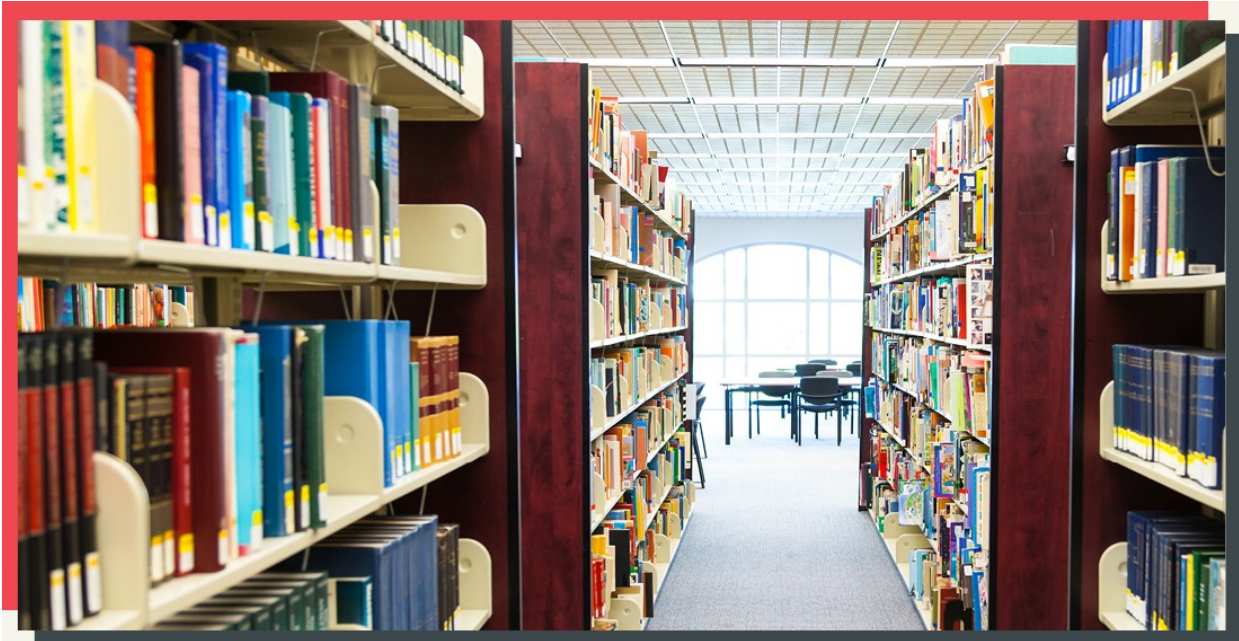


Florida District Court Allows Book Banning Case to Move Forward

April 30, 2024



Selendy Gay secured an important victory for First Amendment rights in Florida on behalf of the authors of *And Tango Makes Three* (“*Tango*”), a widely lauded children’s book, and an elementary school student who wants to read the book. In its order, the judge concluded that the plaintiffs sufficiently alleged their First Amendment claims for viewpoint discrimination against the Escambia County school district, which removed the book from its public school libraries due to *Tango*’s positive message about LGBTQ+ families. In doing so, the Court ruled that the author plaintiffs have standing to assert a First Amendment right to speak to their audience through their book and that our student plaintiff has a First Amendment right to information, meaning the right to access *Tango* in her school library. Both of these rulings represent important developments in constitutional jurisprudence surrounding book censorship, especially in the context of school library books.

The Court also ruled that the Don’t Say Gay law does not and cannot apply to school library books. This Court’s order represents the first legally binding decision establishing that the State of Florida and the school districts within it cannot remove or restrict school library books based on the Don’t Say Gay law.

In addition, within days of Selendy’s filing suit against the Lake County school district for restricting access to *Tango* in its public school libraries, Lake County fully restored student access to *Tango*, leading the Court to decide that the claims against Lake County need not go forward.

The team at Selendy Gay is led by partners Faith Gay and Lauren Zimmerman and includes associates Masha Simonova, Alexandra Butler, and Zachary Mitchell, as well as law clerks Eben Blake and Bradley Posdal.

Attorneys

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