

Bond Case Briefs

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FIRST AMENDMENT - FLORIDA

City of Fort Lauderdale v. Chuanwen Wang

District Court of Appeal of Florida, Fourth District - June 12, 2013 - So.3d - 2013 WL 2493972

Artist who sold his art on sidewalks sought declaratory judgment that three content-neutral city ordinances that operated to bar him from selling his artwork on sidewalks in beach area violated his First Amendment rights.

The district court of appeal held that zoning map submitted by artist did not establish that ordinances violated First Amendment by purportedly failing to provide alternative channels of communication.

In a public forum, a governing entity may establish time, place, or manner restrictions upon an activity which is otherwise fully protected by the First Amendment if the restrictions (1) are content-neutral, (2) are narrowly tailored to serve a significant government interest, and (3) leave open ample alternative channels of communication; the government holds the burden of demonstrating each prong of this test.

Zoning map did not establish that three content-neutral city ordinances that operated to bar artist from selling his artwork on sidewalks in beach area violated artist's First Amendment rights by purportedly failing to provide alternative channels of communication. The map itself did not demonstrate how much tourist activity was in any particular zoning district.