



February 26, 2016

Governor Rick Scott
400 South Monroe Street
Tallahassee, FL 32399

Re: Veto SB 86, Relating to Scrutinized Companies

Dear Governor Scott,

We write to urge that you veto Senate Bill 86.

This legislation prohibits public entities of the state of Florida from entering into contract with companies that boycott Israel. In addition, the legislation prohibits investing pension funds held by the Florida Retirement System in such companies.

SB 86 violates basic principles of American democracy.

The U. S. Supreme Court has recognized that boycotts are a valid exercise of First Amendment rights,¹ and Americans have a long history of engaging in boycotts as a tactic designed to seek social change.

Additionally, this legislation punishes individuals for particular political views and associations, specifically their concern about the state of human rights in the decades long Israeli-Palestinian conflict and their objection to certain policies of the Israeli government. But our courts have also been clear that government may not punish or retaliate against people or organizations, or create a blacklist of individuals or companies who are declared ineligible to enter into contracts with state agencies, because of their political beliefs, associations or activities.²

Retaliation for the exercise of First Amendment freedoms of speech and association cannot be the basis for public policies – and, in the case of SB 86, the state also would be imposing retribution for the content of speech.

¹ NAACP v. Claiborne Hardware Co., 458 U.S. 886 (1982).

² O'Hare Truck Service v. City of Northlake, 518 U.S. 712 (1996).

Because SB 86 is a clear violation of long established First Amendment law we urge you to reject it. Approval of this proposed legislation will undoubtedly lead to litigation challenging its constitutionality that will be both needless and needlessly costly.

Government should never put its finger on the scale when its citizens exercise their first speech rights, no matter how much public officials may disagree with their views.

Sincerely,

A handwritten signature in black ink that reads "Howard Simon". The signature is written in a cursive style with a large initial "H".

Howard Simon
Executive Director

A handwritten signature in blue ink that reads "Michelle Richardson". The signature is written in a cursive style with a large initial "M".

Michelle Richardson
Policy and Advocacy Director

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
FLORIDA