



FLORIDA FREEDOM TO READ PROJECT

Recommended Responses Using Judge Mendoza's HB 1069 Ruling

As the state plans to appeal this ruling to the 11th Circuit Court of Appeals, Americans in support of the freedom to read must prepare for multiple attempts in the upcoming legislative session to once again chip away at the rights of our youngest citizens.

This document will take you through the talking points most commonly used by special interest groups that have supported HB 1467 (2022), HB 1069 (2023), and HB 1539 (2025, failed).

Talking Point #1: “Would you read this content aloud to children or in public?”

- No one is reading explicit content aloud to young children in schools.
- Books with mature themes are typically for older students, who voluntarily choose to read them.
- Independent reading is not mandatory and can be stopped at any time.
- Students may seek out difficult topics (e.g., addiction, sexual assault, identity, grief, social injustice) for understanding or support, and they have a First Amendment right to do so.
- Parents already have the right to set boundaries on library access *for their own children*.
- Reading excerpts out of context at public meetings is misleading and inflammatory—not representative of how libraries work. This is a captive audience setting like a classroom with only out-of-context excerpts provided - not the same as choosing to read an entire book on your own.
- Librarians curate collections thoughtfully, with a review process already in place.
- Legislation should protect First Amendment rights, not be based on fear or misrepresentation.

Talking Point #2: “Why defend *these* books with so many others available?”

- It's about defending a **consistent, constitutional review process**, not specific titles.
- Broad language in HB 1069 led to removal of even classic literature—contrary to the Governor's stated intent.

- Judge Mendoza noted the law’s vagueness and lack of clarity for educators with guidance to “err on the side of caution” promoting overcompliance.
 - “It’s not clear how the State expects Educational Media Specialists, educators, or other school officials to know exactly what crosses the line in the State’s eyes. The vagueness of the provisions only serves to expand their sweep.”
 - Florida has long used the Miller-test-for-minors as the standard for evaluating material—HB 1069 deviates from this constitutional standard.
 - Removing books based on out-of-context passages creates a chilling effect on creativity and education.
 - Censorship often happens gradually—title by title—under vague or politicized laws.
 - Fair process, not political pressure, should determine access—not government overreach.
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Talking Point #3: “This isn’t banning—it’s about parental rights.”

- Parents already can set boundaries on what *their own children* read in school libraries, but one parent’s objection shouldn’t dictate access for all families.
- Restrictive laws erase others’ choices in the name of “parental rights.”
- Suggesting families “just go elsewhere” ignores disparities—many students rely solely on school libraries.
- Judge Mendoza cited Supreme Court precedent: **access to speech can’t be denied just because it’s available elsewhere.**
 - “One is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.”