



Monroe County CARES Business Assistance Program

Program Guidance and Frequently Asked Questions

PLEASE READ THIS ENTIRE DOCUMENT BEFORE SUBMITTING AN APPLICATION.

The State of Florida has a broad public records law. Applications and supporting documents are public records which Monroe County may be required to provide to the public pursuant to a request for documents. There are very limited exemptions to the requirement for public records. Financial documents and other documents with personal or business information required and provided as part of this application may qualify as an exemption. Please read the exception description on page 10 of this document. If you want the financial information that you attach to your application to be exempted from a public records request be sure to mark it "Confidential." By submitting an application, you acknowledge, understand and agree that if the County receives a request for public records for your application, then your application and supporting documents will be disclosed without notice to you.

INTRODUCTION

The Monroe County CARES Program is a grant program funded by an allocation to Monroe County from the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES ACT"), through the State of Florida Division of Emergency Management, to be used in assisting local governments in the recovery process from the COVID-19 pandemic. Monroe County created the Monroe County CARES Program to distribute the County's initial award of CARES Act funds.

Awards through the initial funding of the **Monroe County CARES Business Assistance Program** will be used to assist businesses whose principal address is located within the boundaries of Monroe County (unincorporated and incorporated areas), as reported to the Florida Department of State, Division of Corporations ("Florida Division of Corporations") or other credible source documentation, in recouping costs associated with business interruption or expenses caused by required closures, suspensions of business, voluntary closures or decreased customer demand due to the COVID-19 public health emergency or related Executive Orders issued by Florida Governor Ron DeSantis or other federal, state or local agencies ("Executive Orders").

PROGRAM OVERVIEW

As part of the CARES Act, the Monroe County Board of County Commissioners ("BOCC"), in partnership with the State of Florida Division of Emergency Management, will provide direct funds through the **Monroe County CARES Business Assistance Program** to local businesses who have suffered from business interruptions, closures, suspensions, reduced customer demand, or increased expenditures or other hardships resulting from the COVID-19 public health emergency or related Executive Orders. Monroe County BOCC has deemed assistance to small businesses to reimburse them for business interruptions related to the COVID-19 pandemic a necessary response to the public health emergency.

Monroe County is allocating up to \$1 million of its initial CARES Act funding the **Monroe County CARES Business Assistance Program** consists of a one-time, fixed-amount grant to qualifying Monroe County-based for-profit small businesses with up to 25 employees to aid in their recovery from the COVID-19 pandemic and related business interruptions, closures, suspensions, reduced customer demand or increased expenditures.

Additional CARES Act funding may be distributed to Monroe County at a future date. All CARES Act funds must be allocated completely on or before December 30, 2020.

FUNDING AVAILABLE

Monroe County has set aside up to \$1 million for eligible small businesses to each receive a one-time grant:

- Sole Proprietors: \$2,500
- Businesses with 2-10 Employees: \$5,000
- Businesses with 11-25 Employees: \$7,500

GRANT, NOT LOAN PROGRAM

This is a grant program not a loan, therefore the funds do not need to be paid back. If you violate any of the terms of the grant agreement (included in the application), you may be required to pay back all or a portion of the grant funds.

IS THE AMOUNT OF THE GRANT ENOUGH TO HELP OUR LOCAL BUSINESSES?

The program is meant to serve as temporary financial reprieve for small businesses that suffered as the result of the impacts of the COVID-19 public health emergency. The goal is to help as many small businesses in Monroe County as possible. We will continue to work with state and federal partners to help local businesses.

ACCESSING AND SUBMITTING APPLICATIONS

Monroe CARES Small Business Grant applicants must submit a complete application (including signed agreement) and all required documentation.

There is only one way to submit an application. You may complete and submit an online application. Due to current safety precautions, we are not accepting physical documents dropped off or delivered by hand.

To access the application, go to our CARES Act Business Assistance Grant Program website: www.monroecounty-fl.gov/cares. You will find links to the online application once available.

- To begin your online application, click the appropriate link. You will submit this directly online. There will be a prompt for you to attach and submit required documents. Do not start the application without having all required documents ready to attach or your online application may not save properly and you will have to begin again.

You are required to provide all required documentation at the time of application submittal in order for your application to be considered complete and ready for review. Please have the documents scanned and saved on your computer ready to upload. JPEG and PDF files are best.

IMPORTANT: The application includes a mandatory **AGREEMENT**. This is a required part of the application. Please read this carefully, be sure to check the box acknowledging that you read terms of the agreement and virtually sign it. Failure to include the signed agreement as part of your application will result in delay of review or denial of your application.

APPLICATION TIMELINE

Applications will be available beginning as soon as the program receives Board approval. Applications will continue to be funded until all qualified applicants have been paid or until the grant funds set aside for this Monroe County CARES Program are exhausted, whichever is sooner.

FIRST COME, FIRST SERVE

Funds will be offered on a first-come, first-serve basis. The time of the submittal of an application will be based on the date and time that a COMPLETED application with all proper and any additional requested, supporting documentation is received by the County.

QUALIFYING BUSINESSES

Businesses are eligible if they meet **ALL** of the following criteria:

- **For-profit** small businesses with 1-25 employees (this includes self-employed, sole proprietorships, independent contractors.)
- Negatively impacted by the COVID-19 pandemic.
- Physically located in Monroe County, inclusive of the municipalities of Key West, Marathon, Islamorada, Key Colony Beach and Layton.
- Legally registered and fully licensed (as required by applicable law).
- In operation on or before February 29, 2020 and plan to resume operations after the public health emergency guidelines are lifted.
- Home-based businesses that are registered and licensed/certified and show business income and expenses.
- Not publicly traded.
- Not delinquent on any local, state or federal taxes.
- No outstanding code enforcement liens or active code enforcement cases.
- Not operating in violation of any state, federal or local laws.

A qualifying business must meet **ALL** of the eligibility requirements.

WHAT CAN I USE THESE FUNDS TO PAY FOR?

Eligible business expenses include:

- Lease, rent, or mortgage costs for the business location
- Payroll
- Insurance and utility costs for the business location
- Inventory expenses or loss
- Expenses to comply with new sanitation precautions or guidelines.

* Eligible expenses must have been incurred between March 1-December 30, 2020.

* These funds may be used only for legitimate business expenses resulting from business closure, business interruptions, reduced demand or increased expenditures, any of which must be necessary as the result of the COVID-19 public health emergency or any related Executive Orders.

* In addition, these funds may not be used to pay expenses that have been or will be reimbursed or paid from insurance, or under any local, state, or federal program, including but not limited to CARES Act funds for payroll protection, loans, or other programs, or CARES Act funds received from another local government entity.

* Funds that are used for personal expenses not related to the business may be a violation of state or federal law and could result in civil and criminal penalties up to and including criminal charges.

WHAT ARE EXAMPLES OF INELIGIBLE EXPENSES?

Ineligible expenses include:

- Personal expenses
- Expenses that were not necessary as a result of the COVID-19 public health emergency or any related Executive Orders issued by the Florida Governor or another state agency
- Expenses that did not arise from business closure, suspension, business interruption, reduced demand or increased expenditures, arising from the COVID-19 public health emergency or any related Executive Orders
- Expenses that have been or will be reimbursed or paid by insurance or under any local, state, or federal program, including but not limited to other CARES Act funds for payroll protection or loans
- Any expenses incurred prior to March 1, 2020 or after December 30, 2020
- Refinancing existing debt
- Down payment for other financing

WHAT DOCUMENTATION DO I NEED TO PROVIDE AS PART OF MY APPLICATION?

ALL of the following items are required to be included as attachments to your application. The taxpayer ID on all documents (W-9, State registration, IRS forms) must match. Documentation requirements vary a little for sole proprietors, so review carefully. You will be asked to mark the boxes next to each required document to help you be sure that you include everything required:

- Copy of the front of the *current* State-Issued driver's license or photo ID of the applicant. The name on the ID must match the name submitted on the application as well as one of the names on the W-9, Florida Division of Corporation business registration, and tax returns.
- Completed and signed IRS Form W-9.
Review your W-9 form closely. All businesses are required to fill out items 1,3,4,5 and 6. Item 2 is required only when applicable. *Item 7 is not required. The form must be completed correctly and each field you enter on your grant application must match the information on your W-9 exactly. You may download a blank IRS Form W-9 from IRS.gov. Make sure to complete and sign the form before uploading or sending with your application.
- Completed Monroe County Vendor Request Form
This is required in order for Monroe County Clerk to issue a payment to you. A link to this form is provided on the WWW.MONROECOUNTY-FL.GOV/CARES website.
- Copy from Florida Division of Corporations showing that your business is "Active."
This requirement is intended to provide proof that the business is active and in good standing and was in operation before February 29, 2020. The copy can be a screen shot or PDF. The State of Florida Division of Corporations and related filings can be found at www.sunbiz.org.
Note for sole proprietors: Sole proprietors operating under the owner's legal name may not be required to file with the Florida Division of Corporations, but all other entities/business structures (including those working under a DBA of fictitious name) are required to register/file with the Florida Division of Corporations. Sole proprietors will be able to prove their business operation by providing other required documents on this list (Schedule C of your IRS form and County Business Tax Receipt, and city's if applicable).
- Copy of current Monroe County Business Tax Receipt **AND** if located in an incorporated area, the Business Tax Receipt from that municipality, if applicable. This is required for any business other than a Realtor working under a company, a commercial fisherman with a saltwater products license, and a bar that does not serve food or have entertainment at all. If you are not one of these three businesses you must have one. If you do not have one, please get one from the Monroe County Tax Collector's Office before applying. If you are a commercial fisherman, please attach your saltwater fishing products license here for a complete application.

- Proof of Employee Count: We will need you to document the number of employees you have. You will need to provide IRS Form 941 from 1st quarter 2020 (March 31, 2020). The taxpayer ID (EIN, SSN, or TIN) on these documents must match both the W-9 and Sunbiz registration.
 - If you are self-employed as a sole proprietor or independent contractor without employees you do not have to provide documentation, however you will be asked to check a box to certify that your business has no additional employees.
- Tax Returns: You are required to provide your most recent tax returns showing business income and expenses. We prefer 2019 returns but if you have not yet submitted 2019 returns, you may provide 2018 returns with current balance sheet or P/L statement. The taxpayer ID number (EIN, SSN, TIN) that you enter on the application form must match the numbers on your tax forms. The business owner name on the application form must match the name on the tax return. **(NOTE: Regarding public record law, if you believe your financial information meets the definition of the trade secret exemption, please mark your financial information as "Confidential." See definition of trade secret law on p. 10 of this Guidance Document.)**

The type of return depends on your type of business:

- For Self-employed: Form 1040 or 1040 SR with Schedule C (or Schedule E for short term rental lodging)
 - For Corporations: Form 1120 or 1120-S
 - For Partnerships: Form 1065
- For short-term rental establishments/management companies: please carefully review the eligibility requirements in the Guidance Document first to be sure you qualify. If you meet the requirements, please provide the following:
 - Tourist development tax receipt or canceled check for the last monthly or quarterly payment made or proof that a reservation service paid the tax on your behalf.

AND

 - Proof of permitted operation (in unincorporated, this is your VR permit or VR exemption, in incorporated areas provide permit required by the municipality.)
 - Negative Impact Demonstration: To be eligible for this grant, your business must have experienced a negative impact due to COVID pandemic and/or related closure regulations and/or social distancing regulations and guidelines.
 - If your business was **required** to close due to Governor's Executive orders, you need not provide negative impact documentation; it is inferred that if business was required to it incurred a negative impact. You will be required to certify that your business was negatively impacted by checking the appropriate box on the application, and by signing the application/agreement you are certifying this to be true.
 - Even if your business was deemed an essential business and not required to close, you may nevertheless have been negatively impacted. If so, we ask that you provide a brief explanation of impacts and the following documentation:
 - For year- round businesses you may provide financial information from the quarter prior to the closures as compared to the quarter during the closure.
 - For seasonal businesses you may provide financial information from same quarter last year as the quarter of closures in 2020.
 - If you have a compelling reason to provide alternative documentation of negative impact you may do so, with an explanation of your impact. This may prompt a request for follow up information.
 - If you are using the funds for new or increased expenses related to sanitation, PPE and other necessary safety measures, please provide documentation of expenditures made.

- You will be also required to certify that your business was negatively impacted by checking the appropriate box on the application, and by signing the application/agreement you are certifying this to be true.

WHAT HAPPENS IF I DO NOT INCLUDE ALL OF THE REQUIRED DOCUMENTS WHEN I SUBMIT MY APPLICATION?

Your application will not be considered complete if you do not submit all the required documents or if you submit incorrect documents. Your application will not be considered for funding, until it is a complete application. Only submit your application when you are able to provide the required and correct documents. Applications will only be considered when they are submitted in their entirety. Incomplete submissions will delay the process and could result in your application being delayed or denied.

QUESTIONS ABOUT THE APPLICATION

Monroe County is here to help answer questions about the application or eligibility. Email your questions to: bizcares@monroecounty-fl.gov. Questions will be answered in the order in which they are received. Due to the widespread impact of the pandemic on our local community, the County anticipates a high volume of applications.

Your local Chambers of Commerce are also committed to providing application assistance. You do not have to be a member. Here is the contact information:

- Key West Chamber of Commerce: Dorothy Shmida, 305-294-2587, committees@keywestchamber.org
- Lower Keys Chamber of Commerce: Dave Turner, 305-872-2411, executivedirector@lowerkeyschamber.com
- Marathon Chamber of Commerce: Daniel Samess, 305-289-5848, ceo@floridakeysmarathon.com
- Islamorada Chamber of Commerce: Judy Hull, 305-664-4503, director@islamoradachamber.com
- Key Largo Chamber of Commerce: Eileen Eadie or Elizabeth Moscynski, 305-451-1414, president@keylargo-chamber.org and vicepresident@keylargo-chamber.org

WHAT IS THE APPLICATION REVIEW AND APPROVAL PROCESS?

Upon receipt by the County of a complete application with all required supporting documentation, the following process will take place:

- Monroe County staff will notify the applicant of receipt of the application with a confirmation page when the application is submitted online.
- Monroe County staff will review submitted applications for completion.
- Monroe County staff will contact applicants about missing attachments and documentation or if attachments are not properly signed, etc., but is NOT RESPONSIBLE for any delay of applications that do not include all of the required attachments and documentation. Please be sure to include a current, accurate email address and phone number. We are not responsible for communication failures with regard to incomplete applications.
- Applications will not be marked complete, nor processed until all required documents, and any additional requested documents are received. This includes proper dates and required signatures all on documents.
- Upon approval of a complete application, the application will be sent to the Monroe County Clerk of Court for funding.
- The Monroe County Clerk of Court will have the right to request additional documentation as necessary before releasing funds.
- The Monroe County Clerk of Court will have the right to refuse funds if the Clerk determines that an application that is illegal, untruthful, or otherwise contains incorrect information has been submitted as part of the application process.
- Upon final approval of the Monroe County Clerk of Court, a grant payment will be issued.

IF I'M APPROVED, HOW QUICKLY WILL I RECEIVE ASSISTANCE?

Complete applications with all required documentation will be reviewed on a first-come, first-served basis. Depending on the number of applicants, it may take several weeks from the date of application submission until eligible business owners and individuals will receive the approved funding.

WHAT IS THE DEFINITION OF “EMPLOYEE” FOR THIS PROGRAM?

An employee is defined as the owner of the business (applicant) and an individual who receives a paid wage or salary from which employment taxes (e.g. FICA, FUTA) and income taxes are withdrawn and remitted to the IRS, as evidenced by business tax returns filed. “Employee” includes the owner and any full-time, part-time and seasonal employees if they received a wage or salary from which employment and income taxes are withdrawn.

HOW DO I SHOW HOW MANY EMPLOYEES ARE IN MY BUSINESS?

The employee count is based upon what your business reported to the IRS via Form 941 or W-3 prior to February 29, 2020. Self-employed individuals do not have to submit payroll information, but the applicant must check the box on the application (under required documentation) certifying that the business has no additional employees.

I EMPLOY 1099 WORKERS AT MY BUSINESS. DO THEY COUNT TOWARD MY 1-25 EMPLOYEES?

No. For purposes of eligibility for this program, independent contractors/freelancers/1099 employees may not be counted as employees. Only regular employees (reported on W-2s) including full-time and part-time count toward your maximum of 25 employees. An employee is defined as an individual who receives a paid wage or salary which employment taxes (e.g. FICA, FUTA) and income taxes are withdrawn and remitted to the IRS, as evidenced by business tax returns filed.

A company that solely employs independent contractors qualifies as a self-employed applicant for this program.

DO HOME-BASED BUSINESSES QUALIFY?

Yes, a home-based business will qualify but it must have a current Monroe County Business Tax receipt, appropriate licensing and be operating legally as a business.

If you received rental/mortgage/utility assistance through another program, take caution in applying for this grant. You may not use Monroe County CARES Program funds for any expenses that have been reimbursed by any other local, state, or federal programs including unemployment assistance funds. Expect to have to provide additional requested documentation either as part of your application review, or during post-grant compliance auditing that demonstrates that funds from both sources were NOT duplicative.

DO SOLE PROPRIETORS QUALIFY?

Yes, as the business owner you are considered the sole employee, and you qualify as long as you meet all other program criteria.

DO 1099 CONTRACTORS QUALIFY?

Yes, 1099 contractors are self-employed individuals and are eligible as long as they meet all other program criteria.

**** Note to Sole Proprietors who enter their Social Security Number as their Taxpayer ID number on the application:** All applicants are required to enter their Taxpayer Identification Number on the grant application, and this must match the number on their business tax filings. Sole proprietors have the option with the IRS to use their Social Security Number instead of a Federal Employer Identification Number. If this applies to you and you entered your Social

Security Number on the application, please note that your Social Security Number information will be kept confidential and will be redacted in any public records request.

AS A SELF-EMPLOYED PERSON, I RECEIVED CARES ACT FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION AM I ELIGIBLE TO RECEIVE THIS BUSINESS ASSISTANCE GRANT?

Yes, however, we urge caution on this point. You may not use Monroe County CARES Program funds for any expenses that have been reimbursed by any other local, state, or federal programs including unemployment assistance funds. Expect to have to provide additional requested documentation either as part of your application review, or during post-grant compliance auditing that demonstrates that funds from both sources were NOT duplicative.

IF I HAVE RECEIVED FUNDING FROM THE PAYCHECK PROTECTION PROGRAM (PPP), SBA ECONOMIC INJURY DISASTER LOAN (EIDL) OR OTHER FEDERAL OR STATE FUNDING, DO I QUALIFY FOR THIS GRANT?

Yes. However, you may not use the Monroe County CARES Program funds for any expenses that have been or will be reimbursed by any other local, state, or federal programs such as PPP, EIDL, another COVID-19 or CARES Act related program, unemployment assistance funds, or any other local, state, or federal program, or insurance. Expect to have to provide additional documentation either as part of your application review, or during post-grant compliance auditing that demonstrates that funds from both sources are/were NOT duplicative.

IF MY BUSINESS IS MOBILE AND I AM THE ONLY EMPLOYEE, DOES MY BUSINESS QUALIFY?

Yes, a mobile business with only one employee (the owner/operator) with a valid Monroe County business tax receipt and license to operate is eligible.

ARE CHARTER BOAT AND COMMERCIAL FISHING BUSINESSES ELIGIBLE TO APPLY FOR THIS GRANT?

Yes, charter board and commercial fishing businesses are eligible, so long as you meet all of the other requirements. The owner should submit a copy of their captain's license and/or slip rental receipt to document location and type of business. Attach the captain's license and/or slip rental receipt under the "Active State Business Registration" category on the application.

DO SHORT-TERM RENTALS QUALIFY?

Yes, IF you meet ALL the following conditions:

- You are a resident of Monroe County (inclusive of its municipalities) **and**
- You have a separate investment structure that you own **and**
- You are renting the entire separate stand-alone structure as a short-term rental property **and**
- Your short-term rental stand-alone structure is located within Monroe County (inclusive of its municipalities) **and**
- You are collecting and remitting the tourist development tax as required by law **and**
- Your short-term rental is legally operating under your local government vacation rental ordinance.

You must provide an IRS 1040 – Schedule E as part of your application, proof of payment of tourist development tax, and the appropriate permit/license from the county or municipality that the short-term rental structure is located in.

If you claim the homestead exemption on your short-term rental property, you do not qualify.

If you are renting a room or floor of your home that would not qualify.

I AM A HAIR STYLIST THAT RENTS A CHAIR IN BARBER SHOP OR HAIR SALON, DO I QUALIFY?

Yes, if you are renting a chair in a barber shop or salon, you are eligible. You will need to produce a copy of your professional license and a rent check paid to the salon.

If you operate out of spare room in your home, then you must meet the requirements of a home-based business, with a current Monroe County Business Tax receipt, appropriate licensing and be operating legally as a business.

DO NON-PROFITS QUALIFY?

No. No 501c organizations qualify for this grant program at this time. We will have a separate funding program for non-profit entities.

I OWN ONE OR MORE COMMERCIAL PROPERTIES THAT I RENT TO OTHERS FOR THEM TO CONDUCT BUSINESS ON THE PREMISES. DO I QUALIFY FOR A GRANT?

No. Landlords do not qualify.

I OWN MORE THAN ONE BUSINESS IN MONROE COUNTY. CAN I APPLY FOR MORE THAN ONE GRANT?

No. Our goal is to disburse to as many business owners as possible. Therefore, in this current grant phase you may only apply for one business. If we hold a future round of business assistance funding, we will consider making multiple grants for additional businesses to single owners.

I OWN ONE BUSINESS WITH MORE THAN ONE BUSINESS LOCATION IN MONROE COUNTY. CAN I APPLY FOR MORE THAN ONE GRANT?

No. Only one grant per business will be awarded to those that qualify.

I OWN MORE THAN ONE BUSINESS UNDER THE SAME NAME, ARE ALL BUSINESSES ELIGIBLE?

No, companies with common ownership and/or common DBA will be treated as a single business.

ONE OF THE STIPULATIONS IS THAT WE HAVE TO RESUME NORMAL BUSINESS OPERATIONS AFTER THE EXECUTIVE ORDERS ISSUED AS THE RESULT OF COVID-19 OR OTHER COVID-19-RELATED GUIDELINES ARE LIFTED. ALTHOUGH I INTEND FOR MY BUSINESS TO BE OPEN AGAIN, THE DOORS ARE CURRENTLY CLOSED. DOES THIS DISQUALIFY ME FOR THIS GRANT?

Having your doors closed currently, either because of closure guidelines or due to profitability issues does not disqualify you for the Monroe County CARES Program, so long as your business can resume operations after emergency guidelines are lifted. However, if you have filed for a Chapter 7 liquidation bankruptcy you are not eligible and may not apply.

HOW DO I DETERMINE AND PROVE MY BUSINESS SUFFERED ECONOMIC DAMAGES FROM BUSINESS INTERRUPTION CAUSED BY COVID-19 SINCE MARCH 1, 2020?

All applicants must be able to attest that it suffered lost revenue and/or additional business expense since March 1, 2020 due to COVID-19.

If your business was directly required to close due to Governor's Executive Orders, we know that your business was negatively impacted, and you need not provide any documentation proving impact.

If your business was not specifically required to close, but was negatively impacted, we ask that you provide verifiable information documenting the impact.

- A brief explanation of impacts **and** documentation, including:
- For year-round businesses provide financial information from the quarter prior to the closures as compared to the quarter during the closure, **OR** your schedule C from prior year.
- For seasonal businesses (including short-term rentals establishments and short-term rental management entities) provide financial information from same quarter last year as the quarter of closures in 2020, **OR** your schedule E from prior year.
- If you are using the funds for new or increased expenses related to sanitation, PPE and other necessary safety measures, please provide documentation of expenditures made.
- You may provide other documentation of negative impact (with explanation.)

Please remember, Monroe CARES grants CANNOT be used to compensate for economic loss and additional expenses that have already been covered, paid or compensated for by insurance or by any federal program.

I AM A COUNTY EMPLOYEE, OFFICER OR AGENT, OR A FAMILY MEMBER OR PARTNER OF COUNTY EMPLOYEE, OFFICER OR AGENT. MAY I STILL APPLY?

You may apply as long as you are not a member of the Board of County Commissioners, or one of the County employees who developed the application and guidance document, or will be reviewing applications for grant awards, or will be monitoring grant awards for compliance.

Even if you are not in one of those categories, the State Department of Emergency Management (“DEM”), in conjunction with the U.S. Department of the Treasury (“Treasury”), may still determine that you do not qualify for grant funds because of a conflict of interest under Treasury rules.

Unfortunately, the County does not know at this time how DEM or Treasury will decide this question. If you otherwise qualify for the grant funds, it is suggested that you submit an application. If DEM and Treasury decide that you have a conflict, you will be notified at that time. If DEM and Treasury decide that that you do not have a conflict, your application will be processed and completed like all other applications.

IS MY APPLICATION CONSIDERED PUBLIC RECORD?

Yes. Under Chapter 119, Fla. Stat., information included in this application and any documentation submitted as part of the application or throughout the application process may be subject to public records requests.

CAN I REQUEST THAT MY APPLICATION BE EXEMPT FROM PUBLIC RECORD?

No. All information in the application is public record, unless covered under an exemption to Chapter 119, Fla. Stat., is subject to public records requests.

WHAT ARE THE EXEMPTIONS TO PUBLIC RECORD LAWS?

“Certain “trade secret” information as defined in F.S. 812.081 is confidential and exempt from public records law in accordance with F.S. 815.045.

“Trade secret” means the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The term includes any scientific, technical, or commercial information, including **financial information**, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

1. Secret;
2. Of value;
3. For use or in use by the business; and

4. Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

Please mark your financial information attached to the application as “Confidential” if you feel that it falls under this statutory definition. The County is not liable for the disclosure of confidential trade secret information that is not properly marked as “Confidential”.

CAN I WITHDRAW MY APPLICATION?

You can request that your application be withdrawn from consideration; however, once an application is submitted, it becomes public record and cannot be destroyed.

ARE THESE GRANT FUNDS TAXABLE?

Yes. Per the IRS the receipt of a government grant by a business generally is not excluded from the business's gross income under the Code and therefore is taxable. <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>

WILL MY BUSINESS BE REQUIRED TO REPORT HOW I SPENT FUNDS THAT ARE AWARDED?

The County reserves the right to request such information. Also note that your business may be required to provide access to such records as may be necessary to prevent fraud or ensure compliance with federal requirements.

DO I HAVE TO KEEP RECORDS?

After receiving funds through the Monroe County CARES Program, grant recipients must retain all documents applicable to the expenditures of the grant funds and submit any additional documentation required during the grant compliance period. The grant compliance period is currently unknown. It will be set by state and federal agencies and may last for an extended period of time. Noncompliance with the grant agreement may require a grant recipient to return all funds provided through the Monroe County CARES Program to Monroe County.

HELPFUL TIPS FOR APPLICANTS

- Don't rush to submit – the fastest way to get approved is to make sure your application and all documents are accurate and complete.
- Make sure you answer every question on the application, check all appropriate boxes, and sign the agreement. Make sure your application and responses are clean and legible.
- Use the required documents checklist on page 5 of the application. Make sure you attach all required documents. Attach the documents in the order of the checklist. Make sure your documents are legible. Double check that your documents are SIGNED where applicable.