

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: December 19, 2017 ☐ **Consent** ☐ **Regular**
☐ **Ordinance** ☒ **Public Hearing**

Submitted By: County Attorney

Submitted For: Administration

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to adopt:** 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.

Summary: The Board of County Commissioners directed the County Attorney to draft an ordinance of countywide application banning the practice of conversion therapy on minors. The Prohibition of Conversion Therapy on Minors Ordinance will protect the physical and psychological well-being of minors, including lesbian, gay, bisexual, transgender and/or questioning (LGBTQ) youth, from exposure to the serious harms and risks caused by conversion therapy by licensed providers. The Ordinance excludes from the definition of “provider” members of the clergy who are acting in their roles as pastoral counselors. To date, eight (8) municipalities in Palm Beach County have enacted similar ordinances, and seven (7) of those ordinances include fines ranging from \$250 to \$500 per violation. The County’s Ordinance will be applicable within the unincorporated areas of Palm Beach County, and in all municipalities that have not adopted an ordinance in conflict. Countywide (HH)

Background and Policy Issues: Many professional associations of mental health practitioners and researchers in the United States and elsewhere for nearly forty (40) years have recognized that being LGBTQ is not a mental disease, disorder, illness, deficiency or shortcoming. A 2015 report of the U.S. Department of Health and Human Services concluded that conversion therapy efforts to change an individual's sexual orientation, gender identity, or gender expression is a practice not supported by credible evidence and may put young people at risk of serious harm.

Attachments:

1. Prohibition of Conversion Therapy on Minors Ordinance Strike-through
2. Prohibition of Conversion Therapy on Minors Ordinance Clean

Recommended by: [Signature] 147/17
County Attorney Date

Approved By: Wendell C. Baker 12/15/17
County Administrator Date

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:

FundAgencyOrganizationObject

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:

AP 12/8

12/8/17

OFMB

12/8

Contract Dev. & Control

12/13/17

12/13/17

B. Legal Sufficiency

Delene C. Hargis

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 ~~the any counseling, practices or treatments that~~ of seeking
14 to change an individual’s sexual orientation or gender identity, including but not limited to
15 efforts to change behaviors, gender identity, or gender expressions or to eliminate or reduce
16 sexual or romantic attractions or feelings toward individuals of the same gender or sex.
17 Conversion therapy does not include counseling that provides support and assistance to a
18 person 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; and, as long as such counseling does not
22 seek 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**
5 **BOARD OF COUNTY COMMISSIONERS**
6

7 By: _____ By: _____
8 Deputy Clerk 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__.

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 in 2009 issued a resolution on
14 Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts,
15 advising parents, guardians, young people, and their families “to avoid sexual orientation
16 change efforts that portray homosexuality as a mental illness or developmental disorder and to
17 seek psychotherapy, social support, and educational services that provide accurate information
18 on sexual orientation and sexuality, increase family and school support, and reduce rejection of
19 sexual minority youth”; and

20 **WHEREAS**, The American Psychoanalytic Association in June 2012 issued a position
21 statement on conversion therapy efforts, articulating that “As with any societal prejudice, bias
22 against individuals based on actual or perceived sexual orientation, gender identity or gender
23 expression negatively affects mental health, contributing to an enduring sense of stigma and

1 pervasive self-criticism through the internalization of such prejudice” and that psychoanalytic
2 technique “does not encompass purposeful attempt to ‘convert,’ ‘repair,’ change or shift an
3 individual’s sexual orientation, gender identity or gender expression,” such efforts being
4 inapposite to “fundamental principles of psychoanalytic treatment and often result in
5 substantial psychological pain by reinforcing damaging internalized attitudes”; and

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

17 **WHEREAS**, the Pan American Health Organization, a regional office of the World
18 Health Organization, issued a statement in 2012 stating: “These supposed conversion therapies
19 constitute a violation of the ethical principles of health care and violate human rights that are
20 protected by international and regional agreements.” The organization also noted that
21 reparative therapies “lack medical justification and represent a serious threat to the health and
22 well-being of affected people;” and

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

28 **WHEREAS**, a 2015 report of the Substance Abuse and Mental Health Services
29 Administration, a division of the U.S. Department of Health and Human Services, “Ending
30 Conversion Therapy: Supporting and Affirming LGBTQ Youth” further reiterates based on
31 scientific literature that conversion therapy efforts to change an individual’s sexual orientation,
32 gender identity, or gender expression, is a practice not supported by credible evidence and has

1 been disavowed by behavioral health experts and associations; perpetuates outdated views of
2 gender roles and identities, and negative stereotypes; and may put young people at risk of
3 serious harm. The report recognizes that same-gender sexual orientation (including identity,
4 behavior, and attraction) is part of the normal spectrum of human diversity and does not
5 constitute a “mental disorder; and

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

12 **WHEREAS**, two federal appeals courts found that a prohibition of Sexual Orientation
13 Change Efforts (SOCE) does not violate first amendment rights and noted that the subject laws
14 only required mental health providers who wish to engage in practices that seek to change a
15 minor’s sexual orientation either to wait until the minor turns 18 or be subject to professional
16 discipline, leaving mental health providers free to discuss or recommend treatment and to
17 express their views on any topic; and

18 **WHEREAS**, Palm Beach County does not intend to prevent mental health providers
19 from speaking to the public about SOCE; expressing their views to patients; recommending
20 SOCE to patients; administering SOCE to any person who is 18 years of age or older; or
21 referring minors to unlicensed counselors, such as religious leaders. This Ordinance does not
22 prevent unlicensed providers, such as religious leaders, from administering SOCE to children
23 or adults; nor does it prevent minors from seeking SOCE from mental health providers in other
24 political subdivisions outside of Palm Beach County, Florida; and

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

29 **WHEREAS**, the Palm Beach County Board of County Commissioners hereby finds the
30 overwhelming research demonstrating that sexual orientation and gender identity change efforts
31 can pose critical health risks to lesbian, gay, bisexual, transgender or questioning persons, and

1 that being lesbian, gay, bisexual, transgender or questioning is not a mental disease, mental
2 disorder, mental illness, deficiency, or shortcoming; and

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

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

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

14 **SECTION 1. INTENT:**

15 The intent of this Ordinance is to protect the physical and psychological well-being of
16 minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning
17 youth, from exposure to the serious harms and risks caused by conversion therapy or reparative
18 therapy by licensed providers, including but not limited to licensed therapists and the
19 unlicensed individuals who perform counseling as part of professional training to become a
20 licensed provider. This Ordinance is an exercise of the County’s police power for the benefit
21 of the public health, safety, and welfare; and its sections are to be liberally construed to
22 accomplish that purpose.

23 **SECTION 2. TITLE:**

24 This Ordinance shall be titled “Prohibition of Conversion Therapy on Minors
25 Ordinance.”

26 **SECTION 3. APPLICABILITY:**

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

31 **SECTION 4. DEFINITIONS:**

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

1 *Conversion Therapy* means the practice of seeking to change an individual's sexual
2 orientation or gender identity, including but not limited to efforts to change behaviors, gender
3 identity, or gender expressions or to eliminate or reduce sexual or romantic attractions or
4 feelings toward individuals of the same gender or sex. Conversion therapy does not include
5 counseling that provides support and assistance to a person undergoing gender transition, or
6 counseling that: provides acceptance, support, and understanding of a person or facilitates a
7 person's coping, social support, and identity exploration and development, including sexual-
8 orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual
9 practices; and does not seek to change an individual's sexual orientation or gender identity.

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

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

20 **SECTION 5. VIOLATIONS:**

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

24 **SECTION 6. PENALTIES:**

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

29 **SECTION 7. ENFORCEMENT**

30 In addition to the penalties set forth in Section 6 of this Ordinance, pursuant to section
31 125.69(4), Florida Statutes, this Ordinance is enforceable by the County's Code Enforcement

1 Officers and by all means provided by law. Additionally, Palm Beach County may choose to
2 enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach County.

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

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

6 **SECTION 9. SEVERABILITY:**

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

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

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

14 **SECTION 11. CAPTIONS:**

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

18 **SECTION 12. EFFECTIVE DATE:**

19 The provisions of this Ordinance shall become effective upon filing with the
20 Department of State.

21

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**
5 **BOARD OF COUNTY COMMISSIONERS**
6

7 By: _____ By: _____
8 Deputy Clerk 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__.