Special district, link to chaplin's webpage

Number: INFORMAL

Date: June 29, 2010

Mr. Andrew J. Salzman
2570 Coral Landings Boulevard
Suite 201
Palm Harbor, Florida 34684

Dear Mr. Salzman:

You have asked for this office's assistance in determining whether the Spring Hill Fire Rescue and Emergency Medical Services District of Hernando County (district) may maintain a link on its official website to a webpage maintained by the district's chaplain.

The district is an independent fire district created by special act to serve the unincorporated area of Hernando County.[1] The district maintains a website containing information about the district, its commissioners, communications, fire prevention, the district's history, incident reports, and various other topics related to the district.[2] You state that until recently, after a complaint led to its removal, the district's website contained a link to the district chaplain's webpage. A recent visit to the website shows that the link is still active and that the chaplain's webpage appears to be a part of the district's website rather than an independently maintained website with a separate web address.[3] The chaplain's webpage includes a broad range of information, videos, and links to various organizations. It has a description of the role of a fire chaplain, such as assisting in crisis situations to assist fire personnel, victims, and others in need. It also includes information about a Christian firefighters' monthly breakfast, notice of a local Christian radio station, and discussion of the safety of attending church and bible study, in addition to other religious matters.

The district's authority to maintain a webpage is not reasonably questioned. While special districts have only such powers as are expressly granted to them by law or those necessarily implied because they are essential to carry into effect those powers expressly granted, it appears beyond reasonable doubt that the maintenance of a website with district-related information is within the district's powers.[4]

The authority to maintain a district website, however, does not mean that the district may provide information beyond that reasonably necessary to fulfill the district's core functions. Here, the district's webpage contains information that arguably may exceed the scope of information that is permissible on a fire chaplain's webpage. If the information on the district's website directly relates to the core purposes of a fire chaplain's functions and neither advances nor inhibits religion nor treads into governmental endorsement of or entanglement with religion or a specific religious perspective, it would appear to be permissible.

Please note that the district could reduce concerns about its fire chaplain webpage by limiting the information to non-denominational matters and providing outside links to religious

organizations and resources in the community, provided that disclaimers are made that the district is merely providing access to other religious resources in the community that can be called upon in the event of fire-related and other crises for which such services would be beneficial. The district, of course, would be required to do so in an equitable, non-discriminatory manner.

I trust that these informal comments will be of assistance.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALS/tsrh

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[1] *See* Ch. 2009-261, Laws of Fla.

[2] *See* http://www.springhillfire.com/.

[3] *See* http://www.springhillfire.com/chaplain/index.html (last visited June 22, 2010).

[4] *See, e.g., Forbes Pioneer Boat Line v. Board of Commissioners of Everglades Drainage District*, 82 So. 346 (Fla. 1919); Op. Att'y Gen. Fla. 89-34 (1989); *State ex rel. Greenberg v. Florida State Board of Dentistry*, 297 So. 2d 628 (Fla. 1st DCA 1974), *cert. dismissed*, 300 So. 2d 900 (Fla. 1974); *City of Cape Coral v. GAC Utilities, Inc., of Florida*, 281 So. 2d 493 (Fla. 1973).