenteeism, telecommuting/working remotely, travel restrictions, managing leaves of absence under the FMLA and other forms of leave (paid and unpaid), temporary furloughs and office closures, and wage and hour issues (such as timekeeping, minimum wage, and overtime).

Contacts: Gordon Hill, Jeff Wilcox

Employee Benefits and HIPAA

Our attorneys can provide you with the information that you need to address privacy issues under HIPAA, including if and when disclosures can be made regarding an individual that has contracted or exposed to COVID-19. We can also assist with any questions regarding the provision of benefits as they relate to COVID-19, including but not limited to, modifications to health coverage to address the testing and treatment of COVID-19, the continuation of benefits coverage in the event of a temporary company closure or self-quarantine and the potential effect that a diagnosis may have on other benefits.

Contact: Kirsten Vignec

Business, Contracts & Force Majeure

Our Contract Law and Business Litigation team can assist with evaluating rights and exposures to the extent contractually secured events, goods and services are interrupted as a result of COVID-19 or government orders or regulations as a result of the virus. While the terms of any contract may ultimately control, Florida law recognizes contractual force majeure clauses and the common law doctrine of force majeure. In addition, common law doctrines of impracticability/frustration of purpose and the defense of impossibility may come in to play. Our contract litigators have experience with these legal principles and can analyze, defend or enforce rights presented by commercial displacement as a result of the virus.

We can also help evaluate the recoverable business damages or potential liability resulting from any contract breach, even if that is an "efficient" or intentional breach due to concerns over exposure for cancelling or not cancelling events, or based on supply interruptions due to products ordered or supplied from overseas that may harbor the virus. Whether someone has terminated a contract with you or you are contemplating the need to terminate a contract due to the virus or government regulation, our lawyers stand ready to help.

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Contacts: Mark Wall, Greg Brown

Healthcare

Our Healthcare team continues to monitor developments throughout the healthcare industry and can advise clients on regulatory, transactional and operational matters.

Contacts: Howard Hunter, Ethen Shapiro, Chad Burgess

Insurance and Risk Management

The COVID-19 pandemic creates real risks to businesses of all types. Those in management would be well advised to review the specific risks COVID-19 creates for their business and identify ways to manage those risks. Those management tools may include existing insurance policies and additional coverages available in the insurance market. Now would be the perfect time to review your existing insurance policies, including among others property, business interruption, general liability, and D&O, to determine whether potential claims would be covered or excluded. If you find that your firm does not have certain coverage that it would prefer to have, it may not be too late to secure that coverage. Our Insurance and Risk Management team can assist in these efforts by advising you about your existing policies and potential coverage that you may not have, and evaluating, submitting, or responding to claims and suits, to help you navigate the COVID-19 crisis.

Contacts: Mark Criser, Matthew Hall

Real Estate

Our Real Estate and Land Use attorneys are prepared to assist you through interruptions in meeting your real estate goals as a result of regulations and emergency orders issued related to COVID-19 and the practical impact of the virus on the economy. Parties may need to modify contracts to extend closing dates or due diligence timelines and lenders may reevaluate certain loan approvals. Many public meetings at which your projects may be considered are being delayed, cancelled or have limited participation which creates procedural due process issues for all involved. While the State of Florida did issue an executive order declaring a state of emergency due to COVID-19, recent statutory amendments may limit the ability for property owners and developers to avail themselves of permit extensions generally associated with such orders.

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Contacts: Katie Cole, Kami Corbett

Construction

Our Construction team is available to provide you with information and assistance regarding design and construction projects that are currently in progress or in the contract negotiation stage. We can assist with navigating and negotiating contract terms involving issues such as extensions of time, procurement delays, labor shortages, project safety, requests for additional compensation, and more.

Contacts: Tim Hunt, Rocco Cafaro, Jason Molder

To sign up for our COVID-19-related advisories and resources, click here.

DISCLAIMER: The situation surrounding COVID-19 is continuously evolving and the subject matter discussed in the above communications is subject to change. Please contact one of our attorneys for the most updated information and timely advice.

IN THE NEWS

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"What should employers and employees be doing about this new
Omicron variant?"
(December 1, 2021)

Robert Shimberg Interviews with ABC Action News
"Local Businesses Concerned with COVID Employee Mandates"
(November 8, 2021)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Attorney Robert Shimberg Answers the Most Asked Questions
Regarding Biden's Vaccine Mandate"
(November 5, 2021)

Robert Shimberg Featured in Fox 13 Tampa Bay News Story
"United Airlines firing nearly 600 employees who refused to get
vaccinated"
(September 29, 2021)

Gordon Hill Quoted in Bloomberg Law Article
"Covid Testing Costs Hit Employers' Wallets as Biden Pushes Shots"
(September 29, 2021)

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Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Is your vaccination status the new 'must-have' on a resume?"
(September 28, 2021)

Robert Shimberg Featured in Fox 13 Tampa Bay News Story
"Providing COVID vaccination status may help chances of getting hired,
survey says"
(September 27, 2021)

Robert Shimberg Featured in Tampa Bay Times
"Tampa Bay businesses, hospitals watch for details of Biden vaccine
mandates"
(September 10, 2021)

Robert Shimberg Featured in *Business Observer*
"Thorny workplace issues clog reopening plans"
(September 2, 2021)

Robert Shimberg Interviews with Bay News 9
"Rule from FL Dept. of Health – Businesses & governments could face
\$5k fine for requiring proof of vaccination"
(September 2, 2021)

Robert Shimberg Featured in Fox 13 Tampa Bay News Story
"FDA Approval Makes COVID-19 Vaccine Mandates Easier"
(August 24, 2021)

Robert Shimberg Joins the Legal Talk Network's *Legal Talk Today*
podcast
"CDC's Mask Reversal for the Vaccinated"
(August 23, 2021)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Florida Parents Suing Governor DeSantis Over Mask Mandate"
(August 10, 2021)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"How Will These Mask Mandates Impact Tampa Bay?"
(July 30, 2021)

Robert Shimberg Interviews with ABC Action News
"Tampa's Straz Center Now Requires All Employees to Get COVID-19
Vaccine"
(July 30, 2021)

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Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Can We Cruise in Florida Yet?"
(June 11, 2021)

Robert Shimberg Interviews with 10 Tampa Bay WTSP
How Employers and Employees Can Navigate Both the Mask and
Vaccine Rules When Returning to Work
(May 19, 2021)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Who Can/Cannot Ask If You've Been Vaccinated?"
(May 19, 2021)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Hillsborough County Votes To Extend Emergency Order, But Mask
Mandates Are Lifted."
(May 6, 2021)

Robert Shimberg Interviews with Bay News 9
"How Coronavirus Affects Your Rights at Work"
(May 3, 2021)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"What Some Industries are Doing to get Workers In Line for Vaccine"
(January 11, 2021)

Robert Shimberg Interviews with ABC Action News
"Can Employers Require Vaccinations Before Allowing Employees to
Return to Office"
(December 9, 2020)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Can Employers Ask Employees to Limit Time They Spend Socially
During Holidays"
(December 8, 2020)

Robert Shimberg Interviews with Bay News 9
"Workplaces Limiting Employee Holidays"
(December 7, 2020)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Business Groups Demand COVID Protection Laws"
(December 1, 2020)

John Grandoff Quoted in Tampa Bay Times Article
"International Plaza to open Arhaus, Impact on Malls from Pandemic"
(November 10, 2020)

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Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"What Businesses Can Do to Protect Themselves"
(September 28, 2020)

Greg Brown Quoted in Tampa Bay Business Journal Article
"Settling Business Disputes Could Take Years"
(September 3, 2020)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"FL Restaurants & Bars Now Required to Follow CDC Employee
Screening"
(August 14, 2020)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"If You Don't Wear a Mask in Public When Mandated-What Are the
Consequences?"
(June 23, 2020)

Gordon Hill Interviews with Newsradio 970's AM Tampa Bay
"Supreme Court's Ruling on LGBTQ Workplace Protections"
(June 19, 2020)

Robert Shimberg Interviews with Newsradio 970's AM Tampa Bay
"Tampa Attorney Robert Shimberg -How Restaurant Owners Are
Handling COVID-19 Outbreak"
(June 18, 2020)

Robert Shimberg Quoted in Tampa Bay Business Journal Article
"Facing a Covid-19 case at your bar or restaurant? Here's what one
Tampa attorney says you should do"
(June 17, 2020)

Robert Shimberg Featured in The Washington Post Article
"There Is No Playbook: Restaurants Are Closing Again After Workers
Test Positive for Coronavirus"
(June 17, 2020)

Ben Dachepalli's Article Featured in The Daily Business Journal
"Construction May Be 'Essential' But It Is Not Immune - Tips to Mitigate
Against COVID-Related Delays"
(June 16, 2020)

Robert Shimberg Featured in ABC Action News WFTS Tampa Bay
Article
"Restaurants deal with COVID-19 exposures, implement measures
going forward"
(June 15, 2020)

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Matthew Hall Interviews with Newsradio 970's AM Tampa Bay discussing the Paycheck Protection Program
(April 21, 2020)

Matthew Hall Interview in Tampa Bay Times Article
"Fraud, bad actors are inevitable with \$350 billion federal loan program"
(April 20, 2020)

Matthew Hall Interview in WFLA Channel 8 Article
"Small businesses suing insurance companies after being denied claims"
(April 16, 2020)

Matthew Hall Interview in WFLA Channel 8 Article
"What money is available for struggling small businesses?"
(March 31, 2020)

Justin Wallace's Interview in Tampa Bay Times Article
"Coronavirus Stimulus Checks Will help Tampa Bay, But Only For So Long"
(March 27, 2020)

Scott McLaren's Interview in WFLA Channel 8 Article
"Stay-at-home in Tampa: Mayor Castor Looking to Issue City-Wide Order as Coronavirus Concerns Grow"
(March 26, 2020)

Scott McLaren Interviews with Newsradio 970's AM Tampa Bay discussing Stay-At-Home and Shelter-In-Place Orders
(March 26, 2020)

CLIENT ADVISORIES

Supreme Court Stays OSHA's Vaccination or Test Mandate, But Upholds Vaccine Mandate for Certain Healthcare Workers
Advisory, 1.13.22

OSHA Mandate is Back after Court Lifts Stay
Advisory, 12.20.21

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Is Your Business in Compliance with Recently Passed Florida Legislation in Response to Federal Vaccine Mandates?
Advisory, 11.23.21

OSHA Suspends Emergency Temporary Standard on COVID-19 Vaccinations and Testing for Large Employers
Advisory, 11.16.21

OSHA Releases Emergency Temporary Standard on COVID-19 Vaccinations and Testing for Employers with 100 or More Employees
Advisory, 11.5.21

OSHA Developing Rule Requiring Employers with 100 or More Employees to Ensure Workers are Vaccinated or Tested Weekly - What Does This Mean for Your Business?
Advisory, 9.10.21

Employer Considerations on Vaccine Mandates and Employee Incentives
Advisory, 8.30.21

CDC Updates COVID-19 Mask Guidance for Fully Vaccinated Individuals - Learn More about What This Could Mean for Your Business
Advisory, 8.4.21

Florida Governor Signs Executive Order Suspending All Local COVID-19 Emergency Orders
Advisory, 5.4.21

Florida Passes Extensive COVID-19 Legislation Shielding Businesses from Liability
Advisory, 3.30.21

Business Implications of FFCRA Leave Expiration
Advisory, 1.8.21

Legal Considerations for Employers Considering Mandating COVID-19 Vaccinations
Advisory, 12.22.20

CDC Suggests Shorter Quarantine Periods for People Exposed to COVID-19
Advisory, 12.3.20

Update - It's Back - Loan Necessity Certification Part II - Learn More About the SBA Questionnaires and How They May Affect You
Advisory, 11.3.20

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Loan Necessity Certification Part II - Learn More about the SBA Questionnaires and How They May Affect You
Advisory, 11.2.20

SBA Issues Additional Guidance on Changes in Ownership of PPP Borrowers
Advisory, 10.7.20

Guidance for Businesses as Florida Moves to Phase 3 Re-opening - What Has Changed and What is the Immediate Future of Facemasks
Advisory, 9.28.20

Department of Labor Provides Additional Guidance on Paid Leave due to School Closures
Advisory, 8.28.20

Main Street Lending Program_Key Conditions and Requirements
072120
Advisory, 7.21.20

CDC Issues New Guidance on Employees Returning to Work after COVID-19 Case
Advisory, 7.20.20

Guidance for Businesses as Florida Local Governments Issue Orders Requiring Face Coverings
Advisory, 6.24.20

PPP Flexibility Act Brings Welcome Changes
Advisory, 6.8.20

COVID-19 Related Relief for Cafeteria and Flexible Spending Plans
Advisory, 6.5.20

Paycheck Protection Program Forgiveness Guidance and Rules
Advisory, 5.27.20

SBA Extends Time for Borrowers to Consider PPP Safe Harbor for the Loan Necessity Certification
Advisory, 5.14.20

PPP Safe Harbor Guidance on the Loan Necessity Certification
Advisory, 5.13.20

COVID-19 Related Relief Extends Deadlines For Plan-Related Notices And Claims
Advisory, 5.12.20

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Reopening the Workplace Amid the COVID-19 Pandemic
Advisory, 5.7.20

PPP Guidance on Loan Necessity Certification
Advisory, 4.30.20

CARES Act Retirement Plan and Other Employee Benefit Plans Relief
Advisory, 4.15.20

IRS Releases Additional Guidance for CARES Act Payroll Deferrals
Advisory, 4.10.20

Changing Environment for Venture Capital Transactions
Advisory, 4.6.20

Federal Paid Leave - DOL and IRS Publish Additional Guidance on
FFCRA
Advisory, 4.3.20

City of Tampa Threshold Building Site Guidelines
Advisory, 4.1.20

Paycheck Protection Program Client Advisory
Advisory, 4.1.20

Florida Statewide Stay at Home Order
Advisory, 4.1.20

President Trump Signs CARE Act and Significant Developments to
FFCRA
Advisory, 3.29.20

COVID-19 Jurisdictional Update
Advisory, 3.27.20

COVID-19 Pandemic Measures by Jurisdiction
Advisory, 3.24.20

A "Shelter In Place" Order May Be Imminent: How Will This Impact Your
Business?
Advisory, 3.23.20

Governor's Executive Order on the COVID-19 Virus Qualifies as a
"Natural Emergency" COVID-19
Advisory, 3.22.20

Financial Resources May Be Available for Small Businesses in Florida
Advisory, 3.19.20

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Employers Must Prepare Now as Legislature Passes Coronavirus Leave Bill

Advisory, 3.19.20

Legal Implications for Telecommuting / Working from Home in Response to the Coronavirus

Advisory, 3.17.20

IRS Issues Guidance for HDHPs and Expenses Related to COVID-19

Advisory, 3.12.20

Employment Law Update March 2020 - Coronavirus

Advisory, 3.3.20