



ORDINANCE

5625

1
2 AN EMERGENCY ORDINANCE OF THE CITY OF BOCA
3 RATON REPEALING CHAPTER 9, ARTICLE VI,
4 "PROHIBITION OF CONVERSION THERAPY ON MINORS,"
5 CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY;
6 PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE
7 DATE

8
9 WHEREAS, this emergency ordinance is adopted pursuant to Section 3.14 of the
10 City Charter; and

11 WHEREAS, the Eleventh Circuit Court of Appeals, in the case of *Otto, et al. vs. City of*
12 *Boca Raton and County of Palm Beach, Florida*, has found Chapter 9, Article VI, "Prohibition of
13 Conversion Therapy on Minors," of the City's Code of Ordinances (the "Conversion Therapy
14 Prohibition") to be an unconstitutional restriction on speech in violation of the First Amendment to
15 the United States Constitution; and

16 WHEREAS, the City has analyzed the decision of the Eleventh Circuit, and although
17 the City disagrees with the decision, the City respects the judicial authority of the Eleventh Circuit
18 and accepts the decision; and

1 WHEREAS, the Conversion Therapy Prohibition is applicable not only to the named
2 plaintiffs in *Otto, et al. vs. City of Boca Raton, et al.*, but is also applicable to any other practitioners
3 of conversion therapy in the City; and

4 WHEREAS, in order to ensure that the Conversion Therapy Prohibition does not chill
5 protected speech in violation of the First Amendment (and therefore harm practitioners of
6 conversion therapy), it is imperative for the City to immediately repeal Chapter 9, Article VI, Code
7 of Ordinances, in its entirety; and

8 WHEREAS, City Council finds that preventing the chilling of protected speech is an
9 emergency "affecting life, health, property or the public peace," as described in Section 3.14 of
10 the City Charter; now therefore

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12 THE CITY OF BOCA RATON HEREBY ORDAINS:

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14 Section 1. Chapter 9, Article VI, "Prohibition of Conversion Therapy on Minors," Code
15 of Ordinances, is deleted in its entirety.

16 Section 2. An emergency exists, as described in the above recitals, and this
17 emergency ordinance is adopted in order to ensure that the Conversion Therapy Prohibition does
18 not chill protected speech in violation of the First Amendment (and therefore harm practitioners
19 of conversion therapy).

20 Section 3. The City Council finds that, based upon the decision of the Eleventh Circuit
21 Court of Appeals, it has no intention of reenacting Chapter 9, Article VI, or anything substantially
22 similar, unless there is a change in law that would make adoption of such regulation lawful.

23 Section 4. If any section, subsection, clause or provision of this ordinance is held
24 invalid, the remainder shall not be affected by such invalidity.

25 Section 5. All ordinances and resolutions or parts of ordinances and resolutions and all
26 sections and parts of sections in conflict herewith shall be and hereby are repealed.

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Section 6. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this 5th day of August, 2022.

CITY OF BOCA RATON, FLORIDA

ATTEST:

Mary Siddons
Mary Siddons, City Clerk

Scott Singer
Scott Singer, Mayor

Approved as to form:

Diana Grub Frieser
Diana Grub Frieser
City Attorney

COUNCIL MEMBER	YES	NO	ABSTAINED
MAYOR SCOTT SINGER	✓		
DEPUTY MAYOR ANDREA LEVINE O'ROURKE	✓		
COUNCIL MEMBER YVETTE DRUCKER	✓		
COUNCIL MEMBER MONICA MAYOTTE	✓		
COUNCIL MEMBER ANDY THOMSON	✓		