

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY



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Advocacy groups sue St. Johns County Sheriff, Florida Highway Patrol Director for enforcing unconstitutional Florida laws against homeless man who asked for donations

JACKSONVILLE, Fla. – A group of advocacy organizations and pro bono attorneys are suing St. Johns County Sheriff David B. Shoar and Florida Highway Patrol Director Gene Spaulding on behalf of Peter Vigue, a St. Augustine resident who has been arrested by both law enforcement agencies for standing on the public right of way and holding a sign soliciting donations.

The suit, filed on February 12, 2019, challenges the constitutionality of Florida statutes that prohibit individuals from soliciting charitable contributions on public streets and sidewalks without a local government permit but exempt charitable organizations from the permit requirements and other restrictions. Both of the law enforcement agencies named in the complaint have made a practice of enforcing the statutes against homeless individuals.

“Asking for help is speech protected by the First Amendment,” said Kirsten Anderson, litigation director for Southern Legal Counsel. “Despite prior court rulings declaring these statutes unconstitutional, the Florida Legislature has not addressed their constitutional deficiencies, and the statutes continue to be enforced by law enforcement agencies across the state.”

Southern Legal Counsel is Vigue’s co-counsel along with the National Law Center on Homelessness and Poverty and its pro bono attorneys from the law firm of Katten Muchin Rosenman LLP., and St. Augustine attorney J. Russell Collins.

Vigue has been repeatedly arrested and has spent time in jail for violating these statutes. With the assistance of criminal defense attorney J. Russell Collins, most of the cases were ultimately dropped or dismissed.

The complaint filed in the U.S. District Court for the Middle District of Florida asserts that the defendants' enforcement of these statutes violates Vigue's First and Fourteenth Amendment rights. The complaint alleges that Florida Highway Patrol issues more than 700 citations each year for violations of the statutes statewide.

"Florida law is written to expressly deny rights to homeless people who are merely asking for help," said Maria Foscarinis, executive director at the National Law Center on Homelessness & Poverty. "It is enforced as a means to intimidate, punish and drive them away rather than provide constructive alternatives such as permanent housing and supports that could stabilize their lives instead of marginalizing them further."

Among other things, Vigue's legal team is asking the court to bar the St. Johns County Sheriff and Florida Highway Patrol from enforcing Florida statutes that unconstitutionally restrict homeless people from asking for help on public streets and sidewalks and to award Vigue compensatory damages.

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[Southern Legal Counsel](#) is a statewide, nonprofit law firm that works proactively to ensure fairness, social justice and government accountability for Floridians through focused, high-impact initiatives, policy advocacy and civil litigation.

[The National Law Center on Homelessness & Poverty](#) (the Law Center) is the only national organization dedicated solely to using the power of the law to prevent and end homelessness. With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education. The Housing Not Handcuffs campaign is a project supported by the AmeriCorps VISTA program.