



News

Andrew Gordon and Lauren Swanson Discuss the Potentially Dramatic Impact on Florida Employers of the FTC's Proposed Rule Banning Noncompete Agreements

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Hinshaw partner Andrew Gordon and associate Lauren Swanson recently authored a byline published in the *Daily Business Review* discussing the Federal Trade Commission's (FTC) potentially seismic proposed rule banning noncompete agreements and how, if enacted, it will impact Florida-based employers. The authors expect that any final rule will face significant legal challenges.

Gordon and Swanson emphasize the proposed rule's dramatic potential impact on Florida employers, noting that if enacted, the proposed rule will supersede all state laws, regulations, orders, and interpretations of any laws inconsistent with the proposed rule's requirements. "Florida... has one of the most pro-employer noncompete statutes in the United States. As a condition of employment, Florida employers can require that their employees sign noncompete agreements under which the employee promises not to compete with the employer's business during and after the employment relationship," they add.

Gordon and Swanson note that Florida's service industry would be particularly impacted if the proposed rule is enacted. "While the service industry continues to grow in Florida, service-oriented jobs are currently facing labor shortages. Employers will not be able to prevent employees from job hopping after investing considerable resources in training and developing those employees," they explain.

[Read the full article \(subscription required\)](#)

"FTC's Proposed Rule Banning Noncompetes: How the Rule, If Enacted, Will Impact Fla. Employers" was published by the *Daily Business Review* on February 2, 2023.

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