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Florida pushes back against First Amendment violation claims in legal fight over school books

Along with the state board members, the lawsuit also names as defendants members of the Orange County and Volusia County school boards

By [Jim Saunders](#), [News Service of Florida](#) on Mon, Nov 18, 2024 at 3:14 pm

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Florida education leaders are trying to fend off a lawsuit filed by major publishing companies and authors over the removal of books from school libraries, disputing allegations that a controversial state law violates the First Amendment.

Attorney General Ashley Moody's office Friday filed a 25-page motion arguing that claims in the lawsuit against State Board of Education members should be dismissed. Along with the state board members, the lawsuit also names as

dismissed. Along with the state board members, the lawsuit also names as defendants members of the Orange County and Volusia County school boards.

The state's motion, in part, said the "selection of public-school library books is government speech and therefore not subject to the First Amendment."

"When the government selects materials to make available in a public-school library, it conveys that, in its view, those materials are of the 'requisite and appropriate quality' and will 'be of the greatest direct benefit or interest to the community' served," the motion said, partially quoting a legal precedent. "The government, through public-school-library staff, effectively controls this message because it exercises final approval authority over book selection."

Also, the motion said the plaintiffs' First Amendment claims "fail because the government does not generally violate the First Amendment when it withdraws a benefit that merely facilitates the exercise of a constitutional right."

"The First Amendment does not require the government to provide access to particular materials in public-school libraries or to have school libraries at all," the state's lawyers wrote. "The students are free to access those books elsewhere, and authors and publishers can still distribute their books to students through bookstores or other libraries."

Six publishing companies, The Authors Guild, five authors and two parents filed the lawsuit Aug. 29 in federal court in Orlando. It is one of a series of lawsuits stemming from a 2023 state education law and related decisions by school districts to remove books from library shelves or to restrict access.

The lawsuit centers on parts of the law (HB 1069) that seek to prevent availability of reading material that is "pornographic" or "describes sexual content."

The lawsuit said the plaintiffs "do not seek to prevent Florida school districts from ensuring that school libraries do not contain obscene books" but that the law is overbroad. It said the plaintiffs "take issue with the removal of books under the guise of 'pornography' that are not remotely obscene, resulting from the Florida State Board of Education's unconstitutional construction of the term 'pornographic.'"

"In enacting HB 1069, the state has mandated that school districts impose a

regime of strict censorship in school libraries,” the lawsuit said. “HB 1069 requires school districts to remove library books without regard to their literary, artistic, political, scientific, or educational value when taken as a whole. As a result of HB 1069, hundreds of different titles have been removed from school libraries across the state.”

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Florida removed more library books than any state last year, says report

Orange county's removal numbers were among the highest in the state

The lawsuit cited removals from library shelves of numerous books, such as “The Bluest Eye” by Toni Morrison and “Love in the Time of Cholera” by Gabriel Garcia Marquez. Both of those authors were awarded the Nobel Prize in Literature for their novels and other work.

In addition to disputing the First Amendment arguments, the state’s motion Friday raised other issues, including contending that the plaintiffs did not have legal standing to sue the State Board of Education members. The motion said that is because “any injury to plaintiffs” would stem from actions by school districts, not the state board.

Attorneys for the Orange County and Volusia County school boards also filed documents Friday providing brief answers and defenses to the lawsuit. As an example, both county school boards said that to the extent any materials were removed from public schools, “this was for the sole purpose of complying with Florida law.”

The plaintiffs in the case are publishing companies Penguin Random House LLC, Hachette Book Group, Inc., HarperCollins Publishers LLC, Macmillan Publishing Group, LLC, Simon & Schuster, LLC and Sourcebooks LLC; The Authors Guild; authors Julia Alvarez, John Green, Laurie Halse Anderson, Jodi Picoult and Angie Thomas; and parents Heidi Kellogg and Judith Anne Hayes.

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FLORIDA NEWS

Florida State University shooting suspect identified as son of sheriff's deputy

Two people were killed and six others were injured Thursday

By [Mike Exline and Jim Turner](#), News Service of Florida on Fri, Apr 18, 2025 at 12:58 pm

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Two people were killed and six others were injured Thursday after a shooter, the son of a Leon County sheriff's deputy, opened fire around lunchtime at Florida State University.

The shooter, 20-year-old Phoenix Ikner, also was shot after confronting police officers, authorities said during a late-afternoon news conference. News reports identified Ikner as an FSU student.

Ikner is accused of using a handgun that was an old service weapon of his mother, a school-resource officer. Authorities did not immediately identify the victims but said the two people killed were not students.

Tallahassee Police Chief Lawrence Revell said Ikner invoked his right not to speak to officers after being captured and didn't indicate a motive. Authorities said they think Ikner acted alone.

FSU President Richard McCullough praised a massive response from law-enforcement officers to prevent the shooting from being a "bigger tragedy" and said that he visited victims at Tallahassee Memorial Hospital.

"Our hearts go out to our students and the victims of this terrible tragedy," McCullough said during the news conference at the Augustus B. Turnbull Conference Center at FSU.

The university will be closed through Friday, with athletic events canceled through Sunday.

"Right now our top priority is safety and well-being for all the people on our campus," McCullough said.

Leon County Sheriff Walt McNeil called the shooting a "heinous crime" and said an investigation is underway to determine how Ikner, a member of the sheriff's

office youth advisory counsel, was able to get his mother's firearm.

"This event is tragic in more ways than you people in the audience could ever fathom from a law-enforcement perspective," McNeil said during the news conference. "But I will tell you this, we will make sure that we do everything we can to prosecute and make sure that we send a message to folks that this will never be tolerated here in Leon County."

Ikner's mother has been a deputy for 18 years, with McNeil describing her service as "exceptional."

"Unfortunately, her son had access to one of her weapons," McNeil said. "That was one of the weapons that was found at the scene. We will continue that investigation into how that weapon was used and what other weapons, perhaps, he may have had access to."

Authorities also found a shotgun with Ikner, but it was not immediately clear whether it was used.

Sam Swartz, an FSU senior, said students were running and screaming before he heard any shots.

"We were just like, 'What's going on?' Then, about 10 gunshots happened and everybody was like, 'Oh my God!'" Swartz said.

As students scrambled for the stairs and a maintenance elevator, Swartz said he joined others behind trash cans in a corner of the student union, making a "little fort out of plywood," where they stayed for about five to 10 minutes until police arrived.

"Everyone had their hands up," Swartz added.

Students were advised just after 3 p.m. that "law enforcement has neutralized the threat."

Still, students were advised to avoid the student union and some other campus buildings that were considered an active crime scene.

FSU sophomore Braden Tinch said he heard gunshots but at first didn't realize

how close they were.

“Your body just kind of goes into fight or flight,” Tinch said. “I kind of thought about it, when I got to safety, about what just happened. It was crazy. I don’t think I’ll ever experience something like that again. It was insane.”

Lorenzo Santiago, another FSU sophomore, called the incident “definitely a nerve-wracking situation, for sure.”

“I am sorry for whoever was injured and affected by the situation. This is just horrible,” Santiago said. “I don’t understand how things like this continue to happen. It’s just awful.”

Thursday’s shooting came a little more than a decade after a 31-year-old attorney with a semi-automatic handgun wounded three people before being shot to death at FSU’s Strozier Library.

Beyond the campus Thursday, area schools were temporarily locked down and visitors to the Florida Capitol were briefly advised to shelter in place.

Senate President Ben Albritton, R-Wauchula, said in an online post, “From our vantage point here in the Senate, we can see and hear many first responder vehicles rushing to FSU. Grateful for their courage. Praying for the entire FSU community.”

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FLORIDA NEWS

Florida House passes bill to restore citizens' gun rights during local state of emergency

Democratic Rep. Gottlieb said he believed the bill carried 'wide-ranging implications that could endanger us in society'

By [Mitch Perry, Florida Phoenix](#) on Fri, Apr 18, 2025 at 12:50 pm

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A proposal that would prohibit local governments from suspending the sale of guns and ammunition during a declared state of emergency has been approved in

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the Florida House.

The measure ([HB 6025](#)) sponsored by Brevard County Republicans Monique Miller and Debbie Mayfield, would repeal an existing state law that prohibits the sale of firearms and ammunition during a local state of emergency.

The bill would also repeal the prohibition against anyone intentionally possessing a firearm in a public place during a local emergency.

South Florida Democratic Rep. Mike Gottlieb said he had voted for the bill in an earlier committee meeting, but that upon reading the actual statute that it would repeal ([Section 870.044](#)) was now opposing it.

“What we’re saying is that if there’s a riot or public disturbance we’re just going to let everybody sort of willy-nilly, without the controls that we have in place, get their firearms, and that’s adding fuel to that riot,” he said. “That’s adding fuel to that fire.”

Gottlieb added that he believed it carried “wide-ranging implications that could endanger us in society.”

But Republicans insisted it was more than an appropriate change.

“When our communities are ripped by unrest or emergency, when the lights go out and the sirens grow louder and the sense of order is fading, that is precisely the moment when Floridians deserve the freedom to defend themselves, their children, their homes, and their livelihoods,” said Seminole County Republican Rachel Plakon.

“When I came up here, I promised my constituents that one of the most important things that I would do is I would find laws that violate their constitutional rights, and I would get rid of them,” said Miller. “This is one of the most egregious that I found.”

The measure passed 86-28 on Wednesday, mostly along party lines.

The Senate version ([SB 952](#)), sponsored by Hernando County Republican Blaise Ingoglia, has passed all of its committees and is awaiting a floor vote in that chamber

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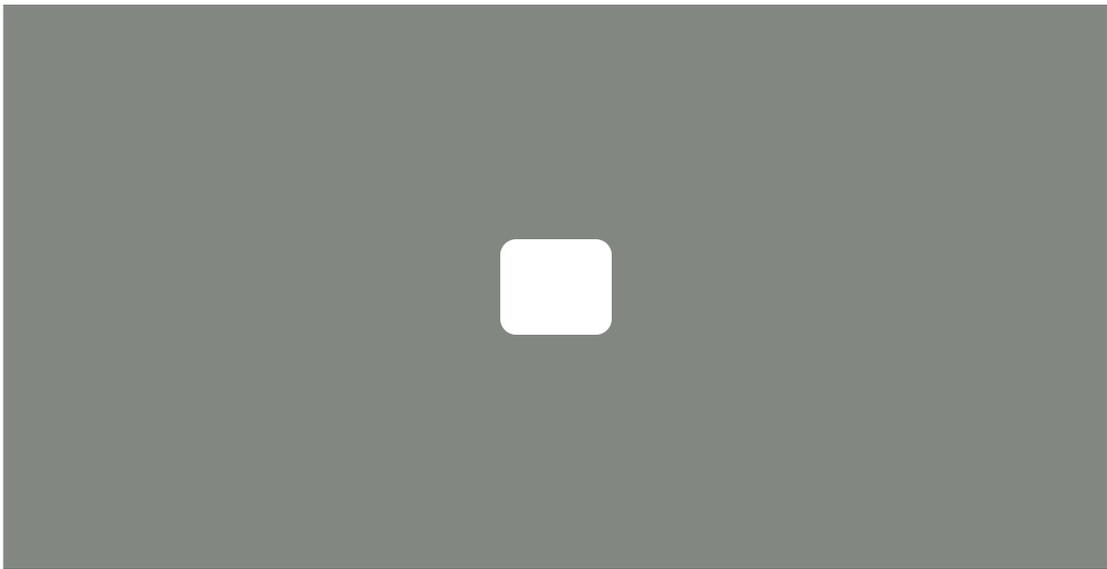
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