

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

PASS-A-GRILLE BEACH  
COMMUNITY CHURCH, INC.,

Plaintiff,

v.

Case No. 8:20-cv-1952-TPB-SPF

CITY OF ST. PETE BEACH,  
FLORIDA,

Defendant.

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**PRELIMINARY INJUNCTION**

The Court, having considered Plaintiff's motion for preliminary injunction and declaratory relief (Doc. 3), its brief in support, Defendant's response in opposition (Doc. 25), Plaintiff's reply (Doc. 30), and all declarations and exhibits referenced by the parties' filings, and having heard oral argument at a non-evidentiary hearing consisting of oral argument on November 4, 2020, finds that Pass-a-Grille Beach Community Church, Inc. ("the Church") is entitled to a preliminary injunction under the substantial burden provision of the Religious Land Use & Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc(a)(1).

In reaching this conclusion, the Court affirms the following:

- a. The Court has jurisdiction over Plaintiff's substantial burden claim.
- b. The Church is a religious institution or assembly under RLUIPA.

- c. The Church “has proven a religious exercise” that fits under “RLUIPA’s broad definition of religious exercise.”
- d. The City is a “government” under RLUIPA, 42 U.S.C. § 2000cc-5(4), and
- e. The City’s Land Development Code (“Code”) is a land use regulation which prohibits public use of the Church’s parking lot.
- f. The Church meets the elements to secure a preliminary injunction as it is substantially likely to succeed on the merits of its substantial burden claim as the City has imposed Code Section 23.4(j) to prohibit the Church from opening its parking lot to the general public, and the Church faces additional fines of \$500 every time it violates the City’s prohibition.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

1. Defendant City of St. Pete Beach (including its officers, agents, servants, employees, attorneys and other persons in active concert or participating with it) is enjoined from enforcing Code Section 23.4(j) and its Land Development Code to prevent or attempt to prevent the Church from continuing to allow the general public to use its parking lot, soliciting charitable donations on the lot, and evangelizing those who park in its lot.
2. The requirement of a bond pursuant to Fed. R. Civ. P. 65(c) is **WAIVED**. *See, e.g., Carillon Importers, Ltd. v. Frank Pesce Int’l Group*, 112 F.3d 1125, 1127 (11th Cir. 1997). The Church is a not-for-profit organization

and is seeking to enforce its religious rights. The equities weigh in favor of waiving the bond requirement.

3. This preliminary injunction shall issue immediately.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 26th day of January, 2021.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**