

April 23, 2025

Florida House of Representatives
House Speaker Daniel Perez
404 South Monroe Street
Tallahassee, Florida 32399-1100



Dear Representatives,

We are writing to respectfully urge you to reject HB 1539, a bill that poses a serious threat to students' access to literature, their First Amendment rights, and the integrity of Florida's public education system.

HB 1539 would significantly amend Section 1006.28 of Florida Statutes by requiring school districts to remove any instructional or library material challenged as "harmful to minors" within just five days—regardless of whether the material has been properly reviewed. The bill's new definition of what constitutes "harmful to minors" deviates from the constitutional standard that has been used in Florida for over 30 years. By explicitly prohibiting consideration of a work's literary, artistic, political, or scientific value when sexual content is present—it increases the likelihood of arbitrary and unjustified book removals.

This is not just a policy concern—it's a constitutional one. As established in *Board of Education v. Pico*, 457 U.S. 853 (1982) (plurality op.), students' rights are "directly and sharply implicated by the removal of books from the shelves of a school library." The First Amendment protects not only self-expression but also the right to receive information. While local school boards have discretion over their libraries, they must operate through "established, regular, and facially unbiased procedures" that do not succumb to narrow political or ideological motives.

While Florida leads the nation in book bans due to its early legislative efforts, states like Iowa are not far behind and are also facing legal challenges. *Penguin Random House LLC v. Robbins*, No. 4:23-cv-00478 (S.D. Iowa Mar. 25, 2025), which preliminarily enjoined Iowa's law requiring public schools to remove any books from their libraries that contain a "description" of a "sex act," without any individualized evaluation of the material and its overall literary, artistic, political, or scientific value. That law led districts to pull hundreds of titles, including classic works of fiction like *As I Lay Dying*, *Slaughterhouse-Five*, *The Color Purple*, *1984*, *Native Son*, and *Catch-22*, and well-known non-fiction books like *Night* and *The Rape of Nanking*. The district court held the law violates the First Amendment and "imposes a puritanical 'pall of orthodoxy' over school libraries by concluding that there is no redeeming value to any book that contains a 'description' of a 'sex act' even if the book is a work of history, self-help guide, award-winning novel, or other piece of serious literature."

Under HB 1539, books could be removed based on isolated passages without considering the work as a whole. This opens the door to the suppression of classic and culturally significant texts—many of which contain references to sexuality as part of their broader narratives. Works like *Beloved*, *The Kite Runner*, and *I Know Why the Caged Bird Sings*, which are already being challenged and removed in some districts without intervention from the Florida Department of Education, would likely disappear statewide from public school libraries under this law, even as they remain available to students in taxpayer-supported private schools.

The bill's requirement that books be pulled before a proper review incentivizes frivolous objections. With no timeline for resolving such challenges, significant works could remain off shelves for months or even years. In districts already overwhelmed by complaints, this will only further erode students' access to high-quality educational materials.

Equally concerning is the enforcement mechanism. HB 1539 empowers the State Board of Education to audit school districts and penalize them for noncompliance, including withholding state funding. This creates an environment of fear and over-correction, where districts may remove any challenged book—even those that do not meet the new harmfulness threshold—just to avoid the risk of punishment.

Despite these extreme measures, there is little evidence that parents across Florida want this level of restriction. Fewer than 100 public school parents have submitted formal objections since the 2021–22 school year, and less than 5% of students have parental restrictions on library access. The bill ignores this limited concern and instead imposes sweeping, top-down mandates that will affect all students—based on the views of a very small minority.

Following the passage of HB 1467 (2022) and HB 1069 (2023), districts were already forced to collectively divert millions of dollars away from educational programs to comply with state mandates on book reviews and classroom library transparency. As a result, many volunteer-run classroom libraries have shut down, depriving students of meaningful access to books. HB 1539 further compounds the problem by introducing another unfunded mandate. This legislation would justify a recurring \$3 million allocation to the state for a “transparency tool” to monitor district compliance without providing any funding support for classroom libraries—to ensure books are on the shelf to monitor.

In short, this bill does not empower parents—it overrides them. It does not protect children—it limits their access to valuable learning opportunities. And it does not respect constitutional boundaries—it undermines the very freedoms our schools are meant to teach and uphold.

Florida's students deserve better. They deserve access to books that challenge them, inspire them, and help them understand the world. They deserve policies grounded in law, not fear. And they deserve lawmakers who listen to parents—not just a vocal few, but the broad majority who want strong, well-resourced schools and robust libraries.

We strongly urge you to vote *no* on HB 1539.

Sincerely, the undersigned,

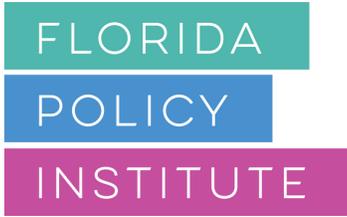
- American Booksellers for Free Expression
- Authors Against Book Bans
- Authors Guild
- Comic Book Legal Defense Fund
- EveryLibrary
- Families for Strong Public Schools
- Florida Association for Media in Education (FAME)
- Florida Coalition for Thriving Public Schools
- Florida Education Association
- Florida Freedom to Read Project
- Florida Policy Institute
- Foundation for Individual Rights and Expression (FIRE)
- League of Women Voters of Florida
- National Coalition Against Censorship
- Pastors for Florida Children
- PEN America
- P.S. 305
- Together for Hope
- We Need Diverse Books



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