



Please respond to:

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**MEMORANDUM (via e-mail)**

**Rand Hoch**  
President & Founder  
WEST PALM BEACH

**Jessica Blackman**  
Vice President  
PALM BEACH GARDENS

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**W. Trent Steele**  
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To: Mayor Susan Haynie  
Deputy Mayor Jeremy Rodgers  
Councilman Scott Singer  
Councilwoman Andrea Levine O'Rourke  
Councilman Robert S. Weinroth  
City Manager Leif Ahnell  
City Attorney Diana Grub Frieser

From: W. Trent Streele, Esq., PBCHRC Board Member  
Judge Rand Hoch (retired), President and Founder  
Jamie Todd Foreman-Plakas, Esq., PBCHRC Board Member

Re: Memorandum of Law - Conversion Therapy Ban Ordinance

Date: August 25, 2017

**Background**

We have reviewed the July 20, 2017 e-mail sent to you from **The National Task Force for Therapy Equality** with the attachments from **the Alliance for Therapeutic Choice and Scientific Integrity (ATSCI)**. They are nearly identical to information sent to numerous other municipalities in Palm Beach County over the past few weeks.

These two organizations, along with the **NARTH Institute** (which is part of ATSCI) are basically trade organizations to protect therapists engaged in conversion therapy. They all advocate for the right to carry on their practices and they provide training for conversion therapy practitioners.

If you have not already heard from **Dr. Julie Herran Hamilton, Ph.D., LMFT**, and **The Liberty Counsel**, it is likely that you will in the near future.

Dr. Hamilton, a therapist licensed by the State of Florida who maintains an office in Palm Beach Gardens, has long been a public figure advocating for conversion therapy – or as she calls it “sexual orientation change efforts” (SOCE) – and is a local practitioner. For more than a year, she has repeatedly tried – and has failed each time – to prevent municipalities in Palm Beach County from enacting bans on conversion therapy for minors.

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Dr. Hamilton's *Handbook of Therapy for Unwanted Homosexual Attractions: A Guide for Treatment*, which is available for purchase on her website, is used by conversion therapy practitioners in those states and municipalities that have not yet prohibited the practice. Dr. Hamilton's work with both patients and practitioners is the main impetus behind PBCHRC's campaign to prohibit the use of conversion therapy/reparative therapy/sexual orientation change efforts on minors throughout Florida.

According to the biography on her website, [www.drjuliehamilton.com](http://www.drjuliehamilton.com), Dr. Hamilton "conducts seminars for pastors and Christian leaders on the origins of homosexuality and how to minister to homosexuals." She has produced a video entitled, *Homosexuality 101: Where Does it Come From, Is Change Possible, and How Should Christians Respond?* There is a direct link on Dr. Hamilton's website ([www.homosexuality101.com](http://www.homosexuality101.com)) to view this video.

Dr. Hamilton's listing on the website of the South Florida Association of Christian Counselors includes "Unwanted Sexual Attraction" as one of her "areas of concern".

While she generally identifies herself as the former president of the Alliance for Therapeutic Choice and Scientific Integrity, Dr. Hamilton served as president of NARTH, the National Association for Research and Therapy of Homosexuality, from 2009 to 2011. NARTH was an extremely well-funded for-profit organization made up of therapists, like Dr. Hamilton, who sought to diminish the rights of LGBT people by singling us out as having mental disorders. The organization advocated anti-LGBTQ therapy for children as young as three years old and encouraged parents to have their children marginalize and ridicule their LGBT classmates. A national conference Dr. Hamilton organized for NARTH in Palm Beach County in 2009 drew more than 100 anti-NARTH protesters. Although the organization's 501(c)(3) tax exempt status was revoked by the Internal Revenue Service in 2012, NARTH and The Alliance for Therapeutic Choice and Scientific Integrity are joined at the hip and hold annual "training sessions" together.

Although she has not attended law school and is not a lawyer, Dr. Hamilton repeatedly makes arguments concerning legal issues related to enacting bans on conversion therapy for minors. In contrast, the three of us have been licensed as attorneys by the state of Florida for a combined total of more than 80 years. Having conducted extensive research on enacting conversion therapy ordinances, we hold ourselves out as experts on the law relating thereto.

**The Liberty Counsel**, which has been classified as a "hate group" by the Southern Poverty Law Center is a legal organization advocating for anti-LGBT discrimination under the guise of religious liberty. For more than a year, the organization has sent letters to municipalities throughout Florida advising them that it "stands ready to vindicate the rights of counselors, minors and parents" should they enact ordinances banning conversion therapy for minors. Over the past eighteen months, ordinances banning conversion therapy for minors have been enacted in a dozen Florida municipalities (West Palm Beach, Lake Worth, Boynton Beach, Riviera Beach, Delray Beach, Miami, Wellington, Greenacres, Wilton Manors, Miami Beach, Bay Harbor Islands, El Portal, Key West and Tampa). To date, not a single lawsuit has been filed, nor has The Liberty Counsel taken any steps to otherwise take action on their hollow threats to "vindicate the rights of counselors, minors and parents."

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Please keep in mind that despite the legal opinions raised by the opponents, all of the municipal attorneys in the twelve Florida municipalities which have enacted conversion therapy bans have concluded that there are no legal impediments to enacting ordinances banning conversion therapy for minors. In addition, the Miami-Dade County Attorney has reached the same conclusion, and their ordinance, which was passed unanimously earlier this summer, is set for Final Hearing on September 9, 2017.

This Memorandum of Law will address the arguments and concerns raised by the various organization which have contacted – or may contact – the City in an attempt to prevent you from protecting the children of Boca Raton from the harm caused by conversion therapy.

**I. Municipalities are not preempted from enacting ordinances to ban conversion therapy for minors by licensed professionals**

As you know, the State of Florida can restrict the home rule powers of counties and municipalities through preemption and such preemption would preclude a city or county from exercising authority in a particular area. Nevertheless, the Florida Supreme Court has held that local governments “have broad powers of self-government” and “broad authority to ‘enact ordinances not inconsistent with general law.’” *Phantom of Brevard, Inc. v. Brevard County*, 3 So.3d 309, 314 (Fla. 2008). In reliance thereon, Florida courts have repeatedly recognized that municipalities can enact laws which do not conflict with state laws, such as fireworks, alcohol sales, elections and emergency medical services – just to name a few. *See also*. Article . VIII, Section 1(g) of the Florida Constitution.

Florida courts have recognized two types of preemption: express and implied. *Santa Rosa County v. Gulf Power Co.*, 635 So. 2d 96, 101 (Fla. 1st DCA 1994). Express preemption “requires that the statute contain specific language of preemption directed to the particular subject at issue;” while, “[i]mplied preemption occurs if a legislative scheme is so pervasive that it occupies the entire field, creating a danger of conflict between local and state laws.” *See, Tallahassee Memorial Regional Medical Center, Inc. v. Tallahassee Medical Center, Inc.*, 681 So. 2d 826, 831 (Fla. 1st DCA 1996). “Preemption of a field by the Legislature must be accomplished by clear language stating that intent.” *Sarasota All. For Fair Elections, Inc. v. Browning*, 28 So.3d 880, 886 (Fla. 2010) (citing *City of Hollywood v. Mulligan*, 934 So.2d 1238, 1243 (Fla. 2006)).

Preemption is typically associated with an express state legislative declaration of preemption—i.e. a statute will expressly state that a local government “shall not adopt” an ordinance altering the language of the statute. Home rule powers however can also be preempted by the legislature if the local government action is found to be (1) conflicting with state law, (2) inconsistent with a pervasive regulatory scheme, or (3) attempting to exercise control over an area in which the legislature has assigned contrary responsibility among governmental units.

Examples of express preemption are easily discernable in laws enacted by the Florida legislature. For example, §509.032(7)(b), Fla. Stat. (2014) expressly prohibits local governments from enacting laws or ordinances from prohibiting vacation rentals or the duration or frequency of vacation rentals.

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Similarly, Section 125.0107, Florida Statutes specifically provides that “(n)o county may adopt any ordinance relating to the possession or sale of ammunition.”

On the other hand, very few Florida statutes *expressly* preempt local governments from regulating in the health care field. Some examples are in cases of a declared public health emergency, food manufacturing and sale, child or truck bed restraints, family day care homes, and emergency medical transportation. *See*, Sections 381.00315(6), 500.12(5), 316.613, 166.0445 and 401.2101-401.465, Florida Statutes, respectively.

In comparison, in areas such as the regulation of juvenile detention facilities, fireworks, and animal control or cruelty, the courts and Florida legislature have stated that local governments may enact more stringent standards than those enacted or enforced by the state. *See*, Chapter 985, and Sections 791.012 and 767.10 to 15, Florida Statutes, respectively.

In *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011 (Fla. 2nd DCA 2005), a fireworks seller sued Pinellas County, seeking to have a county fireworks ordinance declared unconstitutional because it was preempted by a state statute (Chapter 791) which expressly regulated the sale and use of fireworks. The court in *Phantom* upheld the constitutionality of the local ordinance. The court noted that the limited penalties and lax enforcement of the state statute often led to police officers turning a blind eye to stores selling fireworks to children and parents who allowed children to play with dangerous fireworks. Thus, in 2003, the Pinellas County Commissioners enacted a tougher set of local ordinances to protect children and adults from dangerous fireworks. As the court noted, “the fact that an ordinance imposes additional requirements on a person or business is not evidence of conflict.” *Id.* at 1020.

Additionally, in *Randolph v. Family Network on Disabilities of Florida, Inc.*, 2012 WL 71719 (M.D. Fla. 2012), a federal court upheld the enforcement of a Leon County ordinance prohibiting discrimination on the basis of sexual orientation despite an argument that it was impliedly preempted by the Florida’s Civil Rights Act (Chapter 760), which does not include sexual orientation as a protected group. The court dismissed the argument, finding that the local ordinance could coexist with the state statute, because the state statute never addressed sexual orientation.

Since Florida Statutes do not expressly prohibit local government from enacting laws prohibiting conversion therapy, there is no “express preemption.”

Implied preemption is a “severely restricted and strongly disfavored doctrine.” *Exile v. Miami-Dade County*, 35 So.3d 118, 119 (Fla. 3d DCA 2010). The Florida Supreme Court has cautioned that “courts are ‘careful in imputing an intent on behalf of the Legislature to preclude a local elected governing body from exercising its home rule powers.’” *Sarasota*, 28 So. 3d at 886 (quoting *Tallahassee Memorial Regional Medical Center, Inc. v. Tallahassee Med. Ctr., Inc.*, 681 So. 2d 826, 83q (Fla. 1st DCA 1996). Indeed, “implied preemption is actually a decision by the courts to create preemption in the absence of an explicit legislative directive. Courts are understandably reluctant to preclude a local

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elected governing body from exercising its local powers.” *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1019 (Fla. 2d DCA 2005). Because “the legislature can easily create express preemption by including clear language in a statute, there is little justification for the courts to insert such words into a statute.” *Id.*

In *Sarasota Alliance for Fair Elections v. Browning, supra.*, the Florida Supreme Court addressed implied preemption at length, writing, in pertinent parts:

**Preemption is implied "when `the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.'" [citation omitted]** Implied preemption is found where the state legislative scheme of regulation is pervasive **and the local legislation would present the danger of conflict with that pervasive regulatory scheme.** [citations omitted] In determining if implied preemption applies, the court must look "to the provisions of the whole law, and to its object and policy." [citation omitted] . The nature of the power exerted by the Legislature, the object sought to be attained by the statute at issue, **and the character of the obligations imposed by the statute are all vital to this determination.** [citation omitted] .

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**... Florida courts have not found an implied preemption of local ordinances which address local issues.** As even the Second District explained in the instant case, "[i]t generally serves no useful public policy to prohibit local government from deciding local issues." [citation omitted]. For example, in *Phantom of Clearwater, Inc. v. Pinellas County*, the Second District concluded that a local ordinance regulating businesses that sold fireworks was not preempted by state statutes regulating both the sale and use of fireworks. [citation omitted] ... The court determined that this did not constitute a "pervasive scheme of regulation." Further, **it found "no strong public policy reason that would prevent a local government from enacting ordinances in this area so long as they do not directly conflict" with the statutes.**[citation omitted] .

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This statutory scheme undoubtedly recognizes that **local governments are in the best position to make some decisions for their localities.**

(all of the emphases added)

Opponents to banning conversion therapy try to claim that Chapter 456 of Florida’s statute regulating health professions and occupations impliedly preempts any local regulation by counties. However, Section 456.003(2)(b), Florida Statutes, expressly recognizes that the public may also be “protected by other means, including but not limited to, other state statutes, local ordinances, or federal legislation” addressing health care professionals such as licensed therapists. Municipal

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attorneys in West Palm Beach, Delray Beach and Wellington, all of whom have addressed this baseless concern have all concluded that Section 456.003, Florida Statutes, which regulates health professions and occupations, does not pre-empt their municipalities from regulating in this area.

Opponents – especially The Liberty Counsel – have failed to identify any other state legislation inconsistent with the proposed ordinance, nor do they contend that the Legislature has issued any “clear language” necessary to establish the State’s intent to preempt the regulation of therapists. Instead, they rely solely on the doctrine of “implied preemption.” However, they do not – and cannot – cite any case where a court struck down a local ordinance based on the implied preemption doctrine. In fact, in all of the cases cited by The Liberty Counsel, the local ordinances were upheld against such challenges!

**II. The Florida Patient’s Bill of Rights does not prevent municipalities  
from banning conversion therapy for minors  
by professionals licensed by the State of Florida**

Opponents of conversion therapy bans have recently argued that Florida’s Patient’s Bill of Rights (Section §381.026, Florida Statutes) acts as a bar to any efforts by local governments to enact protection for minors from receiving protection from conversion therapy.

A very recent decision of the Florida Supreme Court, *D’Agastino v. City of Miami*, 220 So.3d 410 (Fla. 2017), involved the ability of a county government to enact a local ordinance establishing a Civilian Investigative Panel (CIP) to oversee and investigate police misconduct, despite the existence of a state law called the Police Bill of Rights (Section 112.532, Florida Statutes). In its decision, the local CIP not only retained its general legitimacy, but it also retained its powers and authority to investigate complaints of police misconduct by Miami police officers, to review investigations conducted by the department’s Internal Affairs divisions, to critique the department’s policies, and to make recommendations to which the police chief must respond. The only limitation imposed on the CIP by the court was that it may not use its subpoena power to summon and interrogate an “officer under investigation” because such use of subpoena power was inconsistent with the special rights conferred on police officers by the Police Bill of Rights that gives affirmative interrogation protections to police suspects that go far beyond the 5th and 14th amendment protections the rest of us receive.

While opponents argue that Florida’s Patient’s Bill of Rights acts as a bar to any efforts by local governments to enact protection for minors from receiving protection from conversion therapy, the Police Bill of Rights and the Patient’s Bill of Rights are vastly different in scope and protection.

The Police Bill of Rights expressly states that it “shall be the procedure for investigating a complaint against a law enforcement and correction officer” “notwithstanding any other law or ordinance to the contrary.” Section 112.533(1)(a), Florida Statutes. Florida’s Patient’s Bill of Rights on the other

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hand states that “this section ... neither expands nor limits any rights or remedies provided under any other law.” Section 381.026(3), Florida Statutes.

The Patient’s Bill of Rights is in many ways similar to Florida’s Civil Rights Act in that it provides no protections for people based upon their sexual orientation or identity. In defining the rights of patients under the state law, it states that “a patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, or source of payment.” *See*, Section 381.026, Florida Statutes. The statute mentions nothing about the right to impartial access to medical treatment based upon one’s sexual orientation. Just as in the *Randolph v. Family Network on Disabilities of Florida, Inc.* discussed above, the mere fact that the state does not prohibit discriminatory medical treatment based on one’s sexual orientation does not prohibit a local government from prohibiting such discrimination.

In short, there is no conflict between a local ordinance banning conversion therapy and state regulation. Mental health care providers may comply with the ordinance without violating any duty under state law. Because there is no evidence that the Legislature has expressly or impliedly preempted the subject matter of the proposed ordinance, the ordinance is a valid exercise of the City’s home rule authority.

### **III. Conversion therapy bans for minors are permitted despite claims of parental rights to determine health care decisions for children**

Opponents of conversion therapy have argued that parents have the exclusive and unqualified right to determine health care decisions for their children, and if you enact a ban, you will be infringing on those rights. However, parents do not have unfettered rights concerning their children. There are laws requiring compulsory school attendance, mandating school uniforms, requiring vaccinations, and imposing curfews on minors. There are also laws prohibiting parents from providing their children with drugs that have not been approved by the FDA. Challenges to all of the conversion therapy bans have been rejected by the courts because government has a compelling interest in protecting children – and has broad authority to do so. Indeed, the U.S. Supreme Court has specifically ruled that “where parental involvement threatens to harm the child, the parent's authority must yield.” *Hodgson v. Minnesota*, 497 U.S. 417 (1990).

### **IV. Enacting a conversion therapy ban does not constitute violations of freedom of speech**

Conversion therapy ban opponents, including the Alliance for Therapeutic Choice and Scientific Integrity and Dr. Hamilton have argued that restricting minors’ access to licensed professional conversion therapy practitioners is in violation of the First Amendment to the U.S. Constitution. They claim that the bans rob practitioners of the ability to provide needed services and limit the ability of both therapists and minor patients of their ability to choose what they can talk about in therapy sessions. Dr. Hamilton argues that the ordinances ban “talk therapy” making it illegal for

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minor clients to have conversations with their therapists about “change of attractions, behavior, or identity.”

These arguments have been litigated extensively across the U.S. over the past decade. For example, in *King v. Governor of New Jersey*, 767 F.3d 216 (3d Cir.2014), *cert. denied*, 767 F.3d 216 (2015), the court held that a statute banning conversion therapy of minors did not violate anyone’s First Amendment rights because it found that speech occurring as part of sexual orientation conversion efforts is “professional speech” that is **not** entitled to First Amendment’s full protection. The conversion therapy proponents in *King* asked the United States Supreme Court to review this decision and overturn it, but the Supreme Court refused. A similar result was reached by the Ninth Circuit Court of Appeals in *Pickup v. Brown*, 740 F.3d 1208 (9th Cir. 2013) where the court upheld a statute banning conversion therapy of minors. The court found the First Amendment does not prohibit a doctor from losing his or her license based upon what the doctor tells the patient. As the court noted, “a doctor may not counsel a patient to rely on quack medicine.”

In fact, **every court in the United States which has addressed the issue has rejected the argument.** Moreover, on four occasions – as recently as May 1, 2017 – the U.S. Supreme Court had declined to review lower court decisions upholding conversion therapy bans on a First Amendment basis.

Moreover, the Florida ordinances all include the following narrow definition:

“Conversion therapy” or “reparative therapy” is defined, interchangeably, 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 shall not include counseling that provides acceptance, 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.

(emphasis added)

As you can see, nothing in the ordinance would prevent minors from going to a licensed professional therapist to talk about what conversion therapy practitioners refer to as their “unwanted sexual attraction.” Nothing. However, therapists are prohibited from engaging in *conduct* – their so-called “therapeutic” methods to change a person’s sexual orientation or gender identity.



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#### **V. The Florida Legislature has never considered a statewide ban on conversion therapy for minors**

Dr. Hamilton and other opponents have repeatedly suggested that the Florida Legislature has considered bills to ban conversion therapy for minors and have refused to enact a statewide ban on conversion therapy for minors. That is not true.

Although bills to ban conversion therapy have been introduced in the Florida Senate by Senator Jeff Clemens for several years, **at no time have any of the bills even been considered by a single legislative committee, let alone the full House or Senate.** In fact, out of the 1,842 bills filed in the Florida Senate and House of Representatives in the 2017 session, 1,346 bills (73% of the bills filed) – including the bills to ban conversion therapy – never even made it to a committee for a hearing.

#### **VI. Federal Trade Commission Complaints**

In February 2016, the Human Rights Campaign, the Southern Poverty Law Center and the National Center for Lesbian Rights filed a “Complaint to Stop False, Deceptive Advertising and other Business Practices” with the Federal Trade Commission against People Can Change, Inc. – a business which advertises that it can change people’s sexual orientation or gender identity through therapy. No action has been taken on the Complaint.

In May 2017, the National Task Force for Therapy Equality (NATE) and its leader, Christopher Doyle, filed a “Report to the Federal Trade Commission” entitled “in “In Their Own Words, Lies Deception and Fraud.” Underneath the title appear the following words: Southern Poverty Law Center, Human Rights Campaign and the National Center for Lesbian Rights’ Hate Campaign to Ban Psychotherapy for Individuals with Sexual and Gender Identity Conflicts.” (Mr. Doyle, who the conversion therapy industry attempted to call as an “expert witness” in support of conversion therapy in a case in New Jersey, was prohibited from testifying because of his fraudulent credentials.)

The “Report” is clearly not an FTC complaint. It is merely diatribe submitted on behalf of seven organizations – three of which have been classified as “hate groups” by the Southern Poverty Law Center. However, the filing of the “Report” allowed National Task Force for Therapy Equality to send out a press release announcing that the organization had filed “a consumer fraud complaint.” This news was picked up by many conservative religious organizations across the U.S.

#### **VII. Dr. Hamilton’s other assertions are without merit**

Dr. Hamilton has repeatedly stated that enacting a ban on conversion therapy would be “extremely detrimental to so many individuals.” Contrary to what she suggests, “depressed teenagers” who want to talk with professionals about their “values, faith, and/or goals” would not be prohibited from doing so by enacting this ordinance. Licensed professionals would not be permitted however, to practice “quack medicine” by attempting to convert these minors from their sexual orientation. If

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these minors, or their parents want to discourage a certain sexual orientation, they could do so in someplace other than Boca Raton where conversion therapists are practicing in jurisdictions which have not banned conversion therapy (*e.g.* Palm Beach Gardens and Lake Clark Shores). Alternatively, they could seek religious counseling from any member of the clergy who is not a licensed therapist.

Furthermore, Dr. Hamilton's suggestion that minors exposed to gay (or straight) pornography would be prohibited from speaking to a licensed therapist about the experience is ridiculous. Nothing in the proposed ordinance prevents such counseling.

Dr. Hamilton's suggestion that sexually abused children or children with gender identity issues would be denied help if this ordinance were passed is similarly without merit. Sexual abuse does not change one's sexual orientation or gender identity. If a child or a parent wants to try to change a child's sexual orientation, nothing prohibits the child from seeking counseling from a member of the clergy, from a therapist where such counseling is legal, or from his or her parents. Further, the ordinances enacted to date in Florida do not in any way prevent a child from speaking with a licensed professional about sexual orientation or gender identity issues.

Ten states, the District of Columbia, a dozen municipalities in Florida and additional municipalities around the country have enacted laws banning conversion therapy for minors. A few have been challenged in court, yet not one has been overturned. By failing to enact conversion therapy bans, elected officials will harm many more families than any imagined harm perceived by Dr. Hamilton.

### VIII. Conclusion

If Boca Raton enacts a ban on conversion therapy, minors will still be able to seek therapy and counseling from licensed professionals – and they can discuss anything with their therapists. The *only* restriction imposed by the ordinance is that the treatment cannot be done with *with the goal* of changing an individual's sexual orientation or gender identity.

The information provided to you by opponents of banning conversion therapy is all based on pseudoscience which has been rejected not only by virtually all of the national medical and mental health organizations, but also by the courts which declined to overturn conversion therapy bans.

Since Dr. Rachel Needle, a local psychologist who is an expert on the effects of conversion therapy, will be appearing before you to address these matters at First Reading or at Final Hearing (your choice), PBCHRC will decline to address the expert opinions of the medical and mental health communities at this time.

If you have any questions, please do not hesitate to contact us directly.

copies via e-mail to: PBCHRC Board of Directors

**From:** [Paulette Burdick P.](#)  
**To:** [BCC-All Commissioners](#)  
**Cc:** [Verdenia Baker](#); [Denise Marie Nieman](#)  
**Subject:** Conversion Therapy  
**Date:** Thursday, December 07, 2017 9:10:00 AM

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----- Forwarded message -----

From: **Les Rivkin** <[les\\_rivkin@yahoo.com](mailto:les_rivkin@yahoo.com)>  
Date: Wed, Dec 6, 2017 at 8:37 PM  
Subject: Conversion Therapy  
To: Paulette Burdick <[burdick71012@gmail.com](mailto:burdick71012@gmail.com)>

Hi Paulette

Would you please read and forward to all the other commissioners (I couldn't get their e-mail addresses from the web-sight) for them to read.

I can't imagine any ethical counselor wanting to promote or evoke Conversion Therapy. This is not a therapy but a coercive form of brainwashing and intimidation aimed at a planned and specific outcome. Every reputable national organization providing therapy has gone on record as being against conversion therapy. This includes such as the American Psychiatric Association, American Psychological Association, American Medical Association, National Association of Social Workers, National School Counselors Association etc, etc. A ban on conversion therapy is definitely not a ban on freedom of speech but a ban on speech which attempts to change the basic core identification of an individual based on religious ideology and outdated social mores. In fact conversion therapy is diametrically opposite free speech. It attempts to force persons into belief systems that are antithetical to their true sexual nature and identity.

Thanks Paulette for your assistance in distributing this blurb.

Les Rivkin  
Long Days and Pleasant Nights--S. King

Regards,

*Paulette Burdick*  
County Commissioner  
District Two

*Florida has a very broad public records law. Most written communications to or from local government officials are public records available to the public and media upon request. Your e-mail communications may, therefore, be subject to public disclosure.*

**From:** [Melissa McKinlay](#)  
**To:** [Nick Sofoul](#)  
**Subject:** Re: Support for Conversion Therapy Ban  
**Date:** Monday, December 18, 2017 10:27:56 PM

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Thanks

Sent from my iPhone

On Dec 18, 2017, at 10:16 PM, Nick Sofoul <[nsofoul@gmail.com](mailto:nsofoul@gmail.com)> wrote:

Distinguished Commissioners,

I'm writing to you in SUPPORT of a the proposed ban on "conversion therapy" for minors. As a resident and a member of the LGBT community, I have personally heard and been moved by the horrific stories of friends that have been subject to these cruel and inhumane methods. Passing this ordinance would send a strong message that PBC stands with the LGBT community in protecting children from mental and physical abuse of these archaic and dangerous practices.

Thank you for your continued leadership. I am a proud PBC resident and hope that you will make the right choice and not be swayed by potential legal challenges by people who dedicate their lives to hatred and intolerance. Please vote in the affirmative.

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.nbcnews.com\\_feature\\_nbc-2Dout\\_outfront-2Dlgbtq-2Dactivist-2Dfights-2Dend-2Dconversion-2Dtherapy-2Dn708816&d=DwIFaQ&c=JMjxdiofvjJKeebMXBrIn8vDKQGaIrsQQJbzDQHviG0&r=Cu4R514FyZoqqp-Ua9A6wDw8514ndq5dV-cN8-a0jDA&m=t0Biz2omCJb1aeBh4Kpp4TZRYvN-hBE2rcy3Riy9sOo&s=FDezZ2IzzAQHQZhA8mgJfiB0lqLqrQsKGO3o7divQbE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.nbcnews.com_feature_nbc-2Dout_outfront-2Dlgbtq-2Dactivist-2Dfights-2Dend-2Dconversion-2Dtherapy-2Dn708816&d=DwIFaQ&c=JMjxdiofvjJKeebMXBrIn8vDKQGaIrsQQJbzDQHviG0&r=Cu4R514FyZoqqp-Ua9A6wDw8514ndq5dV-cN8-a0jDA&m=t0Biz2omCJb1aeBh4Kpp4TZRYvN-hBE2rcy3Riy9sOo&s=FDezZ2IzzAQHQZhA8mgJfiB0lqLqrQsKGO3o7divQbE&e=)

Respectfully,

Nicholas A. Sofoul, AICP  
8151 Brigamar Isles Ave  
Boynton Beach, FL 33473

Cell: (407)267-6682

**From:** [Curt Carlson](#)  
**To:** [Melissa McKinlay](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:30:24 PM

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Dear Commissioner McKinlay,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Mack Bernard](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:31:50 PM

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Dear Commissioner Bernard,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Hal Valeche](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:32:54 PM

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Dear Commissioner Valeche,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Paulette Burdick P.](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:33:49 PM

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Dear Commissioner Burdick,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
*Sent via iPhone*



**From:** [Curt Carlson](#)  
**To:** [Steven Abrams](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:35:16 PM

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Dear Commissioner Abrams,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Dave Kerner M.](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:34:33 PM

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Dear Commissioner Kerner,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**

*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [MaryLou Berger](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:36:07 PM

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Dear Commissioner Berger,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**

*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [MaryLou Berger](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:40:51 PM

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Dear Commissioner Berger,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**

6835 Osage Cir  
Greenacres FL 33413

*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Dave Kerner M.](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:42:16 PM

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Dear Commissioner Kerner,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**

6835 Osage Cir  
Greenacres FL 33413

*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Steven Abrams](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:41:38 PM

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Dear Commissioner Abrams,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
6835 Osage Cir  
Greenacres FL 33413  
*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Paulette Burdick P.](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:43:17 PM

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Dear Commissioner Burdick,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
6835 Osage Cir  
Greenacres FL 33413  
*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Mack Bernard](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:45:23 PM

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Dear Commissioner Bernard,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
6835 Osage Cir  
Greenacres FL 33413  
*Sent via iPhone*



**From:** [Curt Carlson](#)  
**To:** [Hal Valeche](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:44:47 PM

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Dear Commissioner Valeche,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
6835 Osage Cir  
Greenacres FL 33413  
*Sent via iPhone*

**From:** [Curt Carlson](#)  
**To:** [Melissa McKinlay](#)  
**Subject:** Please STOP conversion therapy on minors  
**Date:** Monday, December 18, 2017 10:46:07 PM

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Dear Commissioner McKinlay,

Conversion therapy has been demonstrated in research to be ineffective and sometimes profoundly harmful to children who receive it. All major American psychiatric and psychological societies have denounced conversion therapy as unproductive and potentially damaging to young patients. Please vote to stop licensed mental health practitioners from imposing this procedure on minors. Thank you for looking out for the welfare of our young, often defenseless, citizens.

**Curt J. Carlson, M.D., Pharm.D.**  
6835 Osage Cir  
Greenacres FL 33413  
*Sent via iPhone*

U.22.84RAGap

ORDINANCE NO. 84-8

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
PALM BEACH COUNTY, FLORIDA, ADOPTING A CHARTER FOR  
PALM BEACH COUNTY, FLORIDA; PROVIDING FOR TITLE;  
PROVIDING FOR ADOPTION OF CHARTER; PROVIDING FOR  
REFERENDUM; PROVIDING FOR FORM OF NOTICE; AND  
PROVIDING FOR EFFECTIVE DATE.

**AMENDED**  
10-18-84

WHEREAS, Section 1(c), Article VIII of the Constitution of the  
State of Florida provides that by general law a county government may be  
established by charter, and

WHEREAS, the optional county charter law, Sections 125.80  
through 125.88, Florida Statutes, (inclusive), provide that the Board of  
County Commissioners may propose a charter by ordinance subject to  
approval of the charter by referendum, and

WHEREAS, the Board of County Commissioners through its staff  
has proposed a charter it feels would provide better government for Palm  
Beach County, and

WHEREAS, informational hearings on the charter have been held  
throughout Palm Beach County to inform the public about the charter and  
to receive suggestions to improve the charter, and

WHEREAS, passage of this ordinance will allow the residents of  
Palm Beach County to adopt the proposed charter or not at a general  
election to be held November 6, 1984,

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

SECTION 1 - TITLE:

This ordinance may be cited as the "Charter Adoption  
Ordinance".

SECTION 2 - ADOPTION OF CHARTER:

Subject to the approval of the electorate as required by the  
Constitution and Laws of Florida and Section 3 of this ordinance, the  
charter entitled "Charter of Palm Beach County, Florida," which is  
attached to this ordinance and incorporated herein by reference, is

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1 adopted as the Charter for Palm Beach County, Florida pursuant to Section  
2 125.82, Florida Statutes, 1983 Edition.

3 SECTION 3 - REFERENDUM:

4 On November 6, 1984, a general election is to be held and in  
5 accordance with the requirements of the Constitution and Laws of Florida,  
6 the question on the ballot shall be as follows:

7 "Shall there be a home rule charter for Palm Beach County,  
8 Florida, providing for the restructuring of county government, which  
9 shall take effect January 1, 1985, as proposed by charter dated September  
10 11, 1984.

11 For Charter: 152,495

12 Against Charter: 92,776 "

13 SECTION 4 - FORM OF NOTICE:

14 The form of notice of the election by which this charter shall  
15 be submitted to referendum shall contain the complete text of the  
16 charter.

17 SECTION 5 - EFFECTIVE DATE:

18 The charter shall become law on January 1, 1985, if approved by  
19 a majority of those electors voting on the matter.

20 APPROVED AND ADOPTED by the Board of County Commissioners of  
21 Palm Beach County, Florida, on the 11th day of SEPTEMBER, 1984.

22 PALM BEACH COUNTY, FLORIDA, BY ITS  
23 BOARD OF COUNTY COMMISSIONERS

24 By *Ken Spillies*  
25 Chairman

26 APPROVED AS TO FORM AND  
27 LEGAL SUFFICIENCY

28 *[Signature]*  
29 County Attorney

30 Acknowledgement by the Department of State of the State of  
31 Florida, on this, the 20th day of September, 1984.

32 EFFECTIVE DATE: Acknowledgement from the Department of State  
33 received on the 24th day of September, 1984, at 4:41 P.M.  
34 .M., and filed in the Office of the Clerk of the Board of County  
35 Commissioners of Palm Beach County, Florida.

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ORDINANCE NO. \_\_\_\_\_

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HOME RULE CHARTER OUTLINE

PREAMBLE

Article I CREATION, POWERS & ORDINANCES OF HOME RULE CHARTER GOVERNMENT

Section 1.1 Creation and General Powers of Home Rule Charter Government

Section 1.2 Conflict with State Law

Section 1.3 Scope of County Ordinances-Conflict with Municipal Ordinances

Section 1.4 Conflict with Independent Special Districts

Article II FORM AND POWERS OF LEGISLATIVE AND EXECUTIVE BRANCHES

Section 2.1 County Manager Form

Section 2.2 Legislative Branch

Section 2.3 Vacancies

Section 2.4 Executive Branch

Article III SPECIFIC DUTIES OF LEGISLATIVE BRANCH

Section 3.1 Delegation of Authority

Section 3.2 Prevention of Conflict of Interest

Section 3.3 Protection of Health, Safety and Welfare

Section 3.4 Independent Audit

Article IV COUNTY OFFICES

Section 4.1 Elected Constitutional Officers

Section 4.2 Initial County Departments and Offices

Section 4.3 Office of the County Attorney

Section 4.4 Office of Internal Auditor

Section 4.5 Fire/Rescue Department

Article V SPECIAL PROVISIONS

Section 5.1 Initiative

Section 5.2 Recall

Article VI HOME RULE CHARTER EFFECTIVE DATE, TRANSITION, AMENDMENTS AND REVIEW

Section 6.1 Home Rule Charter Effective Date

Section 6.2 Home Rule Charter Transition

Section 6.3 Home Rule Charter Amendments

Section 6.4 Saving Clause

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ORDINANCE NO. \_\_\_\_\_

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CHARTER OF PALM BEACH COUNTY, FLORIDA

P R E A M B L E

WE, the voters of Palm Beach County, Florida, believing that governmental decisions affecting local interests should be made locally rather than by the State, and, in order to bring to our county the full home rule benefits of more responsive and efficient county government and improved cooperation between the municipalities and the county, do ordain and establish this Home Rule Charter for Palm Beach County, Florida.

Article I

CREATION, POWERS & ORDINANCES OF HOME RULE CHARTER GOVERNMENT

Section 1.1 Creation and General Powers of Home Rule Charter Government

Palm Beach County shall be a Home Rule Charter county, and, except as may be limited by this Home Rule Charter, shall have all powers of county self-government granted now or in the future by the Constitution and Laws of the State of Florida.

Section 1.2 Conflict with State Law

Nothing in this Home Rule Charter shall override or conflict with State Law or the State Constitution.

Section 1.3 Scope of County Ordinances - Conflict with Municipal Ordinances

Municipal ordinances shall prevail over county ordinances to the extent of any conflict regardless of the time of passage of the municipal ordinance.

Section 1.4 Conflict with Independent Special Districts

This Home Rule Charter shall not affect pre-existing independent special districts created by general law or Special Act of the State Legislature.

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ORDINANCE NO. \_\_\_\_\_

Article II

FORM AND POWERS OF LEGISLATIVE & EXECUTIVE BRANCHES

Section 2.1 County Manager Form

Palm Beach County shall operate under a County Manager form of government with separation of legislative and executive functions in accordance with the provisions of this Home Rule Charter. The County

12.4RAGap

1 Manager appointed under Section 2.4 herein shall be designated "County  
2 Administrator" and shall be hereinafter referred to as "County  
3 Administrator."

4 Section 2.2 Legislative Branch

5 The governing body of the county shall be a Board of County  
6 Commissioners composed of five (5) members serving staggered terms of  
7 four (4) years. One Commissioner residing in each district shall be  
8 elected by the electors of the county, except that the commissioner must  
9 reside within the district at the time of qualifying to run for that  
10 office and during his/her term of office must reside in the district from  
11 which he/she ran. Salaries of the Board of County Commissioners shall be  
12 the same as set by state law for the county commissioners of non-charter  
13 counties. The Board of County Commissioners shall be responsible for  
14 exercising and fulfilling all their powers and duties provided by the  
15 charter.

16 Section 2.3 Vacancies

17 Vacancies on the County Commission shall be defined and  
18 filled as provided by Florida Law.

19 Section 2.4 Executive Branch

20 The executive responsibilities and powers of the county, as  
21 authorized by the Board of County Commissioners, shall be assigned to and  
22 vested in a County Administrator. The County Administrator shall be  
23 appointed by and serve at the pleasure of the Board of County  
24 Commissioners. The County Administrator's salary shall be set by the  
25 Board of County Commissioners. The County Administrator shall be chosen  
26 on the basis of his/her professional training, executive and  
27 administrative experience and qualifications, and he/she shall reside  
28 within the county while so employed. Within 90 days after the adoption  
29 of this charter, the County Administrator shall present to the Board of  
30 County Commissioners the current Code of Laws and Ordinances and the  
31 Administrative Code with any recommended changes for their action. The  
32 codes shall contain the current ordinances, the rules of procedure  
33 adopted by the Board of County Commissioners, the organization of the  
34 county departments, the statements of established county policy, and

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12.4RAGap

1 administrative regulations. The Administrative Code shall provide a  
2 personnel system based on the merit system principle which shall include  
3 a job description and pay plan, fringe benefits, a personnel review  
4 system and a procedure for hearing terminations and other disciplinary  
5 actions for all county employees. The Administrative Code shall include  
6 an affirmative action plan.

7 Article III

8 SPECIFIC DUTIES OF LEGISLATIVE BRANCHES

9 Section 3.1 Delegation of Authority

10 The Board of County Commissioners shall retain its  
11 responsibility and authority to administer properly the affairs of the  
12 County and its ability to delegate the administration of its policies to  
13 the County Administrator.

14 Section 3.2 Prevention of Conflict of Interest

15 The Board of County Commissioners shall take whatever  
16 action is necessary on behalf of its residents to ensure that the county  
17 government's appointed officials, elected officials and employees abide  
18 by the Code of Ethics as set out in State law.

19 Section 3.3 Protection of Health, Safety and Welfare

20 It shall be the policy of the County to protect the health,  
21 safety and general welfare of all of the residents of Palm Beach County.  
22 The Board of County Commissioners may adopt appropriate ordinances to  
23 accomplish these purposes.

24 Section 3.4 Independent Audit

25 The Board of County Commissioners shall have an independent  
26 audit of its accounts and records each fiscal year as required by State  
27 law.

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ORDINANCE NO. \_\_\_\_\_

28 Article IV

29 COUNTY OFFICES

30 Section 4.1 Elected Constitutional Officers

31 The elected constitutional offices of Sheriff, Property  
32 Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of  
33 Elections shall remain as presently constituted.



12.4RAGap

1 The Board of County Commissioners shall make available all  
2 services provided by its Central Service Departments to the elected  
3 Constitutional Officers.

4 Section 4.2 Initial County Departments and Offices

5 The county department heads, with the exception of the  
6 County Attorney, Internal Auditor, and, initially, the Fire/Rescue  
7 Administrator, shall be appointed by the County Administrator, with  
8 advice and consent of the Board of County Commissioners, and shall be  
9 responsible to the County Administrator. The initial county departments  
10 and offices, which may be changed with Board of County Commissioners'  
11 approval, shall be as follows:

12 A. Central Service Departments

- 13 1. Budget
- 14 2. Financial Management
- 15 3. Employee Relations and Personnel
- 16 4. General Services
- 17 5. Office of Management and Program
- 18 Evaluation
- 19 6. Purchasing
- 20 7. Risk Management

21 B. General Operations Departments

- 22 1. Airports
- 23 2. County Library
- 24 3. Community Services
- 25 4. Engineering and Public Works
- 26 5. Parks and Recreation
- 27 6. Planning, Zoning and Building
- 28 7. Public Safety
- 29 8. Surface Transportation
- 30 9. Water Utilities

31 Section 4.3 Office of the County Attorney

32 There shall be a County Attorney selected by the Board of  
33 County Commissioners who shall serve at the pleasure of the Board. The  
34 office of County Attorney shall not be under the direction and control of

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2.4RAGap

1 the County Administrator, but shall instead be responsible directly to  
2 the Board of County Commissioners.

3 The Palm Beach County Attorney shall be an attorney  
4 licensed to practice law in the State of Florida for at least three  
5 years. Upon appointment, he/she shall be employed full time by said  
6 County. The County Attorney shall employ such assistant county attorneys  
7 and special assistant county attorneys, on either a full time or  
8 part-time basis, as may be necessary, subject to budget approval.

9 The office of County Attorney shall be responsible for the  
10 representation of Palm Beach County, the Board of County Commissioners,  
11 the County Administrator, and all other departments, divisions,  
12 regulatory boards and the advisory boards of county government in all  
13 legal matters relating to their official responsibilities. The office of  
14 County Attorney shall prosecute and defend all civil actions for and on  
15 behalf of Palm Beach County and the Board of County Commissioners, and  
16 shall review all ordinances, resolutions, contracts, bonds, and other  
17 written instruments.

18 Section 4.4 Office of the Internal Auditor

19 There shall be a County Internal Auditor selected by the  
20 Board of County Commissioners who shall serve at the pleasure of the  
21 Board. The office of County Internal Auditor shall not be under the  
22 direction and control of the County Administrator, but shall instead be  
23 responsible directly to the Board of County Commissioners.

24 The County Internal Auditor shall be a certified public  
25 accountant or certified internal auditor. Upon appointment, he/she shall  
26 be employed full time by said County. The County Internal Auditor shall  
27 employ such assistant county auditors, on either a full time or part-time  
28 basis, as may be necessary, subject to budget approval.

29 The office of County Internal Auditor shall be responsible  
30 for performing post audits and performance audits, and interfacing with  
31 all external auditors for the Board of County Commissioners, the County  
32 Administrator, and all other departments, divisions, regulatory boards  
33 and advisory boards of county government in all financial matters  
34 relating to their official responsibilities.

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1 Section 4.5 Fire/Rescue Department

2 There shall be a Fire/Rescue Administrator selected  
3 initially by the Board of County Commissioners. The Fire/Rescue  
4 Department shall not initially be under the direction and control of the  
5 County Administrator, but shall instead be responsible directly to the  
6 Board of County Commissioners. The Board of County Commissioners may,  
7 after four (4) years from the effective date of this Charter, place the  
8 Fire/Rescue Administrator and Department under the direction of the  
9 County Administrator.

10 The Fire/Rescue Administrator shall be responsible for the  
11 administrative and technical duties directly involving all activities of  
12 the Fire/Rescue Department and has authority and responsibility of the  
13 fire/rescue operations and shall exercise supervisory control over all  
14 members of the department. The Fire/Rescue Administrator shall adhere to  
15 all administrative policies in the Administrative Code.

16 Article V

17 SPECIAL PROVISIONS

18 Section 5.1 Initiative

19 The people of Palm Beach County shall have the right to  
20 initiate, county ordinances by filing with the Board of County  
21 Commissioners a copy of the proposed ordinance and a petition containing  
22 the signatures and addresses of not less than 7% of the number of voters  
23 qualified to vote in the last general election. The initiative process  
24 shall be available to the people to establish new ordinances and amend or  
25 repeal existing ordinances. Within 45 days after the filing of the  
26 petition with the Board, the Supervisor of Elections shall verify the  
27 signatures on said petition. Within 45 days after the petition is  
28 verified by the Supervisor of Elections, the Board of County  
29 Commissioners shall hold public hearings on the proposed ordinance  
30 according to law, and vote on it. If the Board of County Commissioners  
31 fails to adopt the proposed ordinance, they shall then place the  
32 ordinance for a referendum on the ballot at the next general election  
33 occurring at least 30 days after the Commission's vote for a referendum.  
34 If approved by a majority of those who voted the ordinance shall become

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ORDINANCE NO. \_\_\_\_\_

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1 effective on the date specified in the ordinance or if not specified in  
2 the ordinance, then it shall become effective January 1st following the  
3 election. None of the above provisions shall be available to the people  
4 for initiation, change, or modification of County budgetary provisions.

5 Section 5.2 Recall

6 The Board of County Commissioners shall be subject to  
7 recall as provided by Florida Statutes.

8 Article VI

9 HOME RULE CHARTER EFFECTIVE DATE, TRANSITION, AMENDMENTS, REVIEW

10 Section 6.1 Home Rule Charter Effective Date

11 This charter shall become effective on January 1, 1985.

12 Section 6.2 Home Rule Charter Transition

13 Unless expressly provided for otherwise in the Home Rule  
14 Charter, the adoption of this Home Rule Charter shall not affect any  
15 existing obligations of Palm Beach County, the validity of any of its  
16 ordinances, or the term of office of any elected county officer which  
17 terms shall continue as if this charter had not passed.

18 Section 6.3 Home Rule Charter Amendments

19 Amendments to this Home Rule Charter may be proposed by the  
20 Board of County Commissioners by an affirmative vote of at least four (4)  
21 members, subject to approval by the voters of Palm Beach County in a  
22 referendum. The Home Rule Charter Amendment may also be initiated by 10%  
23 of the number of voters qualified to vote in the last general election,  
24 and the initiated amendment shall be presented and verified in the manner  
25 and time set forth in Article V § 5.1. The Home Rule Charter Amendment  
26 so initiated shall be placed on the ballot at the next general election  
27 occurring at least 30 days after verification. If approved by a majority  
28 of those who voted, the Home Rule Charter Amendment shall become  
29 effective on the date specified in the amendment or if not so specified,  
30 on January 1st following the election.

31 Section 6.4 Saving Clause

32 If any provision of this charter is held invalid, in whole  
33 or in part, such holding shall not affect any other provision of this  
34 charter.

84-8

COUNTY OF PALM BEACH, STATE OF FLORIDA  
CLERK OF CIRCUIT COURT

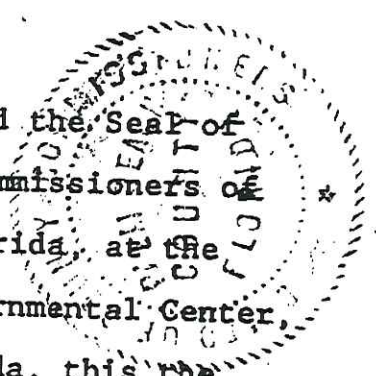
I, John B. Dunkle, Clerk of the Fifteenth Judicial Circuit Court of the State of Florida and Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING A CHARTER FOR PALM BEACH COUNTY, FLORIDA; PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF CHARTER; PROVIDING FOR REFERENDUM; PROVIDING FOR FORM OF NOTICE; AND PROVIDING FOR EFFECTIVE DATE.

approved and adopted by the Board of County Commissioners in regular session September 11, 1984 as shown by the record of this office.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on September 11, 1984  
dated at West Palm Beach, FL on September 11, 1984  
By Sharon R. Bock  
Deputy Clerk

Given under my hand and the Seal of  
the Board of County Commissioners of  
Palm Beach County, Florida, at the  
Palm Beach County Governmental Center,  
West Palm Beach, Florida, this the  
25th Day of September, A.D. 1984



JOHN B. DUNKLE, CLERK  
Board of County Commissioners

By Phillip A. House  
Deputy Clerk

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ORDINANCE NO. \_\_\_\_\_