

Committee on Commerce and Tourism

CS/CS/CS/HB 1219 — Employment Agreements

by Commerce Committee; Judiciary Committee; Industries & Professional Activities Subcommittee; and Rep. Koster (CS/CS/CS/SB 922 by Rules Committee; Judiciary Committee; Commerce and Tourism Committee; and Senator Leek)

This bill creates the “Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act,” which establishes the framework for the use of a covered garden leave agreement and a covered noncompete agreement between a covered employer and a covered employee. The bill provides that a covered garden leave agreement or a covered noncompete agreement does not violate state antitrust laws. In specified circumstances, an employee must be given 7 days to review a covered agreement before signing. The bill limits covered agreements to 4 years and provides for the enforcement of covered agreements.

A covered employee is an employee or an individual contractor who earns or is reasonably expected to earn a salary greater than twice the annual mean wage of the county in Florida which the employer has its principal place of business, or the county in Florida in which the employee resides if the employer is not principally based in this state. A covered garden leave agreement is an agreement to keep paying an existing covered employee even though the employee is not required to appear at work or produce any output. The employee agrees not to take any other employment during that period, which is up to 4 years pursuant to the agreement, without the permission of the employer. A covered noncompete agreement is an agreement usually signed at the beginning of employment whereby the covered employee agrees not to work for a competitor for a set length of time, up to 4 years, and within a geographic area after termination of employment.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 28-9; House 91-21