



## Florida Legislative Brief on HB 1119 / SB 1692

**HB 1119/SB 1692 shifts control over school library books away from parents and local communities and gives it to the state.** Under this bill, families and school districts lose the ability to decide what is age-appropriate for their students. Instead, the Florida Department of Education becomes the authority, and last summer we saw what exercising that authority looks like as state leaders attacked, threatened, and publicly berated Hillsborough County.

### Key Concerns

#### 1. State Control Replaces Parental and Local Decision-Making

Parents who want their children to have access to books have no appeal rights if a title is removed. Local school boards and review committees can no longer weigh a book's educational, literary, or historical value when sexual content is present.

#### 2. Educational and Classic Literature Can Be Removed for a Single Reference

Under this bill, one sexual reference can override a book's overall value. This puts widely taught and award-winning literature at risk, even when it has been studied safely in classrooms for decades. The only way the "classics" would be protected under this bill is if the Florida Department of Education names the titles in their recommended reading lists.

#### 3. A Statewide Book Ban Without Calling It One

Districts risk loss of funding or other penalties if they keep books the state disapproves of. That pressure will force removals across Florida, regardless of parental support for access.

#### 4. Unequal Standards for Public vs. Private Schools

The same book can be deemed "harmful to minors" in public schools but allowed in private schools that receive public funding. This makes clear the bill is not about protecting children. It is about controlling public school libraries.

### Legal and Constitutional Concerns

Last session, similar language (HB 1539) failed in part due to constitutional concerns. Since then, state leaders initiated a pressure campaign that led to thousands of books being quietly removed in the summer of 2025.

In **Penguin Random House LLC v. Gibson**, U.S. District Judge Carlos Mendoza struck down key portions of Florida Statute 1006.28 as unconstitutionally vague. Districts are now caught in a legal trap: follow state pressure and risk contempt of court, or follow the court order and risk state punishment.

Despite this ruling, and while the case is under appeal to the 11th Circuit, HB 1119/SB 1692 advances nearly identical language. Both bill sponsors represent districts under Judge

Mendoza's jurisdiction, placing those districts in immediate legal jeopardy. The legislature should pause this bill until the court rules.

### **Why the Court's Ruling Matters**

Judge Mendoza reaffirmed that materials may only be removed if they meet **all three parts of the long-standing Miller Test for minors ("harmful to minors" definition in Florida's criminal code)**, including that the work, **taken as a whole**, lacks serious literary, artistic, political, or scientific value.

**HB 1119/SB 1692 removes this third safeguard, but only for public schools.** This creates a unique and weaker standard that limits student access to protected speech and ignores decades of constitutional precedent.

### **Consequences if the Bill Advances**

- **Districts remain legally exposed**, facing lawsuits from both parents and the state
- **Taxpayers pay the price** as litigation drains funds from classrooms
- **Educators over-remove out of fear**, reducing academic rigor
- **Parents lose choice**, and students lose access to college-level reading
- **Public schools become less competitive** with private options that face fewer restrictions

### **Bottom Line**

You can call it whatever you want, but when books are prohibited statewide from all public school libraries regardless of parental support, Floridians will call it **book banning**.

Rather than fixing constitutional flaws identified by the courts, HB 1119/SB 1692 expands them. The responsible path is to **table this bill** until the 11th Circuit rules and craft a solution that respects parental rights, local control, and the Constitution.