

PRESS RELEASE

Lawsuit Challenges Hollywood’s Anti-Panhandling Ordinances as Unconstitutional

May 3, 2023; HOLLYWOOD, FL. Yesterday, the Florida Justice Institute (FJI), in partnership with Fort Lauderdale lawyer Mara Shlackman, filed a lawsuit challenging three Hollywood anti-panhandling ordinances as unconstitutional restrictions of free speech. The ordinances require people soliciting donations to obtain a permit, impose various restrictions on panhandling—including outright banning it in certain areas—and prohibit panhandling along certain roadways. All of these actions are punishable by up to 60 days in jail. In the last several years, over 150 people have been arrested or cited for violating these ordinances—nearly all of them poor and homeless people requesting donations. The suit seeks an immediate declaration that the laws violate the First Amendment, damages, and attorneys’ fees.

The Plaintiff is Dean Lutrario, a resident of Broward County who has been homeless at various points in his life. He suffers from a medical disability, and requests donations, typically from motorists, to help with his survival. He has been cited and arrested several times for violating these ordinances, and fears being arrested in the future.

“As courts have reaffirmed time and time again, cities cannot criminalize the peaceful solicitation of donations,” said Ray Taseff, lead attorney with the Florida Justice Institute. “The First Amendment protects this activity.”

With one exception, the ordinances only apply to requesting donations; all other forms of speech are permitted. For example, the ordinance allows a church member to solicit support for a religious cause, a candidate for public office to ask for votes in an upcoming election, a political activist to advocate for a different climate change policy, or a tourist to ask for directions. In 2018, numerous civil rights organizations notified the City of Hollywood that the ordinances were unconstitutional, and requested that the City repeal them. The City did not do so.

“A criminal justice response to poverty and homelessness is a cruel and counterproductive strategy,” said Dante P. Trevisani, Executive Director of the Florida Justice Institute. “We urge all cities to focus on more constructive solutions like affordable housing.”

This lawsuit is part of FJI’s effort to end the criminalization of poverty in the state of Florida. The attorneys have filed a similar lawsuits against cities such as Pompano Beach, Fort Lauderdale, West Palm Beach, and Palm Beach County, ending hundreds of needless arrests per year.

The case is *Lutrario v. City of Hollywood*, Case No. 23-CV-60806 in the Southern District of Florida. For more information, contact Ray Taseff, rtaseff@floridajusticeinstitute.org, 786-342-6919. ###