



Americans United for Separation of Church and State FLAGLER COUNTY CHAPTER

February 3, 2016

Representative Charles McBurney
402 South Monroe Street
412 HOB
Tallahassee, FL 32399

Representative Kathleen Passidomo
402 South Monroe Street
417 HOB
Tallahassee, FL 32399

Re: HB 43 – Allowing for Discrimination Against All Floridians Who Wish to Marry

Dear Chair McBurney and Vice-Chair Passidomo:

On behalf of its Florida members and supporters, Americans United for Separation of Church and State, urges you to oppose HB 43. We agree that the state should not and, under the First Amendment, may not force clergy, houses of worship, and similar religious organizations to perform or host marriage ceremonies with which they have religious objections. Indeed, the First Amendment already allows, for example, a rabbi to refuse to marry an interfaith couple or a priest to refuse to solemnize a marriage for a divorced person. Unfortunately, HB 43 goes well beyond the rights already provided in the First Amendment and would permit organizations that operate a place of public accommodation to discriminate against Floridians.

Freedom of religion is a fundamental American value. It means that we are all free to believe or not as we see fit, but it does not mean that entities providing public accommodations can use their religion as a justification for denying the rights of others. Yet, this bill would allow organizations that are operated in connection to a religious organization to refuse to provide any marriage related services even if they are operating a place of public accommodation.

There are clear differences between a house of worship that hosts the weddings of its members and wants keep it that way and a religious organization that runs a commercial wedding hall that is open to the public to make money. In fact, the Florida Civil Rights Act already provides religious institutions with a broad exemption with respect to public accommodations.¹

HB 43 would allow, for example, a religiously-affiliated university or other religious organization, including a commercial wedding chapel, that rents a banquet hall or chapel to the general public for weddings, to refuse services on religious grounds to a couple because they are same sex, interfaith, previously divorced or of a particular faith. It is unfair to allow a commercial enterprise to reap the rewards of its business but then escape the nondiscrimination

¹ See Fla. Stat. §760.10(9) “This section shall not apply to any religious corporation, association, educational institution, or society which conditions opportunities in the area of employment or public accommodation to members of that religious corporation, association, educational institution, or society or to persons who subscribe to its tenets or beliefs. “



requirements placed on all other commercial businesses simply because it claims a religious affiliation.

The Florida legislature should not pass legislation that allows entities that operate a place of public accommodation to discriminate. For the reasons discussed, we urge you to oppose HB 43. Thank you for your consideration on this important matter.

Sincerely,

Rabbi Merrill Shapiro
President, Flager County Chapter
Americans United for Separation of Church and State