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FORT LAUDERDALE NEWS

# Fort Lauderdale may face \$1.5M legal bill over public feeding crackdown

By Susannah Bryan  
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FORT LAUDERDALE — Violate the law of the land and there are consequences.

In this case, a \$1.5 million legal bill.



That's right. Fort Lauderdale taxpayers might have to fork over an eye-popping chunk of change to cover the legal fees of five attorneys who spent seven years arguing that Fort Lauderdale's homeless feeding ban was unconstitutional.

The attorneys, who represented the nonprofit group Fort Lauderdale Food Not Bombs, won their case last fall and are now wrangling with the city over the bill.

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They want more than \$1.5 million. Fort Lauderdale argues they should only get \$334,000. A federal judge will decide.

“We wholeheartedly are contesting that,” City Attorney Alain Boileau said. “The fees they are seeking are substantially excessive.”

The lawyers who represented Food Not Bombs racked up 2,505 hours working on the case and billed at hourly rates ranging from \$565 to \$787, says Jodi Siegel, a Gainesville attorney with Southern Legal Counsel Inc., a nonprofit public interest law firm.

“This is not just a simple one-count case that didn't require any effort,” Siegel said. “This was a seven-year case in five different proceedings. Had the city acknowledged that what they were doing was wrong, they could have abbreviated this whole lawsuit and drastically cut their liability on fees.”

... now



Homeless people camp out at Stranahan Park in 2018 in Fort Lauderdale, where the Food Not Bombs group still holds public feedings. (Sun Sentinel)

Time to pay the piper, says Greg Lauer, an attorney who lives in Fort Lauderdale and has been watching the case from afar.

“They should have stopped this train a long time ago,” he said. “I’ve been following this all along. I knew this was going to be a big bill. They deserve to get paid.”

The case centered on a city ordinance approved in 2014 that strictly regulated when “social service” events could be held in parks, including public feedings of the homeless. Organizers who wanted to feed the homeless in downtown’s Stranahan Park were required to apply for a zoning permit with fees as high as

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Fort Lauderdale first won its case at a lower court, then lost on appeal. Back at the lower court, Fort Lauderdale won again, then lost a second time on appeal when a three-judge panel ruled the city had violated the First Amendment rights of Food Not Bombs activists.

“This certainly was a bombshell opinion,” said Bob Jarvis, a constitutional law professor at Nova Southeastern University. “A district court said food sharing was not protected by the First Amendment and the appellate court reversed that.”

The ruling clarified for the first time that food sharing is protected under the First Amendment, Jarvis said.

[ RELATED: Court sides with homeless food program in Fort Lauderdale parks ]

Some are still scratching their heads as to how the city lost the case.

That includes Charlie King, a longtime resident of Fort Lauderdale and frequent critic of Food Not Bombs.

“I think the city was right to contest them,” King said. “The feeding of the homeless is still unconstitutional despite what three attorneys in black robes say.”

[ *RELATED: Federal court backs activists who feed homeless in Fort Lauderdale* ]



As for the \$1.5 million in legal bills, King doesn't think the city should pay a dime.

It is highly unlikely a federal judge will agree with him, Jarvis said.

“Given that this case went on for seven years, I don't find that \$1.5 million to be a shocking number,” Jarvis said. “That does not mean the attorneys won't have to justify their fee. I still think we are looking at a substantial payday for the plaintiffs. And the taxpayer is going to be on the hook for the bill and also for the litigation over what the bill will be.”

Jarvis argues Fort Lauderdale erred when it cracked down on the homeless feedings years and years ago.

“All this could have been avoided if Fort Lauderdale did not have that blunderbuss approach to moving the homeless out of downtown,” Jarvis said. “Fort Lauderdale has had a long history of contentious relations with the homeless because they felt the homeless would hurt the tourism industry.”

## Architects of the crackdown

Mayor Dean Trantalis says he was not the one behind the crackdown.

“You should really call [former mayor] Jack Seiler and [former city manager] Lee Feldman,” he said. “Those were the two architects of the program.”

In response, Seiler said the entire commission voted on the laws that applied to the homeless feedings.

“What we were trying to do was establish safe and secure feeding locations, not pop-up locations all over the city,” Seiler said. “We wanted it to be managed and controlled.”

Seiler referred to the astronomical attorneys' fees billed by the attorney representing Food Not Bombs as an “outrageous” demand.

But Lauer thinks they deserve every penny after Fort Lauderdale's crackdown.

“This will all be paid with tax money,” he said. “How many people can you feed and house for \$1.5 million?”

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