



BALANCING THE SCALES SINCE 1977

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2013 NEWS

CITY OF TITUSVILLE PAYS HOMELESS MEN FOR ITS DESTRUCTION OF PERSONAL PROPERTY

SLC obtained a settlement of money damages for two men whose personal property was destroyed in June 2011 by the City of Titusville. In preparation for the final shuttle launch, the City of Titusville cleared eleven homeless encampments, destroying the personal property of a number of individuals who lived at these camps. Titusville's unlawful actions deprived people of personal belongings that are critical to their survival, such as clothing, medication, tents and blankets, as well as irreplaceable personal possessions, such as family photographs, personal records and documents, and even the ashes of a deceased parent contained in an urn. Last year, we achieved a mediated settlement on behalf of four other men. Posted February 2014.

SLC FILES SUNSHINE LAW CASE AGAINST CITY OF ST. PETERSBURG

SLC, on behalf of Rev. Bruce Wright, filed a lawsuit against the City of St. Petersburg with the Sixth Judicial Circuit Court alleging violations of Florida's Sunshine Law. The lawsuit alleges that the City Council decided to amend a city trespass ordinance in a meeting that was closed to the public. Rev. Wright asks the circuit court to declare that the City's amended ordinance is void due to the City's failure to follow proper procedures and open its deliberations to the public at all times. Read the press release and the complaint. Posted 11/26/2013

SLC FILES FIRST AMENDMENT CHALLENGE AGAINST THE CITY OF ST. PETERSBURG

SLC, on behalf of Rev. Bruce Wright, filed a federal lawsuit today against the City of St. Petersburg, alleging violations of his First and Fourteenth Amendment rights. The City banned him for one year from Williams Park where the Reverend frequently advocated for homeless individuals and protested City policies. Rev. Wright, an ordained minister and longtime homeless advocate, is challenging his year-long exclusion. Rev. Wright is not allowed to go into the park for any reason without risking arrest for trespassing. The City's trespass ordinance has a provision that allows people to petition the City for permission to re-enter the park, but the procedure gives too much discretion to city officials to grant/deny permits and fails to contain adequate procedural safeguards. Rev. Wright is separately challenging the City's decision to issue him a trespass warning in a case filed in state circuit court in Pinellas County. The federal lawsuit filed today focuses on Rev. Wright's freedom of expression rights caused by the trespass warning. Read the press release and

the complaint. Posted 10/30/2013.

Roddie Moreland has an intellectual disability and significant other medical conditions, including epilepsy, that require 24 hour supervision and care to ensure his health and safety. To allow him to live in the community with his family instead of in an institution, Mr. Moreland receives Medicaid waiver services for persons with Developmental Disabilities, a program administered by the Agency for Persons with Disabilities (APD). On June 1, 2012, Mr. Moreland received a letter from APD stating that he was going to receive a \$15,000 cut to his benefits. APD gave no explanation for its decision to cut his benefits by this amount.

Mr. Moreland was not alone; more than 9,000 Medicaid waiver clients received similar notices that their benefits were going to be reduced without an adequate explanation. Mr. Moreland, and nine other individuals, filed *Moreland, et. al. v. Palmer* against APD based on the inadequate notices for violations of their due process rights under the Fourteenth Amendment of the U.S. Constitution and the federal Medicaid Act. SLC, in cooperation with private disability rights attorney Nancy E. Wright, obtained a preliminary injunction against APD. After two oral arguments and a 10 hour evidentiary hearing, the Honorable Mark Walker, U.S. District Court Judge for the Northern District of Florida, found the notices were inadequate and ordered the agency not to reduce Plaintiffs' benefits until it provided adequate notice.

After a 14 hour mediation, the parties reached a settlement agreement that includes the following policy changes: reinstatement of all benefits for clients whose benefits were reduced based on the notices; APD will send a new notice to a settlement class of 9,000 people; the parties agreed to language for a new notice so that people understand why they are receiving reductions in benefits and know whether to request a hearing; APD agreed to send notices to the clients and to their guardian advocates or other legal representatives and in their primary language. The Court preliminarily approved the settlement on October 3, 2013. A fair hearing is scheduled for November 13. Follow these links to read the Settlement Agreement and Notice of Proposed Class Action Settlement.