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1
2 An act relating to employment agreements; creating
3 part I of ch. 542, F.S., entitled the "Florida
4 Antitrust Act of 1980"; creating part II of ch. 542,
5 F.S., entitled the "Florida Contracts Honoring
6 Opportunity, Investment, Confidentiality, and Economic
7 Growth (CHOICE) Act"; creating s. 542.41, F.S.;
8 providing a short title; creating s. 542.42, F.S.;
9 providing legislative findings; creating s. 542.43,
10 F.S.; defining terms; creating s. 542.44, F.S.;
11 providing applicability; providing that certain
12 covered garden leave agreements are not a restraint of
13 trade or an attempt to monopolize trade or commerce;
14 providing notice requirements for covered garden leave
15 agreements; providing that a covered employer may
16 waive any portion of such notice requirements by
17 providing a specified amount of advance written notice
18 to the covered employee; providing that covered garden
19 leave agreements do not affect other agreements;
20 requiring a court to enter a preliminary injunction to
21 stop covered employees, businesses, entities, or
22 individuals if a breach of a covered garden leave
23 agreement is alleged; authorizing the court to modify
24 such an injunction if a covered employee, business,
25 entity, or individual establishes certain information

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26 by clear and convincing evidence; requiring that
27 certain information be provided to the court under
28 seal; providing that a prevailing covered employer is
29 entitled to recover all available monetary damages for
30 all available claims; providing that a prevailing
31 party is entitled to reasonable attorney fees and
32 costs; authorizing a covered employer to reduce the
33 salary or benefits of a covered employee if he or she
34 engages in gross misconduct; providing that such a
35 reduction is not a breach of the covered garden leave
36 agreement; creating s. 542.45, F.S.; providing
37 applicability; providing that certain covered
38 noncompete agreements are not a restraint of trade or
39 an attempt to monopolize trade or commerce; providing
40 notice requirements for covered noncompete agreements;
41 providing that covered noncompete agreements do not
42 affect other agreements; requiring a court to enter a
43 preliminary injunction to stop covered employees,
44 businesses, entities, or individuals if a breach of a
45 covered noncompete agreement is alleged; authorizing
46 the court to modify such an injunction if a covered
47 employee, business, entity, or individual establishes
48 certain information by clear and convincing evidence;
49 requiring that certain information be provided to the
50 court under seal; providing that a prevailing covered

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51 employer is entitled to recover all available monetary
52 damages for all available claims; providing that a
53 prevailing party is entitled to reasonable attorney
54 fees and costs; authorizing a covered employer to
55 reduce the salary or benefits of a covered employee if
56 he or she engages in gross misconduct; providing that
57 such a reduction is not a breach of the covered
58 noncompete agreement; providing construction regarding
59 a restrictive covenant that does not meet the
60 definition of a covered garden leave agreement or a
61 covered noncompete agreement; amending ss. 542.15,
62 542.16, 542.17, 542.20, 542.22, 542.23, 542.235,
63 542.24, 542.25, 542.26, 542.27, 542.28, 542.29,
64 542.30, 542.31, 542.32, 542.33, 542.35, and 542.36,
65 F.S.; conforming provisions to changes made by the
66 act; providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Part I of chapter 542, Florida Statutes,
71 consisting of ss. 542.15-542.36, Florida Statutes, is created
72 and entitled the "Florida Antitrust Act of 1980."

73 Section 2. Part II of chapter 542, Florida Statutes,
74 consisting of ss. 542.41-542.45, Florida Statutes, is created
75 and entitled the "Florida Contracts Honoring Opportunity,

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Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.41 Short title.—This part may be cited as the "Florida Contracts Honoring Opportunity, Investment, Confidentiality, and Economic Growth (CHOICE) Act."

542.42 Legislative findings.—The Legislature finds that a proper and legitimate state interest is served by enforcing strong legal protections in contracts between employers and contracted personnel which encourage optimal levels of information sharing and training and development. The Legislature further finds that alternative means of protecting confidential information and client relationships, such as nondisclosure agreements, fixed-duration term contracts, and nonsolicitation clauses in employment contracts, are inadequate to protect against the significant global risks faced by companies in this state. The Legislature further finds that predictability in the enforcement of contracts described in this part encourages investment in this state. Therefore, the Legislature determines and declares that this part fulfills an important state interest.

542.43 Definitions.—For the purposes of this part, the term:

(1) "Annual mean wage of employees in Florida" or "annual mean wage" means the most recent annual mean wage as calculated by the United States Department of Labor Bureau of Labor Statistics, or its successor calculation, for all occupations in

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101 this state.

102 (2) "Benefit" means access to health insurance, life
103 insurance, or disability insurance that is the same as or
104 similar to the insurance that a covered employee had access to
105 and at the same cost to that employee during the month before
106 the commencement of his or her notice period.

107 (3) "Covered employee" means an employee or individual
108 contractor who earns or is reasonably expected to earn a salary
109 greater than twice the annual mean wage of the county in this
110 state in which the covered employer has its principal place of
111 business, or the county in this state in which the employee
112 resides if the covered employer's principal place of business is
113 not in this state. The term does not include a person classified
114 as a health care practitioner as defined in s. 456.001.

115 (4) "Covered employer" means an entity or individual who
116 employs or engages a covered employee.

117 (5) "Covered garden leave agreement" means a written
118 agreement, or part of a written agreement, between a covered
119 employee and covered employer in which:

120 (a) The covered employee and covered employer agree to up
121 to, but no more than, 4 years of advance, express notice before
122 terminating the employment or contractor relationship;

123 (b) The covered employee agrees not to resign before the
124 end of such notice period; and

125 (c) The covered employer agrees to retain the covered

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126 employee for the duration of such notice period and to continue
127 paying the covered employee the same salary and providing the
128 same benefits that the covered employee received from the
129 covered employer in the last month before the commencement of
130 the notice period. The covered employer is not obligated to
131 provide discretionary incentive compensation or benefits or have
132 the covered employee continue performing any work during the
133 notice period.

134 (6) "Covered noncompete agreement" means a written
135 agreement, or a portion of a written agreement, between a
136 covered employee and a covered employer in which, for a period
137 not to exceed 4 years and within the geographic area defined in
138 the agreement, the covered employee agrees not to assume a role
139 with or for another business, entity, or individual:

140 (a) In which the covered employee would provide services
141 similar to the services provided to the covered employer during
142 the 3 years preceding the noncompete period; or

143 (b) In which it is reasonably likely the covered employee
144 would use the confidential information or customer relationships
145 of the covered employer.

146 (7) "Noncompete period" means the time from the covered
147 employee's termination of employment through the end of the
148 agreed-upon postemployment period of noncompetition as set forth
149 in the covered noncompete agreement.

150 (8) "Notice period" means the date from the covered

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151 employee's or covered employer's written notice of intent to
152 terminate the covered employee's employment through the date of
153 termination as set forth in a covered garden leave agreement.

154 (9) "Primary place of work" means the location where the
155 covered employee spends more work time than any other single
156 workplace.

157 (10) "Salary" means the base compensation, calculated on
158 an annualized basis, which a covered employer pays a covered
159 employee, including a base wage, a salary, a professional fee,
160 or other compensation for personal services, and the fair market
161 value of any benefit other than cash. Salary does not include
162 health care benefits, severance pay, retirement benefits,
163 expense reimbursement, distribution of earnings and profits not
164 included as compensation for personal services, discretionary
165 incentives or awards, or anticipated but indeterminable
166 compensation, including tips, bonuses, or commissions.

167 542.44 Covered garden leave agreement.—

168 (1) APPLICABILITY.—This section applies to:

169 (a) A covered garden leave agreement with a covered
170 employee who maintains a primary place of work in this state,
171 regardless of any applicable choice of law provisions; or

172 (b) A covered garden leave agreement with a covered
173 employer whose principal place of business is in this state and
174 which agreement is expressly governed by the laws of this state.
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176 If any provision of this section is in conflict with any other
177 law, the provisions of this section shall govern.

178 (2) RESTRAINT OF TRADE.—A covered garden leave agreement
179 does not violate public policy as a restraint of trade, as
180 described in s. 542.18, or an attempt to monopolize trade or
181 commerce in this state, as described in s. 542.19, and is fully
182 enforceable according to its terms, provided that:

183 (a) A covered employee was advised, in writing, of the
184 right to seek counsel before execution of the covered garden
185 leave agreement and was provided notice as described in
186 subsection (3);

187 (b) A covered employee acknowledges, in writing, receipt
188 of confidential information or customer relationships; and

189 (c) The covered garden leave agreement provides that:

190 1. After the first 90 days of the notice period, the
191 covered employee does not have to provide services to the
192 covered employer;

193 2. The covered employee may engage in nonwork activities
194 at any time, including during normal business hours, during the
195 remainder of the notice period;

196 3. The covered employee may, with the permission of the
197 covered employer, work for another employer while still employed
198 by the covered employer during the remainder of the notice
199 period; and

200 4. The garden leave agreement notice period may be reduced

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201 during the notice period if the covered employer provides at
202 least 30 days' advance notice in writing to the covered
203 employee.

204 (3) NOTICE.—

205 (a) A covered employer must provide a proposed covered
206 garden leave agreement to:

207 1. A prospective covered employee at least 7 days before
208 an offer of employment expires; or

209 2. A current covered employee at least 7 days before the
210 date that an offer to enter into a covered garden leave
211 agreement expires.

212 (b) A covered employer may, as provided for in the covered
213 garden leave agreement, shorten the term of the notice period at
214 any time during the notice period by providing at least 30 days'
215 advance notice in writing to the covered employee.

216 (4) OTHER AGREEMENTS.—This section does not affect or
217 limit the enforceability of any other employment agreement or
218 any other agreement.

219 (5) BREACH OF A COVERED GARDEN LEAVE AGREEMENT; REMEDIES.—

220 (a) Upon application by a covered employer seeking
221 enforcement of a covered garden leave agreement, a court must
222 preliminarily enjoin a covered employee from providing services
223 to any business, entity, or individual other than the covered
224 employer during the notice period. The court may modify or
225 dissolve the injunction only if the covered employee establishes

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226 by clear and convincing evidence, based on nonconfidential
227 information, that:

228 1. The covered employee will not perform, during the
229 notice period, any work similar to the services provided to the
230 covered employer during the 3-year period preceding the
231 commencement of the notice period, or use confidential
232 information or customer relationships of the covered employer;
233 or

234 2. The covered employer has failed to pay or provide the
235 salary and benefits provided for in the covered garden leave
236 agreement during the notice period and has had a reasonable
237 opportunity to cure the failure.

238 (b) Upon application by a covered employer seeking
239 enforcement of a covered garden leave agreement, a court must
240 preliminarily enjoin a business, an entity, or an individual
241 from engaging a covered employee during the covered employee's
242 notice period. The court may modify or dissolve the injunction
243 only if the business, entity, or individual establishes by clear
244 and convincing evidence, based on nonconfidential information,
245 that:

246 1. The covered employee will not provide any services
247 similar to the services provided to the covered employer during
248 the 3-year period preceding the commencement of the notice
249 period, or use confidential information or customer
250 relationships of the covered employer; or

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251 2. The business or individual seeking to employ or engage
252 the covered employee is not engaged in, and is not planning or
253 preparing to engage in, any business activity similar to that
254 engaged in by the covered employer during the notice period.

255
256 Any information filed with the court which the covered employer
257 deems to be confidential must be filed under seal to protect
258 confidentiality or avoid substantial injury. A court must
259 presume that an employee or individual contractor has access to
260 confidential information or customer relationships if the
261 employee or individual contractor acknowledges the access or
262 receipt of such access in writing.

263 (c) The injunctive relief provided under this section is
264 not an exclusive remedy, and a prevailing covered employer is
265 entitled to recover all available monetary damages for all
266 available claims.

267 (d) In any action to enforce this section, the prevailing
268 party is entitled to reasonable attorney fees and costs.

269 (e) If the covered employee engages in gross misconduct
270 against the covered employer, the covered employer may reduce
271 the salary or benefits of the covered employee or take other
272 appropriate action during the notice period, which reduction or
273 other action may not be considered a breach of the covered
274 garden leave agreement.

275 542.45 Covered noncompete agreements.—

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276 (1) APPLICABILITY.—This section applies to:

277 (a) A covered noncompete agreement with a covered employee
278 who maintains a primary place of work in this state, regardless
279 of any applicable choice of law provisions; or

280 (b) A covered noncompete agreement with a covered employer
281 whose principal place of business is in this state and which
282 agreement is expressly governed by the laws of this state.

283
284 In either case, if any provision of this section is in conflict
285 with any other law, the provisions of this section govern.

286 (2) RESTRAINT OF TRADE.—A covered noncompete agreement
287 does not violate public policy as a restraint of trade, as
288 described in s. 542.18, or an attempt to monopolize trade or
289 commerce in this state, as described in s. 542.19, and is fully
290 enforceable according to its terms, provided that:

291 (a) A covered employee was advised, in writing, of the
292 right to seek counsel before execution of the covered noncompete
293 agreement and was provided notice as described in subsection

294 (3);

295 (b) A covered employee acknowledges, in writing, that in
296 the course of his or her employment, the covered employee will
297 receive confidential information or customer relationships; and

298 (c) A covered noncompete agreement provides that the
299 noncompete period is reduced day-for-day by any nonworking
300 portion of the notice period, pursuant to a covered garden leave

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301 agreement between the covered employee and the covered employer,
302 if applicable.

303 (3) NOTICE.—A covered employer must provide a proposed
304 covered noncompete agreement to:

305 (a) A prospective covered employee at least 7 days before
306 an offer of employment expires; or

307 (b) A current covered employee at least 7 days before the
308 date that an offer to enter into a covered noncompete agreement
309 expires.

310 (4) OTHER AGREEMENTS.—This section does not affect or
311 limit the enforceability of any other employment agreement or
312 any other agreement.

313 (5) BREACH OF COVERED NONCOMPETE AGREEMENT; REMEDIES.—

314 (a) Upon application by a covered employer seeking
315 enforcement of a covered noncompete agreement, a court must
316 preliminarily enjoin a covered employee from providing services
317 to any business, entity, or individual other than the covered
318 employer during the noncompete period. The court may modify or
319 dissolve the injunction only if the covered employee establishes
320 by clear and convincing evidence, based on nonconfidential
321 information, that:

322 1. The covered employee will not perform, during the
323 noncompete period, any work similar to the services provided to
324 the covered employer during the 3-year period preceding the
325 commencement of the noncompete period, or use confidential

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326 information or customer relationships of the covered employer;

327 2. The covered employer has failed to pay or provide the
328 consideration provided for in the covered noncompete agreement
329 and has had a reasonable opportunity to cure the failure; or

330 3. The business, entity, or individual seeking to employ
331 or engage the covered employee is not engaged in, and is not
332 planning or preparing to engage in during the noncompete period,
333 business activity similar to that engaged in by the covered
334 employer in the geographic area specified in the noncompete
335 agreement.

336 (b) Upon application by a covered employer seeking
337 enforcement of a covered noncompete agreement, a court must
338 preliminarily enjoin a business, an entity, or an individual
339 from engaging a covered employee during the covered employee's
340 noncompete period. The court may modify or dissolve the
341 injunction only if the business, entity, or individual
342 establishes by clear and convincing evidence, based on
343 nonconfidential information, that:

344 1. The covered employee will not provide any services
345 similar to the services provided to the covered employer during
346 the 3-year period preceding the commencement of the noncompete
347 period, or use confidential information or customer
348 relationships of the covered employer; or

349 2. The business or individual seeking to employ or engage
350 the covered employee is not engaged in, and is not planning or

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351 preparing to engage in during the noncompete period, business
352 activity similar to that engaged in by the covered employer in
353 the geographic area specified in the noncompete agreement.

354
355 Any information filed with the court which the covered employer
356 deems to be confidential must be filed under seal to protect
357 confidentiality or avoid substantial injury. A court must
358 presume that an employee or individual contractor has access to
359 confidential information or customer relationships if the
360 employee or individual contractor acknowledges the access or
361 receipt of such access in writing.

362 (c) The injunctive relief provided in this section is not
363 an exclusive remedy, and a prevailing covered employer is
364 entitled to recover all available monetary damages for all
365 available claims.

366 (d) In any action to enforce this section, the prevailing
367 party is entitled to reasonable attorney fees and costs.

368 (e) If the covered employee engages in gross misconduct
369 against the covered employer, the covered employer may reduce
370 the salary or benefits of the covered employee or take other
371 appropriate action during the noncompete period, which reduction
372 or other action may not be considered a breach of the covered
373 noncompete agreement.

374
375 Any action regarding a restrictive covenant that does not meet

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the definition of a covered garden leave agreement or a covered noncompete agreement as provided in this part is governed by s. 542.335.

Section 3. Section 542.15, Florida Statutes, is amended to read:

542.15 Short title.—This part ~~act~~ shall be known and may be cited as the "Florida Antitrust Act of 1980."

Section 4. Section 542.16, Florida Statutes, is amended to read:

542.16 Purpose.—The Legislature declares it to be the purpose of this part ~~act~~ to complement the body of federal law prohibiting restraints of trade or commerce in order to foster effective competition. It is the intent of the Legislature that this part ~~act~~ be liberally construed to accomplish its beneficial purpose.

Section 5. Section 542.17, Florida Statutes, is amended to read:

542.17 Definitions.—Unless a different meaning is clearly indicated by the context, for the purposes of this part ~~chapter~~, the terms defined in this section have the following meanings ascribed to them:

(1) "Commodity" means any goods, merchandise, wares, produce, chose in action, land, article of commerce, or other tangible or intangible property, real, personal, or mixed, for use, consumption, production, enjoyment, or resale.

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(2) "Service" means any kind of activity performed in whole or in part for economic benefit.

(3) "Person" means any individual, corporation, firm, partnership, limited partnership, incorporated or unincorporated association, professional association, or other legal, commercial, or governmental entity, including the State of Florida, its departments, agencies, political subdivisions, and units of government.

(4) "Trade or commerce" means any economic activity of any type whatsoever involving any commodity or service whatsoever.

(5) "Document" means any stored or retained data or information in whatever form.

(6) "Attorney General" includes not only the Attorney General of Florida but also any designee of the Attorney General or any assistant attorney general or special assistant attorney general.

(7) "State attorney" includes not only the state attorneys of Florida but also any designee of a state attorney or any assistant state attorney or special assistant state attorney.

(8) "Local government" means a municipality, county, school district, or any other general-function or special-function governmental unit established by the laws of the state.

Section 6. Section 542.20, Florida Statutes, is amended to read:

542.20 Exemptions.—Any activity or conduct exempt under

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426 Florida statutory or common law or exempt from the provisions of
427 the antitrust laws of the United States is exempt from the
428 provisions of this part ~~chapter~~.

429 Section 7. Subsection (1) of section 542.22, Florida
430 Statutes, is amended to read:

431 542.22 Suits for damages.—

432 (1) Any person who shall be injured in her or his business
433 or property by reason of any violation of s. 542.18 or s. 542.19
434 may sue therefor in the circuit courts of this state and shall
435 recover threefold the damages by her or him sustained, and the
436 cost of suit, including a reasonable attorney ~~attorney's~~ fee.
437 The court shall award a reasonable attorney ~~attorney's~~ fee to a
438 defendant prevailing in any action under this part ~~chapter~~ for
439 damages or equitable relief in which the court finds there was a
440 complete absence of a justiciable issue of either law or fact
441 raised by the plaintiff.

442 Section 8. Section 542.23, Florida Statutes, is amended to
443 read:

444 542.23 Equitable remedies.—In addition to other remedies
445 provided by this part ~~chapter~~, any person shall be entitled to
446 sue for and have injunctive or other equitable relief in the
447 circuit courts of this state against threatened loss or damage
448 by a violation of this part ~~chapter~~. In any action under this
449 section in which the plaintiff substantially prevails, the court
450 shall award the cost of suit, including a reasonable attorney

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451 ~~attorney's~~ fee, to the plaintiff.

452 Section 9. Subsection (4) of section 542.235, Florida
453 Statutes, is amended to read:

454 542.235 Limitations of actions and penalties against local
455 governments and their officials and employees.—

456 (4) No criminal action shall be maintained pursuant to s.
457 542.21(2), and no civil penalties, damages, interest on damages,
458 costs, or attorney ~~attorneys'~~ fees shall be recovered pursuant
459 to s. 542.21(1) or s. 542.22, against any local government
460 official or employee for official conduct within the scope of
461 her or his lawful authority, unless the official or employee has
462 violated the provisions of this part ~~chapter~~ for the purpose of
463 deriving personal financial or professional gain or for the
464 professional or financial gain of her or his immediate family or
465 of any principal by whom the official is retained.

466 Section 10. Section 542.24, Florida Statutes, is amended
467 to read:

468 542.24 Consent decrees and settlement agreements.—In a
469 civil action maintained under this part ~~chapter~~ by the Attorney
470 General or a state attorney, any party to such action may
471 petition the court for entry of a consent decree or for approval
472 of a settlement agreement. The proposed decree or agreement
473 shall set out the alleged violations, the future obligations of
474 the parties, the damages or other relief agreed upon, and the
475 reasons for entering into the consent decree or settlement

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476 agreement.

477 Section 11. Section 542.25, Florida Statutes, is amended
478 to read:

479 542.25 Judgment in favor of state as prima facie
480 evidence.—A final judgment or decree entered in any civil or
481 criminal proceeding brought by the Attorney General or a state
482 attorney under s. 542.21 or s. 542.23 to the effect that a
483 defendant has violated s. 542.18 or s. 542.19, or entered in any
484 civil or criminal proceeding brought by the United States
485 Department of Justice under comparable federal laws, shall be
486 prima facie evidence against such defendant in any civil action
487 or proceeding under this part ~~chapter~~ brought by any other
488 person against such defendant as to all matters with respect to
489 which such judgment or decree would be an estoppel as between
490 the parties thereto; however, this section does not apply to a
491 consent judgment or decree entered before any testimony has been
492 taken. Nothing contained in this section shall be construed to
493 impose any limitation on the application of collateral estoppel.

494 Section 12. Subsection (2) of section 542.26, Florida
495 Statutes, is amended to read:

496 542.26 Limitation of actions.—

497 (2) Whenever any civil or criminal proceeding is
498 instituted by the Attorney General or a state attorney to
499 prevent, restrain, or punish any violation of this part ~~chapter~~,
500 the running of the statute of limitations, with respect to every

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private right of action arising under this part ~~chapter~~ and based in whole or in part on any matter complained of in said proceeding, shall be suspended during the pendency thereof and for 1 year thereafter. Whenever the running of the statute of limitations in respect of a cause of action arising under s. 542.22(1) is suspended hereunder, any action to enforce such cause of action shall be forever barred unless commenced either within the period of suspension or within the period of limitation.

Section 13. Section 542.27, Florida Statutes, is amended to read:

542.27 Enforcement authority.—

(1) The Attorney General, or a state attorney with written permission from the Attorney General, acting jointly or independently, may commence and try all criminal prosecutions under this part ~~chapter~~. Criminal prosecutions under this part ~~chapter~~ shall be commenced by indictment. With respect to commencement and trial of such prosecutions, the Attorney General or a state attorney shall have all the powers and duties vested by law with respect to criminal prosecutions generally. Incident to any investigation commenced under this part ~~chapter~~, the Attorney General may participate in and appear before a grand jury in assistance of any state attorney, irrespective of the provisions of chapter 905.

(2) The Attorney General is authorized to institute or

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526 intervene in civil proceedings seeking the full range of relief
527 afforded by this part ~~chapter~~ or by federal laws pertaining to
528 antitrust or restraints of trade on behalf of the state, its
529 departments, agencies, and units of government. In addition, the
530 Attorney General, as chief state legal officer, may institute
531 any action authorized under this part ~~chapter~~, federal laws
532 pertaining to antitrust or restraints of trade, or similar laws
533 of other states on behalf of natural persons in the state.

534 (3) Whenever the Attorney General, by her or his own
535 inquiry or as a result of a complaint, suspects that a violation
536 of this part ~~chapter~~ or federal laws pertaining to restraints of
537 trade is imminent, occurring, or has occurred, the Attorney
538 General may investigate such suspected violation.

539 Section 14. Paragraph (b) of subsection (2), paragraph (b)
540 of subsection (3), and subsections (5) and (13) of section
541 542.28, Florida Statutes, are amended to read:

542 542.28 Civil investigative demand.—

543 (2) The demand shall:

544 (b) State the nature of the conduct which constitutes the
545 violation of this part ~~chapter~~ or of the federal antitrust laws
546 and which is alleged to have occurred or to be imminent.

547 (3) No such demand shall require the production of any
548 documentary material, the submission of any answers to written
549 interrogatories, or the giving of any oral testimony if such
550 material, answers, or testimony would be protected from

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disclosure under:

(b) The standards applicable to a discovery request under the Florida Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this part ~~chapter~~.

(5) Within 30 days after the service of an investigative demand upon any person or at any time before the return date specified therein, whichever period is longer, the person served may file in the circuit court in and for the county in which the person resides or transacts business, and serve upon the Attorney General or state attorney, a petition for an order of the court modifying or setting aside the demand. The time allowed for compliance in whole or in part with the demand as deemed proper and ordered by the court shall not run while the petition is pending before the court. The petition shall specify each ground upon which the petitioner relies in seeking relief and may be based upon the failure of the demand to comply with the provisions of this part ~~chapter~~ or upon any constitutional or other legal right or privilege of such person.

(13) Nothing contained in this section shall impair the authority of the Attorney General or state attorney to:

(a) Institute a civil proceeding under s. 542.22;

(b) Lay before a grand jury of this state evidence concerning a violation of this part ~~chapter~~;

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(c) Invoke the power of a court to compel the production of evidence before a grand jury; or

(d) File a civil complaint or criminal indictment alleging a violation of this part ~~chapter~~.

Section 15. Section 542.29, Florida Statutes, is amended to read:

542.29 Duty of public officers.—In any investigation and in any criminal or civil action commenced pursuant to this part ~~chapter~~, it shall be the duty of all public officers and their deputies, assistants, clerks, subordinates, or employees to render and furnish to the Attorney General or a state attorney, when so requested, assistance and all information available in their official capacity.

Section 16. Section 542.30, Florida Statutes, is amended to read:

542.30 Jurisdiction and venue.—Without regard to the amount in controversy, a suit or proceeding brought under this part ~~chapter~~ shall be brought in the circuit court in and for any county in which the cause of action arose; in which any defendant resides, is found, or has an agent; or in which any act in furtherance of the conduct prohibited by this part ~~chapter~~ occurred.

Section 17. Section 542.31, Florida Statutes, is amended to read:

542.31 Action not barred as affecting or involving

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interstate or foreign commerce.—No action under this part
~~chapter~~ shall be barred on the grounds that the activity or
conduct complained of in any way affects or involves interstate
or foreign commerce. It is the intent of the Legislature to
exercise its powers to the fullest extent consistent with the
Constitutions of this state and the United States.

Section 18. Section 542.32, Florida Statutes, is amended
to read:

542.32 Rule of construction and coverage.—It is the intent
of the Legislature that, in construing this part ~~chapter~~, due
consideration and great weight be given to the interpretations
of the federal courts relating to comparable federal antitrust
statutes. In particular, the failure to include in this part
~~chapter~~ the substantive provisions of s. 3 of the Clayton Act,
15 U.S.C. s. 14, shall not be deemed in any way to limit the
scope of s. 542.18 or s. 542.19.

Section 19. Subsection (1) of section 542.33, Florida
Statutes, is amended to read:

542.33 Contracts in restraint of trade valid.—

(1) Notwithstanding other provisions of this part ~~chapter~~
to the contrary, each contract by which any person is restrained
from exercising a lawful profession, trade, or business of any
kind, as provided by subsections (2) and (3) hereof, is to that
extent valid, and all other contracts in restraint of trade are
void.

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626 Section 20. Section 542.35, Florida Statutes, is amended
627 to read:

628 542.35 Remedies cumulative.—The remedies provided by this
629 part ~~act~~ are cumulative of each other and of existing powers and
630 remedies inherent in the courts.

631 Section 21. Section 542.36, Florida Statutes, is amended
632 to read:

633 542.36 Continuing violations.—Violations commenced prior
634 to October 1, 1980, ~~the effective date of this act~~ and
635 continuing after the effective date shall be actionable as
636 provided in this part ~~chapter~~. The fact that any conduct
637 occurred prior to October 1, 1980, ~~the effective date of this~~
638 ~~act~~ shall not affect its relevance in proving that a violation
639 of this part ~~chapter~~ has occurred or is occurring.

640 Section 22. This act shall take effect July 1, 2025.