

## Protecting Your Business with Non-Compete Agreements

**O**n many occasions, an irate client has called my office and advised me that one of its former employees has gone into business in competition with my client and is attempting to solicit its customers. When asked whether any action can be taken, my first inquiry is whether the employee signed a non-compete agreement. If the response is in the negative, I advise the client that there are few actions that can be taken and the ones that are available would be costly and not likely to succeed. I then advise the client that if it wants to avoid such a problem in the future, it should have current and new employees sign a non-compete agreement.

Florida non-compete agreements, signed after 1996, are governed by Florida Statutes § 542.335 which provides specific requirements for these agreements. Florida Statutes § 542.335, identifies five separate "legitimate business interests" that an employer may seek to protect with a non-compete agreement.

The statute then sets forth the length of a non-compete that, in most circumstances, will be enforceable in court. For instance,

with most employees, a duration of two years or less is acceptable.

Although the statute does not set forth the acceptable geographic scope of a non-compete, the general rule is that it must be reasonable to protect the employers' business interests. For instance, an employer that only does business in Broward County, Florida, might not be able to enforce a non-compete prohibiting an employee from competing in Dade, Broward and Palm Beach Counties.

As with any legal document, in drafting or enforcing a non-compete you should seek the legal advice of counsel.

The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience. This article is prepared for general information only. The information presented at this site should not be construed to be formal legal advice nor the formation of a lawyer/client relationship. ■



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# 2004 Small business awards

## Business community recognizes leaders

The 2004 Small Business Persons of the Year Award ceremony, held at the Plantation Renaissance Hotel, celebrated the continued formation, growth and success of small businesses in Broward County. Conducted by the Broward County Council of Chambers, the event included a motivating keynote speech by Scott Garvis, president of Dale Carnegie Training, South Florida. Each individual chamber of the Council of Chambers elected one member to receive the impressive Award from their membership. Those receiving this year's award

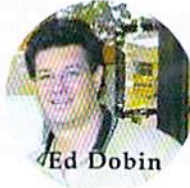
included:



Patti Koch

- Joel Sansone, Coral Springs Chamber of Commerce
- Julie Oldbury, Coconut Creek Chamber of Commerce
- Myrtle Corbin and Joe Dorsey, Dania Chamber of Commerce
- Patti Koch, Davie/Cooper City Chamber of Commerce
- George Paterson and Blake Harmon, Deerfield Beach Chamber of Commerce
- Mel DiPeitro, Greater Ft. Lauderdale Chamber of Commerce
- Jordan Sayfie, Hallandale Beach/Pembroke Park Chamber of Commerce

- Scott Roberts, Greater Hollywood Chamber of Commerce
- Bob Beal, Oakland Park/Wilton Manors Chamber of Commerce
- Lucy Kaye, Latin Chamber of Commerce
- Ed Dobin, Miramar/Pembroke Pines Chamber of Commerce
- John Morgan, Plantation Chamber of Commerce
- Rich Weber, Pompano Chamber of Commerce
- Maria Massana, Sunrise Chamber of Commerce



Ed Dobin

**Congratulations to all!!**

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