

THE INFORMED DEMOCRAT OF SWFL



Florida's Book Bans: Good News for Now

By Paula Porter

September 1, 2025

On August 14, a decision by a federal court in Florida ruled that a key part of the state's book-banning law, House Bill 1069, is "overbroad and unconstitutional." This ruling is a significant development in the ongoing legal and political battle over books in Florida's schools.

U.S. District Judge Carlos Mendoza issued a [50-page decision](#) in a lawsuit filed by a coalition of major publishing companies, the Authors' Guild, several prominent authors, and parents. The lawsuit specifically challenged the part of HB 1069 that required schools to remove any material that "describes sexual conduct" or is "harmful to minors".

Since 2023 when HB 1069 was passed, Florida schools have removed hundreds of books from school libraries and classrooms.

The judge found the language in the law to be "overbroad" and vague, failing to clearly define what "describes sexual conduct" means. The ruling pointed out that the lack of clear guidance forced librarians and educators to "err on the side of caution," leading to the removal of a wide range of books—including critically acclaimed literary works—that were not obscene. In some cases, the books were removed because of one sentence.

Florida's lawyers argued that the selection and removal of library books constituted "government speech," meaning the state could control the message and content without being subject to First Amendment limitations. Judge Mendoza soundly rejected this argument, stating that the removal of books without considering their overall value is not a form of expressive government activity and instead serves to "stifle the disfavored viewpoints."

The ruling affirmed that the law's content-based prohibition on books violated students' and authors' First Amendment rights. The court stated that the government cannot remove books from school libraries based on ideological disagreement or political indoctrination.

The judge's decision forces Florida schools to revert to the established U.S. Supreme Court standard for obscenity, known as the "Miller Test." This test requires a book to be judged as a whole, considering its literary, artistic, political, or scientific value, rather than on isolated sentences or passages. None of the books removed were reviewed based on the Miller test. In recent attacks on schools in texts and emails, the commissioner of the FL DOE has demanded removal of books because they were considered "harmful to minors" with no review by librarians or educators.

The ruling has been hailed as a major victory for intellectual freedom and the right to read. It sends a strong message that book challenges must be based on clear, constitutional standards and not on broad, subjective criteria. It is not clear what this ruling means for the books that have already been banned.

The Florida government is expected to appeal the decision. The legal costs involved in an appeal can be substantial and are a significant consideration for both the government and the plaintiffs. The Florida Department of Education, as a state agency, will use taxpayer money to fund the appeal of this decision. This involves paying for legal staff, filing fees, and other administrative costs associated with preparing and arguing the case in a higher court, likely the U.S. Court of Appeals for the Eleventh Circuit. This is likely to cost taxpayers more than \$200,000 or more, according to some legal experts. It is important to note that the state and school districts themselves are also involved in other legal cases, again, spending taxpayer dollars.

If the ruling is appealed, the legal battle will continue, and the outcome will set a significant precedent not just for Florida, but for other states grappling with similar book-banning laws.

Paula Porter holds a Ph.D. in Education and is active with The Purple Group