

Memorandum

Date: April 2, 2020

To: NUCA of Florida Members

From: Kari Hebrank, Executive Vice President

Yesterday, Governor DeSantis released Emergency Order 20-91, which is basically a combination of the Homeland Security's Cybersecurity & Infrastructure Security Agency's guidelines for essential critical infrastructure workers and the Miami-Dade Emergency Order 07-20. The governor's order is a "Safer at Home" order for those not conducting "essential services." **The question for NUCA of Florida members is, "Are underground utility work, road building, building, construction and other related industries considered essential services?" The short answer is "Yes."** Below are the specific areas from the order that list construction as essential. Feel free to refer to these specific citations if one of your local jurisdictions question construction's essential services status.

NUCA of Florida stands ready to assist you and your various local jurisdictions in any way possible as we navigate these uncharted waters. Feel free to call me on my cell at (850) 566-7824 if we can be of any assistance.

Construction and Industry- Related Exemptions per the CISA Document:

- **CISA Essential Services—Energy**

First bullet: Workers supporting the energy sector, regardless of the energy source (including but not limited to nuclear, fossil, hydroelectric, or renewable), segment of the system, or infrastructure the worker is involved in, or who are needed to monitor, operate, engineer, and maintain the reliability, safety, environmental health, and physical and cyber security of the energy system.

Fourth bullet: Workers supporting the energy sector through renewable energy infrastructure (including but not limited to wind, solar, biomass, hydrogen, ocean, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring and logistics.

Sixth bullet: Providing services related to energy sector fuels (including but not limited to petroleum (crude oil), natural gas, propane, natural gas liquids, other liquid fuels, nuclear and coal), supporting the mining, processing, manufacturing, construction, logistics, transportation, permitting, operation/maintenance, security, waste disposal and storage, and monitoring of support for resources.

Electricity Industry

First bullet: Workers who maintain, ensure or restore, or are involved in the development, transportation, fuel procurement, expansion, or operation of the generation, transmission and distribution of electric power, including call centers, utility workers, engineers, retail electricity, constraint maintenance, and fleet maintenance technicians-who cannot perform their duties remotely.

Fifth bullet: Workers at renewable energy infrastructure (including but not limited to wind, solar, biomass, hydrogen, geothermal, and/or hydroelectric), including those supporting construction, manufacturing, transportation, permitting, operation/maintenance, monitoring and logistics.

- **CISA Essential Services—Water & Wastewater**

Fourth bullet: Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff.

- **CISA Essential Services – Public Works and Infrastructure Support Services:**

First bullet: Workers who support the operation, inspection and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations , and other emergent issues.

Second bullet: Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, and other services providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses, and buildings such as hospitals, senior living facilities, any temporary construction required to support the COVID-19 response.

Third bullet: Workers who support, such as road and line clearing, to ensure the availability of and access to needed facilities, transportation, energy and communications.

- **CISA Essential Services—Communications and Information Technology**

Communications:

Sixth bullet: Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables, buried conduit, small cells, other wireless facilities and other communications sector-related infrastructure. This includes construction of new facilities and deployment of new technology as these are required to address congestion or customer usage due unprecedented use of remote services.

Seventh bullet: Installation, maintenance and repair technicians that establish, support or repair services as needed.

Information Technology:

Fifth bullet: Suppliers, designers, transporters and other workers supporting the manufacture, distribution and provision and construction of essential global, national and local infrastructure for computing services

(including cloud computing services and telework capabilities), business infrastructure, financial transactions/services, web-based services, and critical manufacturing.

- **CISA Essential Services-Commercial Facilities**

First Bullet: Workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions.

- **CISA Essential Services – Residential/Shelter Facilities and Services:**

Sixth bullet: Workers performing housing construction related activities to ensure additional units can be made available to combat the nation’s existing housing supply shortage.

Eighth bullet: Workers supporting the construction of housing, including those that support government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, but fundamentally should continue and serve the construction of housing (e.g., allow qualified private third-party inspections in case of government shutdown).

- **CISA Essential Services-Other Community or Government -Based Operations and Essential Functions**

First Bullet: Workers to ensure continuity of building functions, including but not limited to security and environmental controls (e.g. HVAC), the manufacturing and distribution of the products required for these functions, and the permits and inspections for construction supporting essential infrastructure.

Fourteenth Bullet: Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.

Fifteenth Bullet: Residential and commercial real estate services, including settlement services.

Sixteenth Bullet: Workers supporting essential maintenance, manufacturing, design, operation, inspection, security, and construction for essential products, services, and supply chain and COVID-19 relief efforts.

- **CISA Essential Services-Financial Services**

First bullet: Workers who are needed to provide, process and maintain systems for processing, verification, and recording of financial transactions and services, including payment, clearing, and settlement: wholesale funding; insurance services; consumer and commercial lending; and capital market activities.

Third bullet: Workers who are needed to provide business, commercial, and consumer access to bank, non-bank financial services and lending services, including ATM’s, lending and money transmission, and to move currency, checks, securities and payments (e.g. armored cash carriers).

Construction and Industry- Related Exemptions Per Miami-Dade County Emergency Order 07-20:

Subsection g: Banks and related financial institutions

Subsection h: Hardware stores.

Subsection i: Contractors and other tradesmen, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintain the safety, sanitation, and essential operation of residences and other structures.

Subsection u: Landscape and pool care businesses, including residential pool and landscape services.

Subsection cc: Open construction sites, irrespective of the type of building.

Subsection dd: Architectural, engineering, or land surveying services.