



Cover Memorandum/Staff Report

File #: 22-1135

Agenda Date: 9/6/2022

Item #: 8.B.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: September 6, 2022

ORDINANCE NO. 31-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING CHAPTER 133, "OFFENSES AGAINST PERSONS", SECTION 133.02, "PROHIBITION OF CONVERSION THERAPY ON MINORS", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 133 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommended Action:

Motion to approve Ordinance 31-22.

Background:

In 2017, the City of Delray Beach adopted Ordinance 18-17 banning the practice of conversion therapy, a form of therapy and/or counseling aimed at changing a person's sexual orientation or gender identification, on minors. Ordinance 18-17 banned persons licensed by the state including medical practitioners, psychologists, and social workers from using conversion therapy on minors within the City limits.

Recently, the 11th Circuit Court of Appeals, in the case of *Otto, et al v. City of Boca Raton and County of Palm Beach, Florida*, held that Boca Raton's prohibition on conversion therapy, strikingly similar to the City's ordinance, was an unconstitutional restriction on speech in violation of the First Amendment to the United States Constitution. As a result of this decision, the City of Boca Raton, and other municipalities, have repealed their ordinances.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

In order to comply with the Court's decision in *Otto*, the repeal of this Ordinance is necessary and appropriate.