

SUPREME COURT OF FLORIDA

Warner v. City of Boca Raton

887 So. 2d 1023 (Fla. 2004) · No. SC01-2206 · Decided September 2, 2004

SUMMARY

The Supreme Court of Florida answered certified questions concerning the scope of the Florida Religious Freedom Restoration Act (FRFRA) and a City of Boca Raton ordinance regulating vertical grave decorations. The court held that the FRFRA provides broader protection than federal Free Exercise Clause precedent, but concluded that the ordinance did not violate the FRFRA because it did not substantially burden the appellants’ religious exercise. The court defined a substantial burden as compelling conduct forbidden by religion or forbidding conduct required by religion.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Quince, J.; Pariente, C.J.; Wells, J.; Anstead, J.; Lewis, J.; Cantero, J.; Bell, J.
JURISDICTION	Florida
DECIDED	September 2, 2004
DOCKET	SC01-2206
DISPOSITION	remanded
PROCEDURAL POSTURE	The Supreme Court of Florida answered two Florida-law questions certified by the United States Court of Appeals for the Eleventh Circuit as determinative of a case pending there and lacking controlling precedent.
STANDARD OF REVIEW	Statutory interpretation and application of the Florida Religious Freedom Restoration Act to undisputed facts; the court reviewed whether the ordinance substantially burdened religious exercise and whether the statutory strict-scrutiny framework was triggered.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Florida
PARTIES	Richard Warner, et al. v. City of Boca Raton, Florida

TOPICS

- free exercise clause
- strict scrutiny
- statutory interpretation
- constitutional law
- appellate procedure

PRACTICE AREAS

constitutional law

civil rights

municipal law

religious liberty

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether the Florida Religious Freedom Restoration Act broadens the protection for religiously motivated conduct beyond the protection recognized under United States Supreme Court Free Exercise Clause precedent.
2. Whether the City's neutral, generally applicable ordinance prohibiting most vertical grave decorations violated the Florida Religious Freedom Restoration Act.
3. What constitutes a substantial burden on the exercise of religion under the Florida Religious Freedom Restoration Act.

HOLDINGS

1. The FRFRA provides broader protection for religiously motivated activity than the Free Exercise Clause as interpreted by the United States Supreme Court because it applies the compelling-interest test to neutral laws of general applicability and protects acts or refusals to act that are substantially motivated by religious belief whether or not compulsory or central to a larger system of religious belief.
2. A substantial burden on the free exercise of religion is one that either compels a religious adherent to engage in conduct forbidden by the religion or forbids the adherent from engaging in conduct required by the religion.
3. The City of Boca Raton's ordinance prohibiting most vertical grave decorations did not violate the FRFRA because it did not substantially burden appellants' exercise of religion.

KEY QUOTATIONS

“The protection afforded to the free exercise of religiously motivated activity under the FRFRA is broader than that afforded by the decisions of the United States Supreme Court for two interrelated reasons.” (887 So. 2d at 1032)

“Thus, we hold that a substantial burden on the free exercise of religion is one that either compels the religious adherent to engage in conduct that his religion forbids or forbids him to engage in conduct that his religion requires.” (887 So. 2d at 1033-1034)

“We also hold that under the Act, any law, even a neutral law of general applicability, is subject to the strict scrutiny standard where the law substantially burdens the free exercise of religion.” (887 So. 2d at 1036)

FACTUAL BACKGROUND

The City of Boca Raton operated a municipal cemetery and prohibited vertical grave markers, memorials, monuments, and structures, while permitting level stone or bronze markers. The appellants, cemetery plot owners, placed vertical decorations on family graves despite the prohibition. The City later amended its regulations to permit limited vertical decorations after burial and on certain holidays, but ultimately announced

enforcement of the amended regulations. The federal district court found that the prohibition on vertical decorations did not substantially burden appellants' religious exercise because horizontal markers with religious symbols remained permissible.

PROCEDURAL HISTORY

Appellants challenged the City of Boca Raton's restrictions on vertical grave decorations, alleging violations of state and federal speech, expression, due process, and religious-freedom rights. After a bench trial, the United States District Court for the Southern District of Florida held that the restrictions did not violate the Florida Religious Freedom Restoration Act. On appeal, the Eleventh Circuit certified questions concerning the scope of the FRFRA and its application to a neutral, generally applicable municipal ordinance.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The court answered the first certified question in the affirmative and the rephrased second certified question in the negative, then returned the case to the United States Court of Appeals for the Eleventh Circuit.

CASES CITED

- Warner v. City of Boca Raton, 267 F.3d 1223 (11th Cir. 2001)
- Warner v. City of Boca Raton, 64 F. Supp. 2d 1272 (S.D. Fla. 1999)
- Employment Division, Department of Human Resources v. Smith, 494 U.S. 872 (1990)
- City of Boerne v. Flores, 521 U.S. 507 (1997)
- Sherbert v. Verner, 374 U.S. 398 (1963)
- Wisconsin v. Yoder, 406 U.S. 205 (1972)
- Minersville School District v. Gobitis, 310 U.S. 586 (1940)
- West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)
- Reynolds v. United States, 98 U.S. 145 (1878)
- Goldman v. Weinberger, 475 U.S. 503 (1986)
- Turner v. Safley, 482 U.S. 78 (1987)
- Bowen v. Roy, 476 U.S. 693 (1986)
- Lyng v. Northwest Indian Cemetery Protective Association, 485 U.S. 439 (1988)
- United States v. Lee, 455 U.S. 252 (1982)
- Hernandez v. Commissioner, 490 U.S. 680 (1989)
- Traylor v. State, 596 So. 2d 957 (Fla. 1992)
- Toca v. State, 834 So. 2d 204 (Fla. 2d DCA 2002)
- Town v. State ex rel. Reno, 377 So. 2d 648 (Fla. 1979)
- Mack v. O'Leary, 80 F.3d 1175 (7th Cir. 1996)

- Henderson v. Kennedy, 253 F.3d 12 (D.C. Cir. 2001)
- First Baptist Church v. Miami-Dade County, 768 So. 2d 1114 (Fla. 3d DCA 2000)
- Abbott v. City of Fort Lauderdale, 783 So. 2d 1213 (Fla. 4th DCA 2001)
- Graham v. Commissioner, 822 F.2d 844 (9th Cir. 1987)
- Weir v. Nix, 890 F. Supp. 769 (S.D. Iowa 1995)
- Savona v. Prudential Insurance Co. of America, 648 So. 2d 705 (Fla. 1995)
- Public Health Trust v. Wons, 541 So. 2d 96 (Fla. 1989)
- In re Dubreuil, 629 So. 2d 819 (Fla. 1993)
- Palm Beach County Canvassing Board v. Harris, 772 So. 2d 1273 (Fla. 2000)
- Jimmy Swaggart Ministries v. Board of Equalization, 493 U.S. 378 (1990)
- Bob Jones University v. United States, 461 U.S. 574 (1983)

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