UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

DENNIS SCOTT, CHAD DRIGGERS, DOUGLAS WILLIS, and GEORGE ROWLAND,
Plaintiffs,
v.

CITY OF DAYTONA BEACH, FLA.,
Defendant.

Case No. 6:22-cv-02192

STATEMENT OF INTEREST OF THE UNITED STATES

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Panhandling is expressive activity that is protected by the First Amendment. Restrictions targeting panhandling regulate the content of speech, and strict scrutiny applies. When local governments broadly restrict people from asking others for help, they punish people for the purpose of their speech, criminalizing expressive activity that the First Amendment protects.

Criminalizing speech is especially problematic when the speaker is already experiencing the hardships of homelessness. Hundreds of thousands of people in the United States experience homelessness, and many of them live unsheltered and exposed on the street: Children, families, veterans, people with disabilities, the elderly, formerly incarcerated people, and others. Laws that prohibit people from asking others to donate money or food not only undermine free speech but impose lasting costs and burdens on these vulnerable communities and on the public at large. As noted by the United States Interagency Council on Homelessness, “Criminalizing acts of survival is

not a solution to homelessness and results in unnecessary public costs for police, courts, and jails."[1]

In this case, Plaintiffs challenge Daytona Beach's ordinance restricting people from asking for donations on public streets.[2] According to the Complaint, Plaintiffs are chronically homeless and unemployed residents of Daytona Beach who meet their basic needs by asking others for help. The Daytona Beach police have cited, arrested, or threatened these residents with arrest multiple times. Plaintiffs seek to prevent future enforcement of the ordinance as a means to curtail their constitutional right to ask for donations. The United States files this Statement of Interest pursuant to 28 U.S.C. § 517 to set forth its view that Daytona Beach's ordinance is content based and subject to strict scrutiny. Under this rigorous standard, the law must be the least restrictive means necessary to serve a compelling governmental interest.[3]

INTEREST OF THE UNITED STATES

The Attorney General is permitted to attend to the interests of the United States in any case pending in a federal court. 28 U.S.C. § 517.[4] The United States has an interest in protecting the rights guaranteed by the First Amendment. The right to free

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[1] U.S. Interagency Council on Homelessness, Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness (2012), page 41, *available at* https://perma.cc/YQ2M-WNPG.

[2] The United States does not take a position on the truth of Plaintiffs' allegations in the Complaint and Motion for Preliminary Injunction but assumes for the purposes of this Statement that the factual allegations are true.

[3] The United States takes no position on any other argument raised by either party in this matter.

[4] The full text of 28 U.S.C. § 517 is as follows: "The Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States."

speech lies at the heart of a free society and is the "only effectual guardian of every other right." James Madison, Virginia Resolutions (Dec. 21, 1798), *in* 5 THE FOUNDERS' CONSTITUTION, 135, 136 (Philip B. Kurland & Ralph Lerner, eds., 1987).

The United States also has an interest in ensuring that state and local criminal justice systems operate in a manner that is consistent with constitutional requirements. Congress has authorized the Attorney General to file suit seeking declaratory and injunctive relief to address patterns or practices of law enforcement conduct that deprive individuals of rights protected by the Constitution or federal law. 34 U.S.C. § 12601. Under Section 12601, the United States has conducted investigations and secured injunctive relief in civil cases to ensure that local law enforcement respects the rights of all persons, including those living unhoused.[5]

Finally, the United States has an interest in protecting the federal rights of people who are experiencing homelessness. The United States previously addressed the criminalization of homelessness in a Statement of Interest filed in *Bell v. Boise*, No. 1:09-cv-540 (Doc. 276) (D. Idaho Aug. 6, 2015). The United States argued that the criminalization of sitting, lying, or sleeping in public when there was inadequate shelter space violated the Eighth Amendment's Cruel and Unusual Punishment Clause. The Ninth Circuit later agreed. "[J]ust as the state may not criminalize the state of being 'homeless in public places,' the state may not 'criminalize conduct that is an

[5] *See, e.g.*, Dep't of Justice, Civil Rights Div., *Investigation of the Baltimore City Police Department* (2016), page 110, *available at* https://perma.cc/9LCF-4NU; Dep't of Justice, Civil Rights Div., *Investigation of the Ferguson Police Department* (2015), page 4, *available at* https://perma.cc/JH63-DLU6; Dep't of Justice, Civil Rights Div., *Re: Albuquerque Police Department* (2014), page 18, *available at* https://perma.cc/L486-99P7.

unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets.'" *Martin v. Boise*, 920 F.3d 584, 617 (9th Cir. 2019) (citations omitted). Further, the United States Interagency Council on Homelessness, whose mission is to prevent and end homelessness in America and which is composed of nineteen cabinet secretaries and agency heads, has identified the decriminalization of homelessness as one of its guiding values:

> [T]he decriminalization of homelessness is essential to ending it and to closing the revolving door between incarceration and homelessness. Experiencing homelessness doesn't make someone a criminal—or a bad person. Instead of implementing unproven, ineffective measures against people without a home—most commonly through bans on camping—governments should invest in programs and services that are proven to rehouse people and to keep them permanently housed.[6]

BACKGROUND

Plaintiffs are four impoverished residents of Daytona Beach who ask others to donate basic necessities, including food, clothing, and cash. (Compl., ECF # 1, ¶¶ 12-15). They challenge Daytona Beach's enforcement of a 2019 ordinance ("Panhandling Ordinance") that regulates panhandling and soliciting on public property within city limits. As a result of the Panhandling Ordinance, Plaintiffs claim they have reduced their panhandling activities, or moved those activities outside of the city limits for fear of arrest. (*Id.* ¶¶ 12-15). Plaintiffs claim that the Panhandling Ordinance restricts speech on the basis of content. They may stand in public and communicate with passers-by, or

[6] U.S. Interagency Council on Homelessness, *About USICH*, https://perma.cc/4SRS-N6VP. USICH was established through the Stewart B. McKinney Homeless Assistance Act in 1987 and was most recently reauthorized in 2009 with the passage of the Homeless Emergency Assistance and Rapid Transition to Housing Act. 42 U.S.C. § 11311 *et seq*.

they may sell candy or bottled water to support themselves. But if Plaintiffs ask for donations—either verbally or through the use of a sign—they risk criminal penalties.

A. The Panhandling Ordinance

The Panhandling Ordinance defines panhandling as begging or making "any demand or request . . . for an immediate donation of money or some other article of value from another person for the use of one's self or others, including but not limited for a charitable or sponsor purpose." City Code § 66-1(b). It further mandates that individuals may not panhandle or beg, among other restrictions: on any day after dark; "at any transit stop or taxi stand or in a public transit vehicle," or if the person being solicited is "standing in line waiting to be admitted to a commercial establishment"; within 20 feet of automatic teller machines, entrances or exits of commercially zoned property, bus stops, public restrooms, or parking lots or parking meters owned by the City; within 100 feet of a daycare or school; within 150 feet of many intersections; at an "outdoor dining area [or] amphitheater seating area, playground or lawfully permitted outdoor merchandise area" when "such areas are in active use"; or on Daytona Beach's boardwalk. *Id.* § 66-1(c). The law does not restrict individuals from being present in these locations, or from engaging in other expressive activities, so long as they refrain specifically from asking for donations.

The Panhandling Ordinance also prohibits "aggressive panhandling" in certain locations. *Id.* § 66-1(c). Aggressive panhandling, as defined in the Panhandling Ordinance, includes requesting money "in such a manner as would cause a reasonable person to believe that the person is being threatened with imminent bodily injury . . . (for example, placing oneself within two feet of a solicited person and/or using abusive or

profane language in a loud voice while demanding or requesting money)"; requesting a donation "after the solicited person has made a negative response to an initial demand"; obstructing the movement of solicited people; touching a solicited person without the person's express consent; or engaging "in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands." *Id.* § 66-1(b).

B. Enforcement of the Panhandling Ordinance

The legislative history of the Panhandling Ordinance suggests its purpose is to target people experiencing homelessness. Lawmakers pointed to an alleged increase in "aggressive panhandling or begging" to justify the measures. (Certified Copy of the Ordinance, ECF #1-3, page 2). They observed that panhandlers using "profane language" or blocking the path of people they solicit for money have "become extremely disturbing and disruptive to residents, visitors, and businesses." (*Id.*).

According to Plaintiffs, Daytona Beach enforces the Panhandling Ordinance almost exclusively against homeless individuals. Of the more than 240 arrests made by Daytona Beach police since the City enacted the Ordinance, over 80 percent were of people experiencing homelessness. (Compl., ECF #1, ¶ 64; Mot. For Prelim. Inj., ECF #8, ¶ 13). Collectively, people have spent approximately 1,127 nights in jail and have been assessed more than $19,000 in court costs, fees, and fines for violations. (Mot. For Prelim. Inj., ECF #8, ¶ 13).

C. Daytona Beach's Alleged Governmental Interest in Prohibiting Panhandling

The Panhandling Ordinance expressly acknowledges that "solicitation and begging are activities that are protected by the First Amendment to the United States

Constitution." (Certified Copy of the Ordinance, ECF # 1-3, page 2). In its brief opposing the preliminary injunction, Daytona Beach asserts that the compelling interest justifying the ordinance is "the public health and the epidemiological risks which naturally and inevitably accompany panhandling." (Resp. to Pls.' Mot. For Prelim. Inj., ECF #19, page 16). The Panhandling Ordinance itself identifies two concerns as compelling interests:

- Protecting the lives of residents "which can be imperiled by congregation of panhandlers" resulting in traffic and pedestrian congestion; and
- Protecting people "from health hazards spread by habits of panhandlers including but not limited to open urination and open defecation."

(Certified Copy of the Ordinance, ECF #1-3, page 3).

The Panhandling Ordinance lists several other interests to justify its prohibition of "panhandling and begging." These include promoting traffic safety; preventing traffic congestion; promoting tourism and aesthetics of downtown Daytona Beach; promoting the safety and convenience of its citizens on public streets; preventing crime, protecting the City's retail trade, maintaining property values, and generally protecting and preserving the quality of the City's neighborhoods, commercial districts and the quality of urban life; and appearance of the City and aesthetics. (Certified Copy of the Ordinance, ECF # 1-3, pages 3-5). The Ordinance concludes "that regulation of panhandling and begging in public places where people feel particularly vulnerable and/or unable to leave . . . is narrowly drawn to address the City's substantial interests." (Certified Copy of the Ordinance, ECF # 1-3, page 4).

DISCUSSION

I. Laws that criminalize panhandling by targeting the topic or purpose of speech are content based.

Solicitation for charitable donations is protected speech under the First Amendment. *Riley v. Nat'l Fed'n of the Blind of N.C., Inc.*, 487 U.S. 781, 789 (1988). "[C]haritable appeals for funds, on the street or door to door, involve a variety of speech interests . . . that are within the protection of the First Amendment."[7] *Vill. of Schaumburg v. Citizens for a Better Env't*, 444 U.S. 620, 632 (1980). This includes "begging" or "panhandling" by persons experiencing homelessness. "Panhandling is an expressive act regardless of what words, if any, a panhandler speaks. . . . Courts have consistently recognized the protected, expressive nature of panhandling." *McLaughlin v. City of Lowell*, 140 F. Supp. 3d 177, 184 (D. Mass. 2015).

The government may regulate protected speech in some circumstances, but laws that single out speech "based on its communicative content . . . are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests." *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). When the government regulates speech "based on the message a speaker conveys," including the "function or purpose" of the speech, the government has engaged in content-based discrimination, and the regulation is subject to strict scrutiny. *Id.* at 163-64. It does not matter if the government had a "benign motive, content-neutral justification, or lack of 'animus toward the ideas contained' in the

[7] Indeed, "because charitable solicitation does more than inform private economic decisions," courts have declined to treat it as "as a variety of purely commercial speech." *Vill. of Schaumburg v. Citizens for a Better Env't*, 444 U.S. 620, 632 (1980).

regulated speech." *Id*. at 165-66. The government has the burden to show that the regulation "furthers a compelling governmental interest and is narrowly tailored to that end." *Id.* at 171.

A law regulating expressive activity like panhandling, begging, or solicitation of funds that draws distinctions based on a speaker's message is a content-based regulation of speech. *See id.* at 163-64. In *Reed v. Town of Gilbert*, the Supreme Court struck down a law that regulated how people could display outdoor signs, including how large the signs could be, where they could be placed, and how long they could remain in place. *Id.* at 159-61. The law categorized the signs by type, and imposed stricter limitations on signs advertising events such as religious services than signs displaying "political" or "ideological" messages. *Id*. Because the limitations depended "entirely on the communicative content of the sign," the laws were content based. *Id*. at 164.

Following *Reed*, many courts have found that laws targeting expressive activity like panhandling and soliciting are content-based regulations.[8] For example, the Eighth Circuit recently held that an Arkansas ban on begging that is harassing, causes alarm, or impedes traffic was content based because it applied "only to those asking for charity or gifts, not those who are, for example, soliciting votes, seeking signatures for a petition, or selling something." *Rodgers v. Bryant*, 942 F.3d 451, 456 (8th Cir. 2019).

[8] The Supreme Court also suggested that *Reed* called into question the legality of panhandling regulations. In light of *Reed*, the Court remanded *Thayer v. City of Worcester*, a case involving ordinances regulating "aggressive" panhandling and "pedestrian safety" that prohibited people from soliciting donations on city sidewalks. *Thayer v. City of Worcester*, 576 U.S. 1048 (2015) (granting petition for certiorari, vacating, and remanding). On remand, the district court invalidated the ordinances under the First Amendment. *Thayer v. City of Worcester*, 144 F. Supp. 3d 218, 237 (D. Mass. 2015).

The Seventh Circuit has likewise held that, after *Reed*, an anti-panhandling ordinance was content based because it restricted oral requests for immediate donations but not signs requesting money or oral requests for passers-by to send money later on. *Norton v. City of Springfield*, 806 F.3d 411, 412-13 (7th Cir. 2015).

Numerous district courts—including one in this District—have also held that similar restrictions on panhandling are content based. *See, e.g.*, *Messina v. City of Ft. Lauderdale*, 546 F. Supp. 3d 1227, 1242 (S.D. Fla. 2021) (following "the very heavy weight of authority" in concluding that a panhandling ordinance was content based); *Indiana Civil Liberties Union Found., Inc. v. Superintendent, Indiana State Police*, 470 F. Supp. 3d 888, 903 (S.D. Ind. 2020) ("The statute's plain text establishes its content-based nature, because it defines the prohibited conduct by referring to the content of the speech—a request for an immediate donation of money or something else of value . . . ."); *Blitch v. City of Slidell*, 260 F. Supp. 3d 656, 666 (E.D. La. 2017) (holding that an ordinance requiring only those who "beg or panhandle" to obtain a permit was content based); *Homeless Helping Homeless, Inc. v. City of Tampa*, 2016 WL 4162882, at *4 (M.D. Fla., Aug. 5, 2016) (following *Reed* to hold that a restriction on a solicitation for donations or payment regulates speech "depend[ing] entirely on the expressed message"); *Browne v. City of Grand Junction*, 136 F. Supp. 3d 1276, 1290-91 (D. Colo. 2015) (noting confirmation in *Reed* that an ordinance restricting panhandling was content based); *Thayer v. City of Worchester*, 144 F. Supp. 3d 218, 233 (D. Mass. 2015) ("[A] protracted discussion of this issue is not warranted as substantially all of the Courts which have addressed similar laws since *Reed* have found them to be content based and therefore, subject to strict scrutiny.").

Daytona Beach argues that the Supreme Court "reverse[d] the effect of *Reed* on solicitation laws" earlier this year in *City of Austin v. Reagan Nat'l Advertising of Austin, LLC*, 142 S. Ct. 1464 (2022). (Resp. to Pls.' Mot. For Prelim. Inj., ECF #19, pages 9-10). According to Daytona Beach, *Austin* shows that laws like the Panhandling Ordinance "always were and now should again be treated as content-neutral." *Id*. at 13. Daytona Beach is incorrect—the Court itself pointed out that *Austin* did not "nullify *Reed*'s protections." *Austin*, 142 S. Ct. at 1475 (quotations and textual changes omitted). In *Austin*, the Court considered a law that limited the placement of digital signs, prohibiting advertisers from placing signs alongside highways but allowing store owners to post signs in shop windows or outside of stores. Because the Austin law did "not single out any topic or subject matter for differential treatment," the Court found the law was "agnostic as to content" and accordingly was not subject to strict scrutiny. *Id*. at 1471-72.

By contrast, the Panhandling Ordinance singles out a particular topic: asking for donations. By prohibiting people from asking for donations in certain settings and in certain ways, while not prohibiting other kinds of speech, or indeed, other kinds of solicitation, the law targets one type of speech based on its purpose or function. Vendors can sell tickets on the side of the road. Girl Scouts can sell cookies on the boardwalk. A person can sell bottled water or candy at any of the prohibited locations or after dark, provided that the sale could not be construed as a donation. *See* City Code § 66-1(b)(3) (defining donations to include "[a]ny purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation"). But an unhoused person

may not ask for money to pay for their dinner, and a charitable organization may not collect coins, clothes, or other charitable donations. In short, regulations like the Panhandling Ordinance that apply solely to those who ask for donations—as opposed to those who solicit for commercial purposes—are content based. *See Austin*, 142 S. Ct. at 1473 (the government may generally regulate solicitation, but laws that differentiate "based on topic, subject matter, or viewpoint" are still content based) (*citing Heffron v. Int'l Soc. for Krishna Consciousness, Inc*., 452 U.S. 640, 649 (1981)).

One court considering an anti-panhandling ordinance post-*Austin* found it to be content based. In *Henagan v. City of Lafayette*, an unhoused plaintiff sued the city of Lafayette, Louisiana, over an ordinance which regulated solicitation of "money or anything of value . . . from any operator of a motor vehicle that is in traffic on a public street," but made exceptions, including for charitable organizations. *Henagan v. City of Lafayette*, Case No. 6:21-CV-03946, 2022 WL 4553055, at *5 (W.D. La. Aug. 16, 2022) (Magistrate's Report and Recommendation). The district court noted that "*City of Austin* reaffirms longstanding precedent that the First Amendment allows for regulations of solicitation, provided that such regulations do not discriminate based on topic, subject matter, or viewpoint," but that the ordinance in question discriminated "based upon topic and speaker." *Henagan v. City of Lafayette*, Case No. 6:21-CV-03946, 2022 WL 4546721, at *3 (W.D. La. Sept. 27, 2022) (overruling defendants' objections to magistrate judge's ruling that the ordinance was content based) (internal quotation marks and citation omitted).[9]

[9] Daytona Beach cites *National Federation of the Blind of Texas, Inc. v. City of Arlington*, in which a district court found that an ordinance regulating speech soliciting donated goods was not content based (but noted that an ordinance regulating only the

Daytona Beach's Panhandling Ordinance regulates speech based on the topic discussed—soliciting donations. It is content based and subject to strict scrutiny.

II. Strict Scrutiny Requires Panhandling Regulations to be the Least Restrictive Means to Meet a Compelling Interest.

To survive strict scrutiny, content-based restrictions on speech must "further[] a compelling governmental interest and [be] narrowly tailored to that end." *Reed,* 576 U.S. at 171. Because strict scrutiny is the highest form of judicial review, "[c]ontent based regulations are 'presumptively invalid,' and it is the 'rare case' in which strict scrutiny is overcome." *Thayer*, 144 F. Supp. 3d at 234 (quoting *McLaughlin*, 140 F. Supp. 3d at 187-88); *see also Reed*, 576 U.S. at 163 (content-based restrictions "are presumptively unconstitutional"); *United States v. Playboy Ent. Grp*., 529 U.S. 803, 818 (2000) ("It is rare that a regulation restricting speech because of its content will ever be permissible.").

The strict scrutiny analysis begins by identifying the compelling governmental interest to which a regulation must be tailored. Certain interests—even if legitimate—fall short of the compelling standard. For example, courts have found a city's interest in promoting the aesthetics of a neighborhood, furthering economic tourism, or making residents and tourists feel comfortable is not a compelling interest. *See Messina*, 546 F. Supp. 3d at 1239, 1243-44; *see also Indiana Civil Liberties Union Found., Inc.*, 470 F. Supp. 3d at 904 ("[S]imply stating that individuals may not want to be approached for a

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charitable donation of goods would be content based). Civil Action No. 3:21-CV-2028, 2022 WL 4125094, at *9 (N.D. Tex. Sept. 9, 2022). *National Federation* is incorrectly reasoned—singling out donations still targets speech for its purpose. Laws that specifically target one type of solicitation but allow other types, such as commercial solicitation, are inherently content based.

solicitation is not enough to show a compelling interest."); *McLaughlin*, 140 F. Supp. 3d at 189 ("[T]he promotion of tourism and business has never been found to be a compelling government interest for the purposes of the First Amendment.").

When the government identifies a compelling interest, such as public safety, it must also show that there is strong evidence supporting that justification. *See Messina*, 546 F. Supp. 3d at 1244. Cities cannot rely on "anecdote and supposition" to show a restriction is necessary. *Indiana Civil Liberties Union Found., Inc.*, 470 F. Supp. 3d at 904 (citation omitted). When the government does not sufficiently justify its discrimination against certain types of content, the law will fail. *Rodgers*, 942 F.3d at 457 (holding that because the state "has offered no justification for its decision to single out charitable solicitation from other types of solicitation, the anti-loitering law is underinclusive and, consequently, not narrowly tailored"); *Blitch*, 260 F. Supp. 3d at 669 ("[T]he Court has serious doubts as to whether [the city] has actually substantiated that it has a public safety problem relating to panhandling.").

Strict scrutiny also requires the government to show that content-based regulations on speech are necessary to serve a compelling interest and the least restrictive means to do so. *See McCullen v. Coakley*, 573 U.S. 464, 486 (2014); *Burson v. Freeman,* 504 U.S. 191, 199 (1992). In other words, if there are ways to achieve the government's goal while restricting less speech, the law will fail.

Courts have therefore struck down laws prohibiting panhandling after dark due to lack of evidence that such a "blanket prohibition" was necessary to protect public safety. *Thayer*, 144 F. Supp. 3d at 235; *Browne*, 136 F. Supp. 3d at 1292-93. Courts have also rejected bans on panhandling within 20 feet of automatic teller machines or bus stops,

or near where people are waiting in line because the governments did not show that those bans were necessary to protect public safety. *Browne*, 136 F. Supp. 3d at 1293-94. Other courts have found that governments did not narrowly tailor panhandling laws because the laws restricted both too much and too little speech to achieve the government's goal. In *Messina v. City of Fort Lauderdale*, a law targeting "aggressive panhandling," enacted for public safety purposes, prohibited people from asking for money "after the person solicited has given a negative response to the initial request." 546 F. Supp. 3d at 1245. The court found the law banned "substantial amounts of protected (and harmless) activities in a way that doesn't seem likely to avert dangerous encounters." There was "nothing inherently dangerous about a person asking a second question after an initial rejection." *Id.* The law was also underinclusive because it added enhanced penalties to certain criminal activity that was already a violation of existing law, but only when conducted in combination with panhandling. *Id.* The court concluded that "'[t]he City may not deem criminal activity worse because it is conducted in combination with protected speech, and it certainly may not do so in order to send a message of public disapproval of that speech on content based grounds.'" *Id*. (quoting *McLaughlin*, 140 F. Supp. 3d at 193).

The Panhandling Ordinance will survive strict scrutiny only if it is the least restrictive means to serve a compelling governmental interest and is supported by strong evidence. "Where certain speech is associated with particular problems, silencing the speech is sometimes the path of least resistance. But by demanding a close fit between ends and means, the tailoring requirement prevents the government from too readily sacrificing speech for efficiency." *McCullen*, 573 U.S. at 486 (quotation

and alteration omitted). Governments should instead focus on actions that directly affect their compelling interest in public safety:

> At times, threatening behavior may accompany panhandling, but the correct solution is not to outlaw panhandling. The focus must be on the threatening behavior. Thus, the problem in this case is that [the city] has taken a sledgehammer to a problem that can and should be solved with a scalpel.

Browne, 136 F. Supp. 3d at 1294.

CONCLUSION

For the foregoing reasons, and under the facts alleged, Daytona Beach's Panhandling Ordinance is a content-based regulation of speech that is subject to strict scrutiny.

Respectfully submitted,

Kristen Clarke
Assistant Attorney General
Civil Rights Division

Steven H. Rosenbaum
Section Chief
Special Litigation Section
Civil Rights Division

Maureen Johnston
Acting Deputy Chief
Special Litigation Section
Civil Rights Division

/s/ Haley Van Erem
Haley Van Erem
Trial Attorney
United States Department of Justice
Special Litigation Section
Civil Rights Division
150 M Street NE, 10th Floor
Washington D.C. 20002
D.C. Bar No. 1048009
(202) 598-5016
Haley.VanErem@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, I filed the foregoing through the Court's CM/ECF system, which will serve a true and correct copy of the filing on counsel of record.

/s/ Haley Van Erem

Haley Van Erem

Trial Attorney

United States Department of Justice