**Oppose Senate Bill 86: Scrutinized Companies**Senate Bill 86 is an unconstitutional attack on freedom of speech and establishes a dangerous precedent.

Senate Bill 86 aims to establish a “Scrutinized Companies that Boycott Israel List,” creating a blacklist of companies and organizations that endorse “BDS” and preventing blacklisted companies from bidding on state or local government contracts.

This bill aims to discourage and in some circumstances prohibit U.S. companies and organizations from exercising their federally protected freedom of speech. The “Scrutinized Companies that Boycott Israeli List” cannot and should not be compared to our current state laws that penalize businesses that do businesses with Iran, Sudan, or Syria. The Palestinian civil society’s nonviolent call for boycott cannot and should not be misconstrued as “terrorist” activity.

Regardless of one’s views on the Israeli-Palestinian conflict, SB 86 targets core political speech and infringes on the freedom to express political beliefs, a fundamental American value.

**Understanding “BDS”:** The global movement for a campaign of Boycott, Divestment and Sanctions (BDS) against Israel until it complies with international law and Palestinian rights was initiated by Palestinian civil society in 2005. BDS is a strategy that allows people of conscience to play an effective role in the Palestinian struggle for justice and equality under the law.

Supporters of BDS include South African social rights activist and Anglican Archbishop Desmond Tutu and “The Color Purple” author Alice Walker.

**Oppose Senate Bill 86**:

* **Free Speech:** Boycotts are a constitutionally protected form of free speech, and have a long history of being used successfully to address injustice and demand political change. The Supreme Court has held that “speech on public issues occupies the highest rung of hierarchy of First Amendment values, and is entitled to special protection,” not state sanctioned dissuasion. **The Supreme Court has specifically held that boycotts “to bring about political, social, and economic change,” which is exactly what the BDS movement is, are unquestionably protected under the First Amendment.**
* **The denial of public contracts and public investment in order to suppress speech violates the First Amendment:** By seeking to deny public contracts to businesses or organizations that endorse BDS, the state of Florida would be directly penalizing and inhibiting constitutionally protected speech.
* **State Sponsors of Terrorism:** There are only three countries on the U.S. Department of State’s State Sponsors of Terrorism List: Iran, Sudan, and Syria. It is well within the state legislature’s responsibility to penalize companies and organizations doing business with these states, however, the Palestinian civil society’s nonviolent call for the boycott, divestment, and sanction of Israel due to grave human rights concerns is not a terrorist act—rather a human rights campaign.
* **Cuba:** As the Federal government is normalizing relations with Cuba, including Cuba in SB 86’s targets for blacklisted companies and organizations sets a harmful and ineffective message as Florida is most directly positioned to benefit from normalized relations. **A federal court has already declared this measure an unconstitutional interference by the state in issues of international commerce that are the purview of the federal government.**