



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	-0- *	-0-	-0-	-0-	-0-
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget?                      Yes      No  
 Does this item include the use of federal funds?      Yes      No

**Budget Account No:**

Fund            Agency            Organization            Object

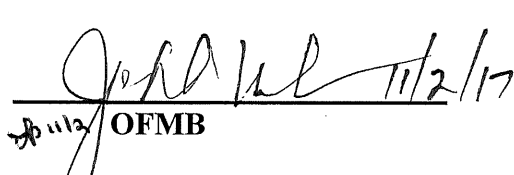
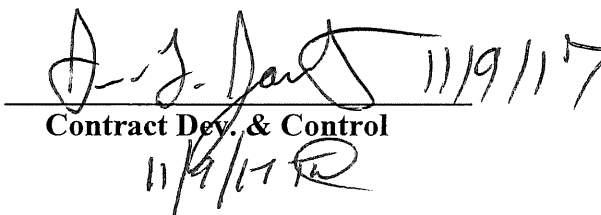
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\* No Fiscal Impact

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS:**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

**B. Legal Sufficiency**

  
 Assistant County Attorney

**C. Other Department Review**

\_\_\_\_\_  
 Department Director

**(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)**

ORDINANCE NO. 20\_\_ - \_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING THE “PROHIBITION OF CONVERSION THERAPY ON MINORS ORDINANCE”; PROVIDING FOR INTENT; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR VIOLATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

1           **WHEREAS**, as recognized by major professional associations of mental health  
2 practitioners and researchers in the United States and elsewhere for nearly 40 years, being  
3 lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBT or  
4 LGBTQ) is not a mental disease, disorder, illness, deficiency or shortcoming; and

5           **WHEREAS**, the American Academy of Pediatrics in 1993 published an article in its  
6 Journal, Pediatrics, stating: “Therapy directed at specifically changing sexual orientation is  
7 contraindicated, since it can provoke guilt and anxiety while having little or no potential for  
8 achieving changes in orientation;” and

9           **WHEREAS**, the American Psychiatric Association in December 1998 published its  
10 opposition to any psychiatric treatment, including reparative or conversion therapy, which  
11 therapy regime is based on the assumption that homosexuality is a mental disorder per se or  
12 that a patient should change his or her homosexual orientation; and

13           **WHEREAS**, the American Psychological Association’s Task Force on Appropriate  
14 Therapeutic Responses to Sexual Orientation conducted a systematic review of peer-reviewed  
15 journal literature on Sexual Orientation Change Efforts (“SOCE”) and issued its report in 2009,  
16 citing research that SOCE can pose critical health risks to lesbian, gay, and bisexual people,  
17 including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal,  
18 suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and  
19 authenticity to others, increased self-hatred, hostility and blame towards parents, feelings of  
20 anger and betrayal, loss of friends and potential romantic partners, problems in sexual and  
21 emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being  
22 dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and  
23 resources; and

1           **WHEREAS**, The American Psychological Association in 2009 issued a resolution on  
2   Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts,  
3   advising parents, guardians, young people, and their families “to avoid sexual orientation  
4   change efforts that portray homosexuality as a mental illness or developmental disorder and to  
5   seek psychotherapy, social support, and educational services that provide accurate information  
6   on sexual orientation and sexuality, increase family and school support, and reduce rejection of  
7   sexual minority youth”; and

8           **WHEREAS**, The American Psychoanalytic Association in June 2012 issued a position  
9   statement on conversion therapy efforts, articulating that “As with any societal prejudice, bias  
10   against individuals based on actual or perceived sexual orientation, gender identity or gender  
11   expression negatively affects mental health, contributing to an enduring sense of stigma and  
12   pervasive self-criticism through the internalization of such prejudice” and that psychoanalytic  
13   technique “does not encompass purposeful attempt to ‘convert,’ ‘repair,’ change or shift an  
14   individual’s sexual orientation, gender identity or gender expression,” such efforts being  
15   inapposite to “fundamental principles of psychoanalytic treatment and often result in  
16   substantial psychological pain by reinforcing damaging internalized attitudes”; and

17          **WHEREAS**, the American Academy of Child & Adolescent Psychiatry in 2012  
18   published an article in its Journal, Journal of the American Academy of Child and Adolescent  
19   Psychiatry, stating that “[c]linicians should be aware that there is no evidence that sexual  
20   orientation can be altered through therapy and that attempts to do so may be harmful. There is  
21   no empirical evidence adult homosexuality can be prevented if gender nonconforming children  
22   are influenced to be more gender conforming. Indeed, there is no medically valid basis for  
23   attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may  
24   encourage family rejection and undermine self-esteem, connectedness and caring, important  
25   protective factors against suicidal ideation and attempts. Given that there is no evidence that  
26   efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that  
27   they carry the risk of significant harm, such interventions are contraindicated”; and

28          **WHEREAS**, the Pan American Health Organization, a regional office of the World  
29   Health Organization, issued a statement in 2012 stating: “These supposed conversion therapies  
30   constitute a violation of the ethical principles of health care and violate human rights that are  
31   protected by international and regional agreements.” The organization also noted that

1 reparative therapies “lack medical justification and represent a serious threat to the health and  
2 well-being of affected people;” and

3         **WHEREAS**, in 2014 the American School Counselor Association issued a position  
4 statement that states: “It is not the role of the professional school counselor to attempt to  
5 change a student’s sexual orientation or gender identity. Professional school counselors do not  
6 support efforts by licensed mental health professionals to change a student’s sexual orientation  
7 or gender as these practices have been proven ineffective and harmful”; and

8         **WHEREAS**, a 2015 report of the Substance Abuse and Mental Health Services  
9 Administration, a division of the U.S. Department of Health and Human Services, “Ending  
10 Conversion Therapy: Supporting and Affirming LGBTQ Youth” further reiterates based on  
11 scientific literature that conversion therapy efforts to change an individual’s sexual orientation,  
12 gender identity, or gender expression, is a practice not supported by credible evidence and has  
13 been disavowed by behavioral health experts and associations; perpetuates outdated views of  
14 gender roles and identities, and negative stereotypes; and may put young people at risk of  
15 serious harm. The report recognizes that same-gender sexual orientation (including identity,  
16 behavior, and attraction) is part of the normal spectrum of human diversity and does not  
17 constitute a “mental disorder; and

18         **WHEREAS**, the American College of Physicians wrote a position paper in 2015  
19 opposing the use of “conversion,” “reorientation,” or “reparative” therapy for the treatment of  
20 LGBT persons, stating that “[a]vailable research does not support the use of reparative therapy  
21 as an effective method in the treatment of LGBT persons. Evidence shows that the practice  
22 may actually cause emotional or physical harm to LGBT individuals, particularly adolescents  
23 or young persons”; and

24         **WHEREAS**, two federal appeals courts found that a prohibition of SOCE does not  
25 violate first amendment rights and noted that the subject laws only required mental health  
26 providers who wish to engage in practices that seek to change a minor’s sexual orientation  
27 either to wait until the minor turns 18 or be subject to professional discipline, leaving mental  
28 health providers free to discuss or recommend treatment and to express their views on any  
29 topic; and

30         **WHEREAS**, Palm Beach County does not intend to prevent mental health providers  
31 from speaking to the public about SOCE; expressing their views to patients; recommending  
32 SOCE to patients; administering SOCE to any person who is 18 years of age or older; or

1 referring minors to unlicensed counselors, such as religious leaders. This Ordinance does not  
2 prevent unlicensed providers, such as religious leaders, from administering SOCE to children  
3 or adults; nor does it prevent minors from seeking SOCE from mental health providers in other  
4 political subdivisions outside of Palm Beach County, Florida; and

5 **WHEREAS**, Palm Beach County has a compelling interest in protecting the physical  
6 and psychological well-being of minors, including but not limited to lesbian, gay, bisexual,  
7 transgender and questioning youth, and in protecting its minors against exposure to serious  
8 harms caused by sexual orientation and gender identity change efforts; and

9 **WHEREAS**, the Palm Beach County Board of County Commissioners hereby finds the  
10 overwhelming research demonstrating that sexual orientation and gender identity change efforts  
11 can pose critical health risks to lesbian, gay, bisexual, transgender or questioning persons, and  
12 that being lesbian, gay, bisexual, transgender or questioning is not a mental disease, mental  
13 disorder, mental illness, deficiency, or shortcoming; and

14 **WHEREAS**, the Palm Beach County Board of County Commissioners finds minors  
15 receiving treatment from licensed therapists in Palm Beach County who may be subject to  
16 conversion or reparative therapy are not effectively protected by other means, including, but  
17 not limited to, other state statutes, local ordinances, or federal legislation; and

18 **WHEREAS**, the Palm Beach County Board of County Commissioners desires to  
19 prohibit, within the geographic boundaries of Palm Beach County, the practice of sexual  
20 orientation or gender identity change efforts on minors by licensed therapists only, including  
21 reparative and/or conversion therapy, that have been demonstrated to be harmful to the physical  
22 and psychological well-being of lesbian, gay, bisexual, transgender and questioning persons.

23 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
24 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

25 **SECTION 1. INTENT:**

26 The intent of this Ordinance is to protect the physical and psychological well-being of  
27 minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning  
28 youth, from exposure to the serious harms and risks caused by conversion therapy or reparative  
29 therapy by licensed providers, including but not limited to licensed therapists and the  
30 unlicensed individuals who perform counseling as part of professional training to become a  
31 licensed provider. This Ordinance is an exercise of the County's police power for the benefit

1 of the public health, safety, and welfare; and its sections are to be liberally construed to  
2 accomplish that purpose.

3 **SECTION 2. TITLE:**

4 This Ordinance shall be titled “Prohibition of Conversion Therapy on Minors  
5 Ordinance.”

6 **SECTION 3. APPLICABILITY:**

7 This Ordinance shall be applicable within the unincorporated areas of Palm Beach  
8 County, and in all municipalities that have not adopted an ordinance in conflict. Unless  
9 otherwise provided, nothing in this Ordinance shall be construed to relieve any person from  
10 compliance with any applicable county or municipal regulations.

11 **SECTION 4. DEFINITIONS:**

12 As used in this Ordinance, unless some other meaning is plainly intended:

13 *Conversion Therapy* means any counseling, practices or treatments that seek to change  
14 an individual’s sexual orientation or gender identity, including but not limited to efforts to  
15 change behaviors, gender identity, or gender expressions or to eliminate or reduce sexual or  
16 romantic attractions or feelings toward individuals of the same gender or sex. Conversion  
17 therapy does not include counseling that provides support and assistance to a person  
18 undergoing gender transition, or counseling that provides acceptance, support, and  
19 understanding of a person or facilitates a person’s coping, social support, and identity  
20 exploration and development, including sexual-orientation-neutral interventions to prevent or  
21 address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek  
22 to change an individual’s sexual orientation or gender identity.

23 *Minor* means any person less than eighteen (18) years of age.

24 *Provider* means any person who is licensed by the State of Florida to perform  
25 counseling pursuant to Chapters 456, 458, 459, 490 or 491 of the Florida Statutes as such  
26 chapters may be amended, including but not limited to medical practitioners, osteopathic  
27 practitioners, psychologists, psychotherapists, social workers, marriage and family therapists,  
28 and licensed counselors, or a person who performs counseling as part of the person’s  
29 professional training for any of these professions. A provider does not include members of the  
30 clergy who are acting in their roles as clergy or pastoral counselors and providing religious  
31 counseling to congregants, as long as they do not hold themselves out as operating pursuant to  
32 any of the aforementioned Florida Statutes licensures.

1 **SECTION 5. VIOLATIONS:**

2 It shall be unlawful for any Provider to engage in conversion therapy on any minor  
3 regardless of whether the Provider receives monetary compensation in exchange for such  
4 services.

5 **SECTION 6. PENALTIES:**

6 Pursuant to section 125.69, Florida Statutes, a violation of this ordinance shall be  
7 prosecuted in the same manner as misdemeanors are prosecuted. A violation of any provision  
8 of this Ordinance shall be punished by a fine of \$250.00 for the first violation and \$500.00 for  
9 each repeat violation.

10 **SECTION 7. ENFORCEMENT**

11 In addition to the penalties set forth in Section 6 of this Ordinance, pursuant to section  
12 125.69(4), Florida Statutes, this Ordinance is enforceable by the County's Code Enforcement  
13 Officers and by all means provided by law. Additionally, Palm Beach County may choose to  
14 enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach County.

15 **SECTION 8. REPEAL OF LAWS IN CONFLICT:**

16 All local laws and ordinances in conflict with any provision of this Ordinance are  
17 hereby repealed to the extent of such conflict.

18 **SECTION 9. SEVERABILITY:**

19 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
20 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,  
21 such holding shall not affect the remainder of this Ordinance.

22 **SECTION 10. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

23 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
24 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish  
25 such, and the word ordinance may be changed to section, article, or other appropriate word.

26 **SECTION 11. CAPTIONS:**

27 The captions, section headings, and section designations used in this Ordinance are for  
28 convenience only and shall have no effect on the interpretation of the provisions of this  
29 Ordinance.

30 **SECTION 12. EFFECTIVE DATE:**

31 The provisions of this Ordinance shall become effective upon filing with the  
32 Department of State.



1 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
2 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

3  
4 **SHARON R. BOCK, CLERK**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

5  
6  
7 By: \_\_\_\_\_  
8 Deputy Clerk

By: \_\_\_\_\_  
Mayor

9  
10 **APPROVED AS TO FORM AND  
11 LEGAL SUFFICIENCY**

12  
13 By: \_\_\_\_\_  
14 County Attorney

15  
16 **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_ day of  
17 \_\_\_\_\_, 20\_\_.