Legislation Text

File #: 22-1202, **Version:** 1

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

RESOLUTION NO. 138-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OPPOSING AND DISCOURAGING THE PRACTICE OF SEXUAL ORIENTATION CHANGE EFFORTS ON MINORS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommended Action:
Motion to approve Resolution 138-22.

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 has commenced the process to repeal its Ordinance. This Resolution, while acknowledging the decision in *Otto*, expresses the City's opposition to the practice of sexual orientation change efforts on minors and discourages same.

City Attorney Review:
Approved as to form and sufficiency.