

May 13, 2025

The Honorable Ron DeSantis  
Governor of Florida  
State of Florida  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399-0001

Governor DeSantis,

We, the undersigned organizations and individuals, urge you to veto the CHOICE Act, a bill that heavily shifts the legal landscape of noncompete agreements in favor of corporate interests and against workers, consumers, and budding entrepreneurs. The CHOICE Act would distinguish Florida as having the most starkly anti-worker noncompetes regime in the nation.

There is an abundance of economic research demonstrating that the strict enforcement of noncompete agreements sharply reduces employee wages, the quality and quantity of new patents, and jobs created by new businesses.<sup>1</sup>

The CHOICE Act would accelerate these economically harmful trends by enacting the following changes to state noncompete law for exactly the type of workers Florida aims to attract to grow its middle class:

- Remove the requirement that employers seeking to enforce noncompete agreements must first prove a “legitimate business interest” such as trade secrets, client relationships, and specialized training provided to an employee.
- Codify the duration of noncompete agreements to last as long as four years, making it the longest duration of any state’s policy in the country.
- Require courts to issue preliminary injunctions that prevent individuals from working if the former employer merely claims that the individual is disclosing sensitive information or performing services that are too similar from their previous employment.

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<sup>1</sup> Evan Starr, “Noncompete Clauses: A Policymaker’s Guide through the Key Questions and Evidence,” Economic Innovation Group, 2023. <https://eig.org/wp-content/uploads/2023/10/Noncompete-Clauses-A-Policymakers-Guide.pdf>

Florida is one of the fastest growing states in the nation. The CHOICE Act would lock in its workers, hold back its entrepreneurs, and hem in its potential in a way that undermines its past success. We urge you to swiftly veto the CHOICE Act and champion reforms that curtail the abuse of noncompete clauses to attract even more prosperity and dynamism to the Sunshine State.

Sincerely,

Center for American Entrepreneurship

Economic Innovation Group

Florida National Employment Lawyers Association

R Street Institute

Ann McGinley, Emerita Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas

Dennis O. Lynch, Dean Emeritus, University of Miami School of Law

Hiba Hafiz, Associate Professor of Law, Boston College Law School

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*\* Signatories with academic affiliations have their institutions listed solely for identification purposes.*