

ORDINANCE NO. 2022-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREENACRES, FLORIDA, REPEALING CHAPTER 8, "LICENSES AND BUSINESS REGULATIONS", ARTICLE III, "BUSINESS TAXES", SECTION 8-74, "CONVERSION THERAPY PROHIBITED"; PROVIDING FOR CONFLICTS SEVERABILITY, CODIFICATION; AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, in the case of *Otto, et al vs. City of Boca Raton and County of Palm Beach, Florida*, 981 F. 3d 854 (11th Cir. 2020) the United States Court of Appeals for the Eleventh Circuit found the City of Boca Raton's prohibition on conversion therapy to be an unconstitutional restriction on speech in violation of the First Amendment to the United States Constitution; and

WHEREAS, Section 8-74 of the Greenacres Code of Ordinances similarly prohibits the practice of conversion therapy on any minor within the City of Greenacres ("City"); and

WHEREAS, while the City desires to continue protecting minors from the harmful effects of conversion therapy, the City recognizes the potential impact of the Court's decision; and

WHEREAS, the City therefore deems it prudent to repeal section 8-74, Conversion Therapy Prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance as if fully restated herein.

Section 2. Chapter 8, "Licenses and Business Regulations", Article III, "Business Taxes", section 8-74, "Conversion Therapy Prohibited", is hereby repealed and deleted in its entirety, as follows:

Sec. 8-74. – Reserved. ~~Conversion therapy prohibited.~~

~~(a) Any provider who engages in the practice of conversion therapy on any individual who is a minor, regardless of whether the provider receives monetary compensation in exchange for services, shall have his or her business tax receipt revoked and shall thereafter be ineligible for a business tax receipt in the same field of business within the city for a period of six (6) months.~~

~~(b) Any provider alleged to be in violation of this section shall be entitled to a hearing before the city's special magistrate. A finding that the provider is in violation must be~~

~~established by competent substantial evidence from a direct source and cannot be based solely upon hearsay evidence.~~

~~(c) In the event a provider whose business tax receipt has been revoked and continues to operate his or her practice within the city limits, the city may seek an injunction from a court of competent jurisdiction to close the provider's business.~~

~~(d) Definitions. As used in the section, the following definitions apply:~~

~~*Provider* means any person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under F.S. Chapters 456, 458, 459, 490, or 491, as such chapters may be amended, including but limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors. A provider does not include members of clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants, as long as they do not hold themselves as operating pursuant to any of the aforementioned Florida statutory licenses.~~

~~*Minor* is defined as any person under the age of eighteen (18) years.~~

~~*Conversion therapy* is defined as any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex. Conversion therapy does not include counseling that provides support and assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.~~

Section 3. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4. Severability. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5. Codification. The sections of the ordinance may be made a part of the City Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "division", or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

Passed on the first reading this 28th day of September 2022.

PASSED AND ADOPTED on the second reading this 17th day of October 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Deputy Mayor

Voted:

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney
