



RICK SCOTT
GOVERNOR

May 1, 2012

Secretary Ken Detzner
Secretary of State
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, Florida 32399

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Dear Secretary Detzner:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby sign and transmit Committee Substitute for Committee Substitute for House Bill 959, enacted during the 114th Session of the Legislature of Florida, since statehood in 1845, during the Regular Session of 2012 and entitled:

“An act relating to state and local government relations with Cuba or Syria...”

Among other things, this legislation addresses contractual relationships between Florida government entities and companies that have business operations in Cuba and Syria. The governments of Cuba and Syria are two of only four U.S.-designated State Sponsors of Terrorism, and Florida’s tax dollars should play no part in propping them up.

The shameful record of the Castro and Assad governments is undeniable: they brutally oppress their people, actively support international terrorism, and seek to harm U.S. interests at every turn. This legislation is designed to protect Florida taxpayers from supporting dictatorships that commit such despicable acts and deny political freedom to their citizens.

Secretary Ken Detzner
May 1, 2012
Page Two

It is imperative that Florida and the United States continue to place economic pressure on the Cuban and Syrian governments. Only by bringing to bear every weapon in our arsenal can we affect true change. This legislation demonstrates Florida's commitment to spreading political and economic freedom in Cuba and Syria, and builds on previous legislation that prohibits state and local government contracts with companies doing business in Sudan and Iran.

In *Crosby v. National Foreign Trade Council*, 530 U.S. 363 (2000), the United States Supreme Court held that state restrictions on business operations with or in foreign nations violate the Supremacy Clause of the U.S. Constitution if they conflict with federal enactments relating to the same subject. The federal government has enacted extensive laws and regulations governing relations and foreign commerce with Cuba and Syria. As Governor, it is my duty to faithfully execute the laws of the State of Florida and to uphold the constitutions of Florida and the United States. I am, therefore, signing this bill because I believe that the Florida Legislature drafted it in such a way that the contracting prohibitions in Section 2 avoid any conflict with federal laws governing relations and foreign commerce with Cuba and Syria.

When the 2011 Florida Legislature first enacted section 287.135, Florida Statutes, that statute only contained restrictions aimed at Iran and Sudan. *See* Ch. 2011-104, Laws of Florida. Congress had expressly authorized certain state-law sanctions directed at those countries in 2007 and 2010. To avoid a potential future constitutional violation, the 2011 Florida Legislature included a Savings Clause:

This section becomes inoperative on the date that federal law ceases to authorize the states to adopt and enforce the contracting prohibitions of the type provided for in this section.

Ch. 2011-104, Laws of Florida (codified at § 287.135(8), Fla. Stat.).

The Savings Clause recognizes that, in the absence of express Congressional authorization, Florida law restrictions related to foreign commerce might be federally preempted and therefore unconstitutional. The Florida Supreme Court has emphasized

Secretary Ken Detzner
May 1, 2012
Page Three

that "it must be assumed the Legislature intended to enact a valid law." *Crist v. Fla. Ass'n of Crim. Defense Lawyers, Inc.*, 978 So. 2d 134, 139 (Fla. 2008) (quoting *Franklin v. State*, 887 So.2d 1063, 1073 (Fla. 2004)). When the 2012 Florida Legislature added sanctions against Cuba and Syria to section 287.135, it retained the Savings Clause. Hence, the Savings Clause must mean that the substantive restrictions are inoperative if they would conflict with federal law.

Because such a conflict may exist, the restrictions will not go into effect unless and until Congress passes, and President Obama signs, a law permitting states to independently impose such sanctions against Cuba and Syria. I, therefore, call upon President Obama to introduce federal legislation that will permit Florida to go above and beyond the pervasive and overly permissive federal regulations. The Cuban and Syrian regimes are no better than the Iranian and Sudanese regimes, and the federal government should permit the states to impose the same sanctions on each of these dictatorships.

For the reasons stated above, I hereby sign into law Committee Substitute for Committee Substitute for House Bill 959.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott". The signature is fluid and cursive, with a large initial "R" and "S".

Rick Scott
Governor