

Florida SB 7072 Lawsuit

What the law does:

- Fines online businesses if they remove candidates for public office on their sites—up to \$250k per day
- Picks winners and losers by creating an arbitrary “blacklist” that outsources decision-making to other states
 - Any online business *accused* of violating *any* antitrust law is automatically added and barred from doing business with Florida
 - State AG can overrule the blacklist and arbitrarily protect favored businesses and threaten others to their bidding
 - Excludes Disney, Comcast Universal, Theme Park Owners
- Fines online businesses when they remove *any* content except porn from political candidates or journalistic enterprises—up to \$100k per claim

Our lawsuit’s argument:

- **SB 7072 Violates the First Amendment**
 - Compels platforms to host speech they would otherwise remove
 - First Amendment protects private businesses’ right to moderate
- **SB 7072 Violates the Equal Protection Clause of the 14th Amendment**
 - Unfairly exempts favored businesses like Disney and Comcast
 - Pretext for punishing online businesses for their protected First Amendment activity because of alleged anticonservative bias
- **SB 7072 Violates Due Process Clause of the 5th and 14th Amendments**
 - Does not fully explain what they regulate or what key requirements are
 - Vague, ill-defined words and terms like moderating in a “consistent manner” are impossible to gauge

The harm this unconstitutional bill in Florida could do:

- Will hurt Florida consumers
 - Will lead to far more harmful content online
- Will hurt Florida small businesses
 - Will make online advertising less valuable and viable
 - No advertiser wants to associate their goods next to harmful content
- Will hurt constitutional free speech
 - Will limit the 1A speech rights of private actors
- Sets precedent for crony capitalism by picking winners and losers
 - Singles out a handful of disfavored businesses
 - Excludes many online platforms
 - Explicitly exempts companies like Disney and Universal

NetChoice

