



ACC South Florida Annual Conference

## Charting a Course Through Florida's Evolving Employment Law Waters

September 5, 2025  
10:15–11:15 AM Eastern



1

## Today's Presenters



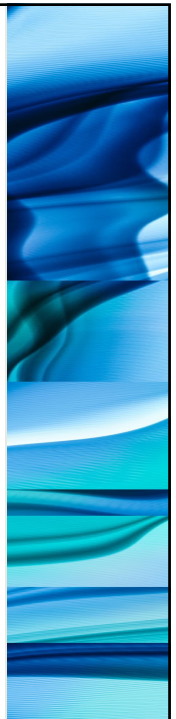
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2



Leslie K. Eason

Partner

Atlanta   Los Angeles

P 404 264 4085

Leslie Eason has over two decades of experience guiding employers through the complexities of employment law, offering tailored strategies that align with both business objectives and company culture. She focuses on

resolving complex litigation and providing proactive counsel that helps mitigate legal risk, ensuring clients stay prepared for the evolving challenges of the modern workplace.

Her approach blends legal experience with a deep understanding of business needs, delivering practical solutions that resonate with each client's unique situation. Leslie's extensive courtroom acumen, paired with her skill in alternative dispute resolution, equips her to effectively handle matters ranging from administrative hearings to high-stakes trials.

Throughout her career, Leslie has successfully navigated multi-plaintiff lawsuits, collective actions, and class actions in state and federal courts. Her ability to help enforce and defend restrictive covenant claims has been crucial for businesses looking to protect their competitive interests.

Beyond litigation, Leslie advises clients on workplace operations ranging from crafting sound policies and conducting sensitive internal investigations to training teams on compliance and best practices. Her background as in-house counsel for a global manufacturer gives her insights that translate into actionable, business-savvy legal counsel.

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Collapse All ×

Areas of Focus ×

- Labor and Employment
- Wage and Hour

Publications ×

[*Secondary Agreements*] [Chapter 8]; in *Employment Contracts and Agreements: A Guide for Corporate Counsel* (Claire E. Parsons, ed., Matthew Bender & Co., 2024)

[*Best Practices to Avoid Liability and Mitigate Damages Upon Separation*] [Chapter 15]; in *Employment Contracts and Agreements: A Guide for Corporate Counsel* (Claire E. Parsons, ed., Matthew Bender & Co., 2024)

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**Presentations**



National Business Institute, "Employment Discrimination and Law: Advance Issues and Answers," November 2023

National Business Institute, "Dealing with Difficult Clients, Witnesses, Opposing Counsel, and Judges in Litigation," November 2023/February 2023

National Business Institute, "What's Happening in Human Resource Law – Fall 2023 Update," October 2023

National Business Institute, "How to Bring Georgia Handbooks into Compliance," April 2023

National Business Institute, "Employment Law 2023," April 2023

National Business Institute, "Effective Ways to Deal with Complex FMLA and ADA Landmines," February 2023

National Business Institute, "Advance Employment Law in Georgia," November 2022

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**Professional and Community Involvement**



Member, Law360's 2024 Insurance Authority Specialty Lines and Employment Authority Discrimination Editorial Advisory Boards

Member, Alpha Kappa Alpha Sorority, Inc. Nu Lambda Omega Chapter

Advisory board member, Atlanta Legal Aid Society

Former board member, Georgia Association of Black Women Attorneys Foundation

Former co-chair, Georgia Association of Black Women Attorneys Labor & Employment Section

Former treasurer, Georgia Association of Black Women Attorneys Foundation

Former member, Law360 Employment Editorial Advisory Board

Member, Leadership Georgia Class of 2014

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**Honors**×

- The Best Lawyers in America, 2021-2026
- The Best Lawyers in America - Women in the Law, 2022-2023

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**Languages**×

- English

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“ Effective employment law is about more than compliance; it's about supporting businesses to foster successful, legally sound workplaces.”

**Credentials**

**Education**

- University of Georgia School of Law, J.D., 2003, cum laude
- Vanderbilt University, B.S., cognitive studies, 2000

**Bar Admissions**

- Alabama
- California
- Georgia

**Court Admissions**

- Alabama Court of Appeals
- Alabama Supreme Court
- Georgia Court of Appeals
- Georgia Supreme Court
- U.S. Court of Appeals for Fourth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. District Court for the Northern District of Alabama
- U.S. District Court for the Middle District of Alabama
- U.S. District Court for the Southern District of Alabama
- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Southern District of Georgia



Raanon Gal has spent more than 15 years representing and defending employers and management across a variety of industries, specifically defending these clients in litigation related to employment discrimination,

Family and Medical Leave Act (FMLA), wage and hour, harassment, and wrongful termination claims. Clients trust him to advocate on their behalf so they can focus on keeping their businesses running and growing.

Raanon helps companies with risk management and instituting preventative measures to avoid liability, and provides counsel and representation under Employment Practice Liability Insurance arrangements. He also assists clients with cases involving noncompete agreements, misappropriation of trade secrets, employment and business torts, and related dispute resolution and litigation.

His practice involves counseling and training clients, and representing them in federal and state courts, as well as before state and local agencies. Raanon also drafts employee handbooks, employer policies and executive employment agreements.

Raanon is the co-editor of the Georgia Employment Law Letter, a monthly newsletter on employment law developments in Georgia. He also frequently writes and lectures on the FMLA, Americans with Disabilities Act (ADA), record retention requirements and sexual harassment avoidance.

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Areas of Focus ×

- Labor and Employment
- Wage and Hour

Presentations ×

- “Marijuana, Background Checks and Independent Contractors – What Do I Need to Know?” SHRM-Atlanta, Feb. 13, 2020
- “What Every Practitioner Should Know About the New Tax Laws, State Bar of Georgia,” Dec. 5, 2019



- "Employment Practices Liability Insurance," Independent Insurance Agents of Georgia: Annual Fall Conference, Gwinnett Infinite Energy Center, Oct. 13, 2017
- "Employment Practices Liability Insurance," Metro Alliance of Independent Insurance Agents Monthly Meeting, Dunwoody, Ga., Feb. 15, 2017
- "Advanced Skills for Employee Leave Management," BLR 2017 FMLA Master Class, Atlanta, Ga., Jan. 24, 2017
- "Advanced Skills for Employee Leave Management," 2016 FMLA Master Class, Atlanta, Ga., Jan. 14, 2016
- "Adding Cooks to the Kitchen While Staying Out of Hot Water," Recipes for Restaurant Success, Atlanta, Ga., Sept. 22, 2015
- "Data Security," Financial Service Professionals Atlanta Symposium, Oct. 30, 2014

*These presentations occurred prior to joining Barnes & Thornburg.*

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**Publications**



- "Tase Us if You've Heard This Before: GA Officer's Bias Case Can Go Forward," Georgia Employment Law Letter, Aug. 15, 2019
- "Lack of Geographic Boundaries Dooms Georgia Firm's Noncompete Agreement," Georgia Employment Law Letter, Dec. 15, 2018
- "All Male, All Nude, All Damages Awarded," Georgia Employment Law Letter, HR Hero, July 2018
- "Does Withholding Final Wages Create FLSA Claim?" HR Daily Advisor, Nov. 15, 2016
- "Legal and Practical Pitfalls of Loaning Money to Employees," Georgia Employment Law Letter, Feb. 1, 2016
- "Naked Truth: Your Porn-Watching Employees May Land You in a Lawsuit," Georgia Employment Law Letter, August 2015, and Tech for HR Blog, Sept. 24, 2015
- "Georgia Fire Chief Fires Off Religious Discrimination Lawsuit," Georgia Employment Law Letter, March 2015, and HR.BLR.com, April 23, 2015 "5 Key Areas for Internal Investigations of Sexual Harassment," Whitepaper,

The Network Integrated GRC Solutions, Feb. 26, 2015

- "11th Circuit Limits Georgia Employers' Defenses Against FLSA Claims," Georgia Employment Law Letter, February 2015, and HR.BLR.com, March 12, 2015
- "CVS Convinces Georgia Court to Decertify FLSA Collective Action," Georgia Employment Law Letter, September 2015, and HR.BLR.com, Oct. 28, 2015
- Co-editor, Georgia Employment Law Letter, 2015
- "FLSA and Employment Practices Liability Issues," Claims Magazine, Dec. 2, 2014
- "Georgia Department of Labor Cracks Down on Independent Contractor Misclassification," HR Business and Legal Resources, Nov. 14, 2014
- "What's the Status of Transgender Employees in the Workplace?" Georgia Employment Law Letter, October 2013, and Diversity Insight, Nov. 17, 2013
- The Atlanta Jewish Times Features Young Jewish Attorneys Network, April 15, 2013

*These publications occurred prior to joining Barnes & Thornburg.*

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**Honors**

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The Best Lawyers in America, 2024-2026

Chambers USA, 2022-2025

Georgia Super Lawyers, Rising Stars, 2011-2015; Super Lawyers, 2016-2025; Top 100, 2020-2021, 2025

Georgia Trend's Legal Elite, Labor/ Employment Law, 2014-2016, 2018-2020

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**Professional and Community Involvement**

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Member, State Bar of Georgia

Member, Tennessee Bar Association

Member, Employers Counsel Network

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Languages

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English, Hebrew

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Credentials

Education

- University of Florida, B.A., 1999
- Vanderbilt University Law School, J.D., 2004

Bar Admissions

- Georgia
- Tennessee

Court Admissions

- U.S. District Court for the Northern District of Georgia
- U.S. District Court for the Middle District of Georgia
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Eastern District of Tennessee
- U.S. District Court for the Middle District of Tennessee

- U.S. District Court for the Western District of Tennessee
- U.S. District Court for the Western District of Arkansas
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Eleventh Circuit

## Today's Agenda

- Florida's CHOICE Act
- Accommodating Medical Marijuana
- E-Verify Mandates
- Stop WOKE Act Status
- COVID Mandate Bans
- Preemption of Local Ordinances
- Florida Minimum Wage Increases

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3

3

## Florida's CHOICE Act (2025)

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4

4

## Florida's New Noncompete Landscape – The CHOICE Act

- Florida moves opposite national trend
- CHOICE Act (effective July 1, 2025) expands enforceability
- Creates safe harbor for covered noncompetes and garden leave agreements
- Presumptively enforceable unless employee proves otherwise

## CHOICE Act Overview

- Safe harbor for compliant agreements
- Presumptively valid under Florida law
- Burden shifts to employee to challenge
- Strong employer protection

## Covered Employees

- Applies only to high earners (2x county mean wage)
- Threshold ~ \$80k–\$150k depending on county
- Healthcare practitioners excluded
- Doctors, nurses, licensed health providers remain under pre-2025 law

## Longer Durations Permitted

- Prior law: 2 years presumptively unreasonable
- CHOICE Act: up to 4 years post-employment
- Garden leave up to 4 years with continued pay and benefits
- Doubles prior norm, increases employer flexibility

## Key Requirements for Enforceability

- Agreement must be in writing
- Must advise employee of right to counsel
- 7 days review before signing
- Written acknowledgment of confidential info or client relationships
- Garden leave must allow no work after 90 days, outside activity permitted, early termination with 30 days' notice, continued salary and benefits



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## Scope and Enforcement Nuances

- Noncompete must define restricted geography and activities
- Enforceable even if new job is not a direct competitor
- Focus on likelihood of using confidential info or goodwill
- If both noncompete and garden leave, noncompete reduced day-for-day



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## Streamlined Enforcement

- Courts must issue injunction unless employee proves noncompliance
- Employee must meet clear and convincing evidence standard
- Strong pro-employer enforcement shift
- Default = enforcement, employee bears burden

## Rationale and Impact

- Encourages employer investment in training and information sharing
- Florida signals openness for business and talent retention
- Provides strong protection for high-wage jobs
- Employers must update agreements to take advantage

## Comparison to Other States

- Florida expands while others restrict
  - California, Oklahoma ban outright
  - Colorado, Illinois, New York, Massachusetts restrict scope or wage level
  - Maryland 2025 ban for health care workers under \$350k, cap at 1 year
- Florida positions as most employer-friendly jurisdiction



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13

## Strategy & Risk Management – Agreements

- Audit and redraft existing agreements
- Add required notice, review period, acknowledgment language
- Healthcare employees remain under older law (2-year limit)
- Create CHOICE-compliant template for high earners
- Standard restrictive covenants for others



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## Strategy & Risk Management – Employee Categories

- Segment workforce by salary threshold
- Two-tier system: CHOICE-compliant for high earners, alternatives for others
- Lower-wage workers: focus on nonsolicit/confidentiality agreements
- Avoid overuse of noncompetes on rank-and-file

## Strategy & Risk Management – Multistate Issues

- Florida noncompetes may not be enforceable in restrictive states
- California and similar states refuse Florida choice-of-law clauses
- Include savings clauses or tailor agreements by jurisdiction

## Strategy & Risk Management – Consideration and Timing

- Document consideration given
- Provide agreements well in advance, not at last minute
- Mandated 7 days review, best practice longer
- Advise employees in writing to seek counsel



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## Strategy & Risk Management – Enforcement Plan

- Develop internal playbook for enforcement
- Confirm compliance with CHOICE before filing
- Act quickly to seek injunction under new law
- Weigh cost and reputation risks of enforcement actions



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# Medical Marijuana Accommodation

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19

19

## Giambrone v. Hillsborough County

- February 2025: Florida state court decision
- Held that Florida Constitution requires accommodation of off-duty, off-site medical marijuana use
- First major ruling applying FCRA to medical marijuana use

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20

## Case Background

- Angelo Giambrone, EMT for Hillsborough County Fire Department
- Random drug test → positive for marijuana
- Presented valid Florida medical marijuana card (for anxiety, PTSD, insomnia)
- Employer placed him on unpaid leave, reported him to licensing board
- No evidence of on-duty use, impairment, or possession



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## Court's Ruling

- Summary judgment granted for employee
- Constitution requires accommodation for off-site medical marijuana use
- On-site use/accommodation not required



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## Implications for Employers

- Florida employers may need to engage in interactive accommodation process
- Cannot rely solely on federal prohibition as defense under state law
- Medical marijuana cardholders may be entitled to protection under FCRA
- On-duty use, possession, or impairment still prohibited
- Employers must tread carefully with drug-free workplace policies



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## Compliance Takeaways

- Review and update drug testing and accommodation policies
- Focus on reasonable suspicion testing and impairment-based enforcement
- Train managers/HR on how to handle positive drug tests with medical marijuana cards
- Document interactive process with employees claiming disability accommodations



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# E-Verify Mandates

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## Senate Bill 1718

- Senate Bill 1718 (2023) expanded E-Verify to private sector
- Applies to employers with 25+ employees
- Effective July 1, 2023
- Must still complete federal I-9 and run through E-Verify

26



## Compliance Requirements

- Obtain confirmation or tentative non-confirmation for each hire
- Beginning Jan 2024: certify compliance on quarterly tax returns
- Random audits and investigations permitted by state agencies



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## Penalties for Non-Compliance

- July 1, 2024: penalties in effect
- \$1,000 per day fine for failure to use E-Verify
- Separate penalties for knowingly hiring unauthorized workers
  - Signals state's tougher stance on immigration enforcement
- Business license risks if violations occur



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## Penalties for Knowingly Employing Unauthorized Workers

- First offense: one-year probation
- Must submit quarterly compliance reports
- Second offense (within 24 months): suspension or revocation of business licenses
- Loss of licenses = potential business shutdown

## Financial and Economic Sanctions

- State can recover economic development incentives from violators
- Adds financial consequences beyond fines and license risks
- Designed to deter repeated or intentional violations

## Safe Harbor – E-Verify Protection

- Using E-Verify = rebuttable presumption of compliance
- Using only I-9 = weaker “affirmative defense”
- Incentivizes E-Verify to shield from harsher penalties
- Failure to use E-Verify leaves employer vulnerable to “knowingly” standard

## Potential Expansion of E-Verify Ahead

- Bills considered to eliminate 25-employee threshold → all employers covered
- Would broaden “employee” to include independent contractors
- Proposed penalties: longer license suspensions, fines up to \$50k+ for repeat offenders
- Not enacted yet, but trend is toward more enforcement

## Practical Compliance Tips

- Register for E-Verify immediately if 25+ employees
- Even if not strictly required, consider using it to avail yourself of legal protections
- Assign trained HR/compliance staff for E-Verify queries
- Document every query (screenshots/records if system down)
- If you utilize staffing agencies or contractors, consider contract clauses that they must use E-Verify and only send authorized workers
- Do not ignore a “tentative nonconfirmation” result; follow the prescribed steps to let the employee contest it, or you must terminate if it becomes final

## Stop WOKE Act

## Stop WOKE Act – Background & Legal Challenge

- 2022 law restricted workplace DEI/harassment trainings
- Banned content causing “guilt or discomfort” based on race, sex, national origin
- Immediately challenged on First Amendment grounds
- August 2022: federal judge blocked enforcement, calling law “dystopian”

## Court Decisions & Current Status

- 2023–2024: 11th Circuit upheld injunction, found law unconstitutional in effect
- July 2024: permanent injunction entered, state conceded enforcement
- Florida cannot enforce Stop WOKE Act against private employers
- Law effectively “dead” for private employers

## Moving Forward

- DEI/harassment trainings allowed without fear of state penalty
- Ensure content complies with federal anti-discrimination laws (Title VII, etc.)
- Use professional, respectful design to avoid controversy
- Document training objectives and participation for compliance defense
- Monitor legislative activity

## COVID-19 Vaccine/Mask Mandate Ban

## Overview

- Florida law prohibits private employers from requiring vaccination, testing, or masks (SB 252, 2023)
- Applies to employees and customers
- Exceptions: healthcare settings, bona fide OSHA requirements

## Enforcement & Penalties

- Fines up to \$5,000 per violation
- Potential reinstatement orders for employees terminated in violation
- State has enforced penalties in the past (e.g., \$3.5M fine to county in 2021)
- Not symbolic; real enforcement risk

## Implications for Employers

- Multi-state patchwork: mandates elsewhere, banned in Florida
- Must exempt Florida worksites from company-wide policies
- Cannot ask vaccination status in hiring process
- Mask mandates must be optional in Florida

## Policy & Handbook Review

- Audit existing COVID-19 and health policies
- Remove or modify Florida-specific requirements
- Add clear carve-outs for Florida in company-wide policies
- Ensure recruiting and onboarding processes comply



## Practical Compliance Strategies

- Use voluntary measures (testing, masks) instead of mandates
- Focus on education and encouragement
- Document Florida-specific carve-outs in policies
- Review 2021–2022 terminations for retroactive risk
- Consult counsel before applying uniform health mandates

## Preemption of Local Employment Regulations

## Overview

- HB 917 and HB 433 effective July 1, 2024
- Florida asserts state control over employment standards
- Local governments barred from creating their own rules on certain workplace conditions

## Heat Exposure Standards

- Cities like Miami proposed water break/shade rules for outdoor workers
- Now preempted; only the state can regulate heat safety for private employers
- Currently no specific Florida heat safety rules in place
- Federal OSHA “general duty clause” may apply, but no detailed standards

## Minimum Wage Preemption

- HB 433 prohibits counties/cities from setting higher minimum wages
- Confirms uniform statewide minimum wage path (\$15/hr by 2026)
- Removes risk of navigating local wage ordinances

## Broader Preemption History

- Florida has blocked local laws on paid sick leave since 2013
- Example: Orange County attempt was preempted by state law
- Private employers follow state and federal laws only
- Public employers may still have separate local rules

## Compliance Takeaways

- Employers do not face a patchwork of local labor ordinances in Florida
- Focus on state law and federal law for wage, leave, and safety rules
- Monitor for potential statewide heat safety regulations in the future
- Simplifies compliance but increases importance of state-level tracking

## Florida Minimum Wage Increases

## Overview

- 2020 constitutional amendment: phased increases to \$15/hr by 2026
- Current rate: \$12.00/hr (well above federal \$7.25)
- Scheduled increases:
  - \$13.00 – Sept 30, 2024
  - \$14.00 – Sept 2025
  - \$15.00 – Sept 2026
- After 2026: annual inflation-based adjustments apply



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## Tipped Employees

- Tipped employees in Florida must still earn the minimum wage when tips are included
- The tip credit in Florida is \$3.02, meaning the cash wage for tipped workers is \$3.02 below the prevailing minimum (e.g. \$9.98/hour in 2024, rising to \$10.98 in 2025).
- Failing to meet the new minimums or misapplying the tip credit could trigger wage claims.



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## Compliance Takeaways

- Ensure your payroll is updated for each step increase.
- Audit your use of the tip credit; confirm that tipped employees' reported tips plus base wage equal or exceed the Florida minimum each pay period.

**Any  
Questions?**





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56

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