

# FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

May 28, 2019

SENT VIA EMAIL AND U.S. MAIL:  
[relbrecht@scgov.net](mailto:relbrecht@scgov.net)

Frederick J. Elbrecht  
Office of the County Attorney  
Sarasota County  
1660 Ringling Blvd., 2nd Floor  
Sarasota, FL 34236

Re: Unconstitutional funding of worship service

Dear Mr. Elbrecht:

I am writing on behalf of the Freedom From Religion Foundation to alert you to an unconstitutional grant for a religious event by Sarasota County. FFRF is a national nonprofit organization with 31,000 members across the country, including more than 1,500 in Florida and a local chapter, Central Florida Freethought Community. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned local taxpayer informed us that the Englewood Community Redevelopment Area (CRA) has awarded \$10,000 and free use of a County-owned park to Ignite Englewood in order to hold a religious event. We understand that the Englewood CRA is controlled by Sarasota County through its Planning and Development Services Department.

The application for these funds is enclosed. Ignite Englewood describes the event as:

...intended to provide an outdoor service for the community that will include music by a local praise band, two pastors who will be teaching and sharing a message from the Gospels, and the vision to bring a positive uplifting worship service to the public.

(emphasis in original). When asked "how this project meets the objectives of the CRA Plan," Ignite Englewood wrote, "**I don't have a full understanding of the objectives of the CRA Plan.** However, I'm sure this event will not conflict with that plan." (emphasis added).

The grant and rent-free reservation of a County park for a religious revival violate both the United States and Florida constitutions. It is particularly alarming that the grant was awarded despite the applicant emphasizing the religious nature of the event

(underlining the words “worship service”) and plainly stating that they do not even know the purpose of the program from which they requested \$10,000. We request that the County rescind this grant immediately and provide written assurances that it will not offer grants for religious events in the future.

The Establishment Clause of the First Amendment prohibits any “sponsorship, financial support, and active involvement of the sovereign in religious activity.” *Walz v. NY Tax Comm’n*, 397 U.S. 664, 668 (1970) (emphasis added); see also *Mitchell v. Helms*, 530 U.S. 793, 819 (2000); *Bowen v. Kendrick*, 487 U.S. 589, 621 (1988); *Roemer v. Bd. of Pub. Works*, 426 U.S. 736, 754–55 (1976).

Specifically, the government may not fund projects for religious worship. See *Comm. for Pub. Educ. v. Nyquist*, 413 U.S. 756, 777 (1973) (striking down repair grants meant to renovate parochial schools because the buildings were used for sectarian purposes); see also *Tilton v. Richardson*, 403 U.S. 672 (1971) (unanimously holding that government construction subsidies are unconstitutional if the buildings are ever used for religious activities); *Hunt v. McNair*, 413 U.S. 734 (1973) (upholding government construction bond only because the bond-financed buildings were barred from being used for religious activities).

Unlike the rental of government property or private displays on public property, direct government grants do not involve free speech considerations, only Establishment Clause concerns. See *Locke v. Davey*, 540 U.S. 712, 720 n.3 (2004) (rejecting a student’s argument that state scholarships which were unavailable to majors in “pastoral ministries” was “an unconstitutional viewpoint restriction on speech” because the “Scholarship Program is not a forum for speech . . . [so] cases dealing with speech forums are simply inapplicable”).

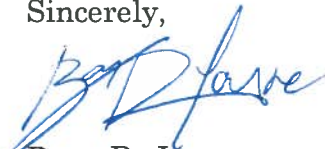
The Florida Constitution similarly prohibits government funding of religious activities. Not only are government entities prohibited from establishing religion, “No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.” Fla. Const. Art. I, § 3. Providing rent-free use of a County Park and \$10,000 of County taxpayer funds for religious music, a sermon, and a worship service plainly violates this stricture.

Please note that the Supreme Court’s 2017 decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S.Ct. 2012, does not invalidate these state constitutional provisions. That case did not involve discretionary grants, but rather applied to a neutrally scored, generally available grant program. More importantly, *Trinity Lutheran* prohibits the exclusion of religious entities from grant programs for secular projects (in that case, playground resurfacing). The Court specifically differentiated *Locke v. Davey*, where Washington permissively refused a grant on the grounds that it would be used for a religious purpose. See *id.* at 2022–25. The grant award to Ignite Englewood is obviously for a religious use and is thus similar to *Locke v. Davey*, not *Trinity Lutheran*.

Finally, it is hard to imagine why the Englewood CRA would award a grant to any organization that openly declares that it has *no idea* whether the funded project would advance the CRA Plan in any way. This oddity only solidifies the appearance that funds were awarded specifically because the County supports the religious content of the event, which is an improper and unconstitutional ground for awarding funds.

On behalf of the citizens and taxpayers of Sarasota County, we ask that the County rescind this grant and examine the above facts carefully so that similar mistakes are not made in the future. Please inform us in writing of the steps you take to resolve this matter.

Sincerely,



Ryan D. Jayne  
Staff Attorney

Enclosure

Please explain how this project meets the objectives of the CRA Plan.

I don't have a full understanding of the objectives of the CRA Plan, however, I'm sure this event will not conflict with that plan.

**Budget**

Dollar amount requested: \$1000.00 Total project budget: \$1000.00

Date funds required: 9/27/19  
[Signature] Signature of Applicant 5/8/19 Date

**For Staff Use Only**

Application received by Staff: \_\_\_\_\_

CRA Advisory Board Date: \_\_\_\_\_

Action taken by the CRA Advisory Board

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant awarded funding: \_\_\_\_\_

Note: please submit a follow up report about the event to the CRA Advisory Board no later than 60 days following the event. The report should include information regarding the number of vendor's attendees, expenses and proceeds

ENGLEWOOD



**REQUEST FOR FUNDING FROM THE ENGLEWOOD COMMUNITY REDEVELOPMENT AREA (CRA)**

Date 5/8/19

The CRA is a public entity established by the Florida Legislature in 1975 to assist in the economic development of the CRA. The CRA is authorized to provide financial assistance to organizations and individuals who are engaged in economic development activities within the CRA. The CRA is currently reviewing applications for funding and will select the most qualified applicants for funding. The CRA is a public entity and is subject to the provisions of the Florida Public Access to Information Act.

**Organization Information**

Name of Event & Organization/Group Equite Englewood

Address 449 Cedar St

City Englewood State FL Zip 34223

Phone: 512-608-1808 Fax: \_\_\_\_\_ Website under construction

Name of contact person for application Robert Lincoln

Title: Founder

Phone: 512-608-1808 E-mail roblincolnmusic@gmail.com

Is your organization an IRS 501 (c) (3) not for profit? NO

If yes, please attach a copy of your IRS certificate.

Will you be hiring an event organizer to assist with your event: Yes  No

**Proposal Information**

Event location & date Prayer Party 9/28/19 and/or 10/26/19

Please give a brief summary of your request:

This event is intended to provide an outdoor service for the community that will include music by a local praise band, two pastors who will be teaching and sharing a message from the Gospels, and the vision to bring a positive uplifting worship service to the public.