



# Broward County

## Legislation Text

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File #: 22-1195, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### **Information**

#### **Requested Action**

**MOTION TO ENACT** Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE PROHIBITION OF CONVERSION THERAPY ON MINORS; REPEALING SECTIONS 16½-166 THROUGH 16½-169 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

#### **Why Action is Necessary**

The proposed Ordinance was prepared by the Office of the County Attorney in response to the below-referenced federal court decision.

#### **What Action Accomplishes**

Allows for the Board's consideration of the proposed Ordinance.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

#### **Summary Explanation/Background**

On December 8, 2020, the Board directed the Office of the County Attorney to prepare an Ordinance or otherwise conform Section 16½-166, et seq., of the Broward County Code of Ordinances ("Code"), Prohibition on Conversion Therapy on Minors, to address a decision by the Eleventh Circuit Court of Appeals finding that a similar local ordinance was unconstitutional. The Board also authorized the Office of the County Attorney to join, on behalf of Broward County, an amicus brief filed by the City of Miami and the City of Miami Beach in support of a motion for rehearing and rehearing en banc (en banc means that the entire appeals court, and not merely a three-judge panel, reviews the case) before the Eleventh Circuit Court of Appeals in *Otto v. City of Boca Raton*. The Eleventh Circuit's ruling was not final pending disposition of that motion. On July 20, 2022, the Eleventh Circuit denied the motion.

The proposed Ordinance would repeal Sections 16½-166 through 16½-169 of the Code. If the proposed Ordinance is enacted the County will continue to analyze and meet with stakeholders about potentially replacing the Ordinance. Further specifics regarding this matter will be addressed during agenda briefings.

This public hearing has been advertised with adequate notice to allow the Board's consideration of this item on August 25, 2022.

**Source of Additional Information**

Adam M. Katzman, Senior Assistant County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.