

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

Case No.: 9:18-cv-80771-RLR

ROBERT W. OTTO, PH.D., LMFT,
individually ,and on behalf of his patients,
JULIE H. HAMILTON, PH.D., LMFT,
individually and on behalf of her patients,

Plaintiffs,

v.

CITY OF BOCA RATON, FLORIDA, and
COUNTY OF PALM BEACH, FLORIDA,

Defendants.

**PALM BEACH COUNTY'S NOTICE OF FILING TRANSCRIBED RECORDING
OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING
DATED DECEMBER 5, 2017, AND REQUEST FOR JUDICIAL NOTICE**

The Defendant, PALM BEACH COUNTY (herein referred to as “the County”), by and through the undersigned Assistant County Attorney, hereby file this Notice of Filing Transcribed Recording of Palm Beach County Board of County Commissioners’ Meeting dated December 5, 2017, Bates Labeled Document PBC 000325 – PBC 000429.

The County’s request for judicial notice is made pursuant to Federal Rule of Evidence 201, *Day v. Taylor*, 400 F.3d 1272, 1276 (11th Cir. 2005) (district court properly considered a standard form dealership contract when ruling on, and granting, a motion to dismiss where the contract was central to plaintiffs’ claim; affirmed on appeal), and *Stahl v. U.S. Dep’t of Agric.*, 327 F.3d 697, 700 (8th Cir. 2003) (“The district court may take judicial notice of public records and may thus consider them on a motion to dismiss.”). The Court may take judicial notice of the transcript when considering the motion to dismiss without converting it into a motion for summary judgment because the transcripts are (a) true and accurate copies of the contents of public records, *see Fed. R. Evid. 201, Stahl*, 327 F.3d at 700, and (b) central to Plaintiffs’ claim, *see Day*, 400 F.3d at 1276.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 1, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to the authorized CM/ECF filers.

/s/ Rachel Fahey
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_____ /

TRANSCRIBED RECORDING OF
PALM BEACH COUNTY COMMISSIONERS MEETING
AGENDA ITEM 4.A.1

DATE: DECEMBER 5, 2017

TIME: 11:02 - 1:51:15

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A P P E A R A N C E S

- Mayor Melissa McKinlay
- Vice Mayor Mack Bernard
- Commissioner Steven L. Abrams
- Commissioner Mary Lou Berger
- Commissioner Paulette Burdick
- Commissioner Dave Kerner
- Commissioner Hal R. Valeche
- County Attorney Denise Nieman
- Assistant County Attorney Helene Hvizd
- Assistant County Administrator Todd Bonlarron

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BE IT REMEMBERED, that the following transcription of the proceedings were transcribed by me, Angela Connolly, RPR, Notary Public, to the best of my ability.

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(Thereupon, the discussion on Agenda Item 4.A.1 begins.)

MR. BONLARRON: Thank you, Madam Mayor and Commissioners. I really appreciate the hard work that the County Attorney's Office has done on this. They've been our lead and research and in the preparation of the ordinance. So I'm going to turn

1 it over to Helene to provide a brief presentation
2 just to go over how we got to where we are today
3 and what's before you today on preliminary reading.

4 MAYOR MCKINLAY: Thank you.

5 MS. HVIZD: Madam Mayor, Vice Mayor, and
6 Commissioners.

7 MAYOR MCKINLAY: Helene, could you pull --
8 thank you.

9 MS. HVIZD: The Board gave the county attorney
10 direction to examine conversion therapy and to
11 present an ordinance to the League of Cities that
12 would apply throughout Palm Beach County.

13 We have done that. What we have presented to
14 the Board is modeled after this sample ordinance
15 that was provided by the Palm Beach County Human
16 Rights Coalition. This ordinance, in substantially
17 the same form, has been adopted in many
18 municipalities: West Palm Beach, Lake Worth,
19 Boynton Beach, Delray Beach, Riviera Beach,
20 Wellington, Greenacres, and Boca Raton.

21 There are a few differences regarding the
22 penalties to be imposed. Our ordinance provides
23 for a first penalty of \$250 and a second of 500. A
24 couple of the other municipalities have provided
25 for penalties up to \$500 for each violation.

1 The ordinance itself contains several Whereas
2 Clauses. One of which, I should point out, we did
3 meet with Dr. Julie Hamilton, who is here today and
4 I believe will address the Board. She notes that
5 on page 1, line 13, the Whereas Clause that begins
6 there and references the American Psychological
7 Association's Task Force on appropriate therapeutic
8 responses to sexual orientation. As you might
9 imagine, this draft ordinance was presented with
10 the most persuasive case for those who are wishing
11 that it be enacted.

12 So that particular APA Task Force, the Whereas
13 Clause that contains research regarding sexual
14 orientation change efforts is correct. That
15 report, however, did make other findings. Those
16 other findings are not included in the Whereas
17 Clause. I equate it a little bit to the Home
18 Caregiver Ordinance, the Whereas Clauses, which are
19 not law, contain several statements about harm that
20 could be done to adults. They don't contain -- the
21 Whereas Clauses didn't contain statements that say
22 thousands of home caregivers provide effective,
23 efficient, safe care.

24 So that's one issue with the Whereas Clause.
25 We're more than comfortable removing that fourth

1 Whereas Clause if it becomes an issue. There are
2 several others that provide position statements at
3 various organizations who decry the use of
4 conversion therapy.

5 So our ordinance basically defines conversion
6 therapy and provides that it's a violation to allow
7 conversion -- to provide conversion therapy to
8 minors. It excludes from the reach of this
9 ordinance clergy who are acting as counselors for
10 their congregants, and then provides for a first
11 violation penalty of \$250 and a second violation
12 penalty of \$500.

13 And I think that's about it. If there are any
14 questions, I'm more than happy to address them.
15 Oh, I'm sorry.

16 MR. BONLARRON: I did want to add one thing.
17 There's been questions about -- and Helene did a
18 good job in stating some of the other jurisdictions
19 that have past conversion therapy. I think we
20 wanted to note that Palm Beach County would be the
21 first county, if this were to pass, to pass such a
22 measure as a county government.

23 It was brought before the Miami-Dade Board of
24 County Commissioners not long ago. It did not pass
25 before their board. There were conversations about

1 the broad nature of the particular definitions
2 within that ordinance that they were presented and
3 ultimately did not move forward, so I just wanted
4 to point that out to the Board that we would be the
5 first jurisdiction as a county in Florida to move
6 forward with this particular measure if it were to
7 pass the Board.

8 MAYOR MCKINLAY: Todd, could you provide a
9 little more detail on "broad nature"?

10 MR. BONLARRON: Yeah. Just some of the
11 specifics were -- at that particular meeting it was
12 discussed that the scope of who would be regulated
13 would be beyond like licensed providers. As we've
14 defined, our providers are licensed providers.

15 The contentions were that under the Miami-Dade
16 ordinance it could actually pertain to parents
17 counseling their children and be included as part
18 of that, or the clergy, folks that were
19 non-licensed practitioners, and so that was the --
20 I think the broad aspect of those definitions is
21 that they brought in some of those others, and I
22 think Helene can address that.

23 MS. HVIZD: I wanted to note, if you take a
24 look at Section 4 of the ordinance, I'm on page 5
25 now at line 24, the definition of "provider," the

1 main difference between Miami-Dade's ordinance and
2 ours is that "provider" in their definition meant
3 any person who is licensed or unlicensed. They
4 included those words right there in the definition,
5 so that did open it up to a reading or
6 interpretation that it would address parents. It
7 would address anyone who attempted to speak to a
8 minor, in essence.

9 We were asked to do the same, and I declined
10 the invitation.

11 MAYOR MCKINLAY: Is there anything in the
12 draft of this ordinance that prohibits a parent
13 from taking their child to any therapist?

14 MS. HVIZD: No.

15 MAYOR MCKINLAY: Okay. Thank you.

16 Do I have any other questions right now?
17 We're on questions, not comments.

18 COMMISSIONER VALECHE: In essence -- I mean
19 there's nothing to prohibit a parent from taking
20 them, but if the therapist engages in speech that
21 we don't agree with via this ordinance, then the
22 therapist is in violation; isn't that true?

23 MS. HVIZD: If the speeches does, in fact,
24 fall within the definition of conversion therapy,
25 correct.

1 COMMISSIONER VALECHE: I mean so that's a
2 distinction without a difference if you can take
3 them there but, you know, when they get there,
4 they're subject to criminal activity, then that's a
5 strong disincentive for you as a parent to take
6 your child there.

7 MAYOR MCKINLAY: Do I have any other questions
8 right now? Okay. We'll move to public comment.

9 COMMISSIONER BURDICK: Would the following
10 people come to microphones and please state your
11 name for the record and you will have three
12 minutes: Dr. Julie Hamilton to one microphone,
13 Dr. Rachel Needle to the other.

14 MAYOR MCKINLAY: Let me add, while they're
15 walking to the microphone just for our staff
16 upstairs, we will be breaking for lunch as close to
17 noon as possible today. So, thank you.

18 COMMISSIONER BURDICK: Go ahead.

19 MS. HAMILTON: My name is Dr. Julie Hamilton.
20 I'm a licensed marriage and family therapist
21 practicing in Palm Beach County.

22 This ordinance is unlawful. It violates the
23 Florida Patient's Bill of Rights. It's also
24 outside your jurisdiction. The state of Florida
25 regulates the practice of any of the professions,

1 anyone licensed by the state. And so if you pass
2 this ordinance, to be honest, you're grossly
3 overstepping your bounds, and I would actually say
4 it's abuse of power.

5 We don't need protection by county
6 commissioners of children. You don't have to
7 protect children. The state has already set up
8 laws and rules that prohibit us from harming
9 children. We are not allowed to harm children.
10 And if a child was being harmed, they can report
11 that to the state. We have laws and rules and we
12 have ethical codes that protect children.

13 In fact, the Department of Health says that
14 there has not been a single report of harm ever
15 reported in the state of Florida for this issue.
16 So while you have been told that children are being
17 harmed, the state says they are not being harmed.
18 If they were being harmed, they can do something
19 about that under our current laws.

20 Now what is harmful -- and, by the way,
21 therapy is voluntary. Teenagers cannot be dragged
22 into therapy by their parents and then forced to
23 change by a therapist. If a parent drags a gay or
24 lesbian youth into therapy and the child doesn't
25 want to change, the therapist can't help them.

1 Therapy is voluntary; It's not coercive. But
2 what's harmful here is this ordinance that does
3 prohibit minors from seeking therapy if they want
4 change.

5 Even though I've heard commissioners say, "Oh,
6 you can still go to therapy," no, you cannot. If
7 your goal is to change your attractions or your
8 behavior, it is prohibited under this ordinance.
9 And although other cities passed this, they were
10 all in error. In fact, Tampa is being sued right
11 now for passing this type of a ban. If you pass
12 this, you are opening our county up to a lawsuit
13 which would waste precious taxpayer dollars, so I
14 urge you not to pass this.

15 I also want to remind you about the teenagers
16 that are suicidal and depressed about attractions
17 that they did not choose and do not want. They
18 have the right to seek help for those attractions.
19 You would be telling them they cannot seek help
20 which would make them more suicidal and more
21 depressed.

22 I also want to mention that there are confused
23 children who have been sexually abused or exposed
24 to pornography that really weren't gay to begin
25 with but now they think they are and they might

1 want help getting those attractions and fantasies
2 out of their head. You would prohibit those
3 children from getting help, and you would prohibit
4 gender-confused children. Even a six-year-old boy
5 who thinks he's a girl would not be allowed to get
6 help under this ordinance unless we help him become
7 a girl. It actually says that in the definition of
8 terms.

9 If we're assisting with gender transition, we
10 can help him; but if we're clearing up his
11 confusion, we cannot help him. By the way, it's
12 talk therapy that's being banned.

13 Please consider what's good for the children.
14 This ordinance is harmful to children. Please be
15 responsible and vote no. It's the honorable thing
16 to do. Thank you.

17 COMMISSIONER BURDICK: Dr. Robert Otto to the
18 microphone, please. Go ahead, Rachel.

19 MS. NEEDLE: Good morning, Mayor and
20 Commissioners. My name is Dr. Rachel Needle. I'm
21 a licensed psychologist and a certified sex
22 therapist. As a specialist in sexuality, I think
23 I'm -- I want to lend some support to you in
24 understanding the dangers of so-called conversion
25 therapy.

1 The practice of conversion therapy is based on
2 two false premises. First, it's based on the
3 falsehood that being gay, lesbian, bisexual, or
4 transgender is a mental disorder or defect that
5 needs to be cured. Secondly, it's based on the
6 presumption that being LGBTQIA is something that
7 can actually be changed with therapy.

8 Sexual orientation and gender identity are not
9 mental disorders or diseases, therefore any attempt
10 to cure or suppress or change that is inherently
11 invalid. Efforts to cure an LGBTQ person are based
12 on theories with questionable scientific validity.

13 As the American Psychiatric Association has
14 noted, so-called conversion therapists have not
15 produced any scientific evidence to substantiate
16 their claims of a cure. Research has actually
17 found that efforts and so-called therapies aimed at
18 changing one's gender, identity, or sexual
19 orientation can result in a number of mental health
20 issues for minors; including shame, guilt,
21 depression, decreased self-esteem, increased
22 self-hatred, angers of -- angers of -- feelings of
23 anger and betrayal, loss of friends, social
24 withdrawal, problems in sexual and emotional
25 intimacy, high-risk behaviors, confusion,

1 self-harm, substance abuse, and suicidal ideation.
2 Attempting to change one's sexual orientation can
3 have devastating impact on a minor. These change
4 efforts are guided by people's biases and can
5 negatively affect a minor's mental health.

6 A number of associations have issued
7 statements against the practice of conversion or
8 reparative therapy -- I believe you received those.
9 I'm happy to give them to you if not -- including
10 the American Psychiatric Association, American
11 Psychological Association, American Academy of
12 Child and Adolescent Psychiatry, and the
13 Association of American Academy of Pediatrics.
14 There's many more where that came from as well.

15 Many LGBTQ youth in our society still grow up
16 believing that there's something wrong with them.
17 Passage of this ordinance will send a strong
18 message to youth in our community. There's nothing
19 wrong with their sexual identity or sexual
20 orientation -- gender identity or sexual
21 orientation.

22 Those against the ban, as Julie mentioned, are
23 going to say that it means that youth and minors
24 cannot seek psychotherapy. That could not be
25 further from the truth. If a child is depressed,

1 having suicidal ideation, they can absolutely seek
2 mental health services. The therapist just can't
3 claim that they can convert or change their sexual
4 orientation or gender identity because doing so
5 causes psychological harm.

6 I strongly believe the commission should enact
7 this ordinance to protect children and adolescents
8 from a practice that is far beyond -- outside the
9 bounds of any ethical, psychological treatment
10 plan. This ordinance is narrowly tailored to
11 prevent a well-documented risk of harm to minors
12 and to address a serious threat to the well-being
13 of LGBTQ youth.

14 So-called conversion therapy is proven to be
15 ineffective, at the very least; and, at most,
16 severely damaging to a child. I urge you to
17 support this ordinance to protect the health of
18 lesbian, gay, bisexual, transgender, queer, and
19 questioning youth in our community from the dangers
20 of conversion therapy. Thank you.

21 MAYOR MCKINLAY: Dr. Needle, I think
22 Commissioner Kerner has a question for you.

23 COMMISSIONER KERNER: Thank you, Mayor. Yes,
24 Dr. Needle. Thank you for your comments.

25 I'm wondering -- I read in some of the

1 materials that I received that the American
2 Psychiatric Association, among other professional
3 organizations, oppose this practice. I'm
4 wondering -- much like as a member of the Florida
5 Bar, there are limits and constraints imposed upon
6 attorneys in this state in terms of what they can
7 do and what they can say as part of their
8 profession. Are there similar restrictions,
9 ethical restrictions, within the mental health
10 community in terms of practicing this type of
11 treatment?

12 MS. NEEDLE: Absolutely. We certainly have
13 ethical guidelines in our profession. The
14 organizations of which all of the major -- both
15 health and psychological mental health
16 organizations have issued statements opposing it.
17 There aren't sanctions in terms of, I guess,
18 penalties in terms of people who do; however,
19 people have been brought up on ethical violations
20 when, in different areas, when there's claimed to
21 be harm to a minor.

22 COMMISSIONER KERNER: Okay. Thank you.

23 MAYOR MCKINLAY: Dr. Needle, I have one more
24 question. I was doing some research on this, and
25 you speak of the American Academy of Pediatrics,

1 and a lot of the opposition seems to come from the
2 American College of Pediatrics. I don't know if
3 you're the best person to ask this, but can you
4 explain the difference between the two
5 organizations?

6 MS. NEEDLE: So I do have some research in my
7 seat, but the American College of Pediatrics,
8 that's the ACPeds, is more a -- it's not consisting
9 of actual professionals in the community. It's
10 those that --

11 I think it was formed as a social organization
12 when at the -- and they started when -- to oppose
13 gay adoption, so that's when they kind of were
14 formed. And then since then they have opposed
15 other issues such as conversion therapy or banning
16 conversion therapy. So they've supported it.

17 MAYOR MCKINLAY: Okay. Thank you.

18 MS. NEEDLE: So it's not like a nationally
19 recognized organization like the American College
20 of Pediatrics or American Psychological
21 Association. It's a privately formed organization.

22 MAYOR MCKINLAY: Okay. It's not an
23 accrediting organization?

24 MS. NEEDLE: I don't know about accreditation.
25 I mean I don't know about accreditation, but

1 they're not part of any of the national
2 associations.

3 MAYOR MCKINLAY: Okay.

4 MS. NEEDLE: They're privately formed.

5 MAYOR MCKINLAY: Thank you.

6 MS. NEEDLE: And just to follow-up, the
7 document that discussed -- the APA document, the
8 Task Force Report, it's 140 pages. So while they
9 have different paragraphs that opponents will read
10 from, the conclusion of the -- of the document of
11 this 140-page Task Force Report that reviewed all
12 of the articles on conversion therapy was that it
13 could be harmful, it can be harmful, that they
14 don't recommend that it's -- that it's done, and so
15 that conclusion shows that -- despite what's
16 throughout this 140-page report, the conclusion was
17 that it's psychologically harmful to minors.

18 MAYOR MCKINLAY: Thank you.

19 MS. NEEDLE: Thank you.

20 COMMISSIONER BURDICK: Patrick Hamel.

21 MR. OTTO: My name's Dr. Robert Otto. My
22 address is 233 NE 31st Street in Boca Raton. I
23 have a Ph.D in family therapy. I'm licensed by the
24 state of Florida as a marriage and family
25 therapist, and I work with clients, children, and

1 their families on this particular issue in my
2 practice.

3 First of all, everything that you just heard
4 is talking about what goes on with the client.
5 Okay. That's for a licensure board, that's not for
6 you. You all need to consider the legal issues,
7 and I'd like to put the legal issues in front of
8 you.

9 First of all, clients who are minors and their
10 parents and therapists like me have rights to
11 freedom of speech and freedom of religious
12 expression, and what takes place in the counseling
13 office is freedom of speech. What takes place in
14 the counseling office is often freedom of
15 expression and religious issues as well. And those
16 are firmly grounded in our United States
17 Constitution, and they're firmly grounded in the
18 Constitution of the state of Florida, and you have
19 no jurisdiction over what goes on in the speech and
20 religious expression in a counseling office.
21 That's outside of your jurisdiction as a county
22 commission. That is the first reason you should
23 vote no on this because you don't have jurisdiction
24 for those reasons.

25 Secondly, my license here is issued by the

1 State of Florida Department of Health, The Division
2 of Medical Quality Assurance, not you. Not you, so
3 you have no jurisdiction over what happens in my
4 office from a licensure standpoint.

5 Let me give you a parallel example. A medical
6 doctor's license is issued by the same division
7 that issues mine, and you have no jurisdiction to
8 determine whether that medical doctor could
9 prescribe a Z-Pak as an antibiotic for an issue
10 that a patient is seeking help for. You have no
11 jurisdiction there. It's completely outside of
12 your purview. So you should vote no on this issue
13 for the same reason, it's outside of your purview.

14 Legislative bodies and courts in the state of
15 Florida legislature all the way up through the
16 Supreme Court have passed laws and have written
17 court opinions and ruled on court cases saying that
18 parents have the right and the responsibility to
19 make wise decisions for their children. If you
20 pass this issue, then you're saying that you, as a
21 county commission, you assert their authority,
22 their legislatively-approved and their court-held
23 authority, as parents to make decisions for their
24 children on this issue. Again, you have no
25 jurisdiction there.

1 I respect you. I respect your work here and
2 helping with the streets and things, that's good,
3 and there's other things that you do, but this
4 issue is outside of your jurisdiction, so you need
5 to vote no on it for that reason.

6 Interestingly enough, this legislation -- this
7 proposal, as it's written, exempts parents and
8 clergy. Now this truly is providing harm and doing
9 harm for children when you're trying to prevent
10 people like me, counselors like me, from harming
11 children and providing child abuse for children,
12 then isn't it wrong also for parents and clergy to
13 do that too? Why would you exempt them? That's
14 inconsistent.

15 So I would challenge it from a legal
16 perspective. Vote no on this issue. You're going
17 to hear a lot of emotional and counseling sides of
18 this too. And they provide context, but the proper
19 place for that discussion is with a licensure board
20 and with the state legislature and not at the
21 county commission level, so your responsibility is
22 to stay within the box that you've been given and
23 to vote no on this issue. Thank you very much.

24 COMMISSIONER BURDICK: Shannon Otto. Go
25 ahead, Patrick.

1 MR. HAMEL: Hi. My name is Patrick Hamel. I
2 live in 7600 Lauden Drive down here in Lake Worth,
3 and I'd like to speak for those who have not been
4 given a voice here to speak.

5 By the age of six years old, before many could
6 ride a bike, I was practicing in homosexual
7 behaviors. I was molested as a young child and,
8 due to that, I thought that this was the natural
9 thing. For me, I thought this was my actual desire
10 that I wanted to walk in, and the shame and the
11 guilt -- I heard us talking about that you can
12 speak to your parents about this if the ban passes.
13 I'm not sure about you, but I would never want to
14 go to my parents about that. Like, the shame and
15 the guilt that I felt from that, that I thought it
16 was wrong, that was never a thing that I wanted to
17 talk to them about. And so the actual counseling
18 that has been provided, the actual way that goes
19 out because I felt the psychological delusions that
20 we called it of suicide and of depression before
21 this, like before I felt the shame about it, and I
22 was already in those things, so the help and the
23 care that I got actually helped me through the
24 suicidal intentions, helped me through wanting to
25 take my own life, not -- it didn't increase the

1 fact that I wanted to actually do that.

2 So I want to speak on the people who don't
3 have a voice to say that and say that the
4 counseling, like, it's voluntary. I chose to want
5 to do that. It wasn't something I was forced to
6 do. And I had my own choice -- even if I was
7 forced to go there, I had my own choice to say no
8 if I wanted to, but I chose because I wanted to
9 change that there was someone there to help. And I
10 would assume that, with anything, that we would
11 provide -- someone with a drug addiction, if they
12 want to stop, I would provide help for that to
13 stop.

14 And I see the point of passing this ban as
15 just providing -- cutting off the help and the
16 requirements of people who have gone to college,
17 who have gotten their Ph.Ds and have dedicated
18 their lives to helping people who want to change,
19 and banning -- and passing this would inherently
20 stop that. Thank you.

21 COMMISSIONER BURDICK: Sue Trombino.

22 MRS. OTTO: Hi. Name is Shannon Otto, and my
23 address is 233 NE 31st Street in Boca Raton. I
24 encourage you to vote no on this ordinance.

25 I am here this morning as a mom, as a

1 grandmother, and as an advocate for children in
2 many ways. And I too was sexually molested as a
3 child at the age of six or seven. I am so grateful
4 that my mom was able to take me to counseling, and
5 she was also able to go to court on my behalf.

6 We have an age of consent law in our state
7 because we, as adults, know that children do not
8 have mental capacity to consistently make wise
9 choices about sexual practices with lifelong
10 consequences. That fact is grounded in the science
11 of brain development, specifically the development
12 of the prefrontal cortex which gives us the ability
13 to reason.

14 I have a 19-year-old daughter who mentors
15 middle school students and she came to us the other
16 day and she said, "Dad, Mom, did I really think
17 like that when I was in 7th grade?" The idea of
18 gender being a choice or a fluid concept, which is
19 up to an individual to decide, is a new social
20 construct and is not in any way grounded in
21 scientific research.

22 Children have a challenge with critical
23 thinking, as I mentioned earlier, because of the
24 frontal cortex. If your daughter truly believes
25 that 3 plus 4 equals 28, you have an obligation to

1 help her to see that that is not true, and you have
2 a parental duty to teach her that 3 plus 4 is 7.
3 If your son sincerely believes that the walls in
4 this room have purple stripes and you do not
5 correct him, you are doing him a disservice.

6 To ignore these realities and to be silent
7 rather than to correct children in these ways
8 results in harm and it is child abuse. Adults have
9 known this for centuries in every culture; but
10 today in America, and in Palm Beach County, for
11 some reason adults have a problem seeing this
12 clearly. This is unconstitutional, as was
13 mentioned earlier. This ordinance infringes on
14 both freedom of speech and freedom of religion and
15 the freedom of parents, their parental rights.

16 Hans Christian Andersen wrote it very well
17 simply in his book, "The Emperor's New Clothes."
18 In the end, it took a little boy to cry out and
19 plainly and clearly state what the adults didn't
20 see, that the Emperor was naked.

21 There is a lot that is going on with this
22 ordinance that's just out of your jurisdiction.
23 And because I was abused as a child, I am so
24 grateful that my parents were able to speak on my
25 behalf. Vote no.

1 COMMISSIONER BURDICK: Thank you.

2 MRS. OTTO: Thank you.

3 MAYOR MCKINLAY: Let me just ask you one
4 question. So you believe that any expedition of
5 homosexual behavior needs to be corrected, is that
6 what I heard you say?

7 MRS. OTTO: What I am saying is that if
8 somebody --

9 MAYOR MCKINLAY: That was just a yes or no
10 question.

11 MRS. OTTO: Okay. Ask it again.

12 MAYOR MCKINLAY: You stated that this behavior
13 needs to be corrected. Are you -- are you stating
14 that you believe homosexual behavior is something
15 that ought to be corrected; yes or no?

16 MRS. OTTO: I'm just -- I'm stating that if
17 somebody wants counseling, that they should be able
18 to go for it.

19 MAYOR MCKINLAY: I'm asking you if you believe
20 this behavior is something that needs to be
21 corrected. I believe that's what I heard you say,
22 so yes or no on that?

23 MRS. OTTO: I believe it does need to be
24 corrected.

25 MAYOR MCKINLAY: Thank you.

1 COMMISSIONER BURDICK: Robert Tennes. Go
2 ahead, Sue.

3 MS. TROMBINO: My name is Sue Trombino. I
4 am -- I live in -- well, right now 1112 Russell
5 Drive, Highland Beach, Florida. And I am not only
6 representing Women Impacting the Nation, but also
7 I'm here as a mom and as a parent.

8 I believe all of you received a email letter,
9 or via email, the County Commissioners and the
10 Mayor, from Liberty Counsel, which is one of the
11 top litigators in this country. And, you know,
12 Liberty Counsel obviously reviewed the Palm Beach
13 County proposed ordinance and -- which, you know,
14 it obviously seeks to ban this protected speech,
15 but the Board of County Commissioners should reject
16 the proposed ordinance for numerous infirmities,
17 including its ban on counseling that is purely
18 speech and violation of the First Amendment.

19 Now it is unconstitutional for Palm Beach
20 County to enact this speech ban under the U.S. and
21 Florida Constitution. And despite broad home rule
22 powers, the county lacks the authority under
23 Florida law to enact the ordinance. The ban is --
24 the ban is premised on a strongman claim of
25 barbaric practices but, in actuality, it bans

1 verbal discussion of sexuality.

2 The ban violates the First Amendment rights,
3 not only of licensed counselors, but also the
4 fundamental rights of parents to direct the
5 associations and upbringing of their minor
6 children, and the rights of minors themselves to
7 seek and receive information.

8 Now as a parent, I'll speak as a parent, with
9 all due respect, you have absolutely no authority
10 to dictate to me or my family or my children or as
11 a parent, no authority to dictate to me where I can
12 and cannot take my child if I choose. And as a
13 Christian, I have certain beliefs. Now it does not
14 mean that I look at anybody else's beliefs
15 differently, but I am, as a Christian, I choose to
16 stand up for my -- for my child, and I am to bring
17 him up in the admonition of the Lord. And when I
18 do that, if you're going to tell me I'm going to
19 get fined because -- or the counselor is going to
20 get fined -- one side gets fined, the other side
21 does not get fined, that doesn't seem right to me.
22 But, therefore, not only does the county lack
23 authority to invade the counselor-client
24 relationship, but the county also has no
25 jurisdiction to even attempt to silence licensed

1 professionals from speaking to their minor clients
2 about unwanted same-sex attractions or gender
3 confusion, and for the ordinance requirement that
4 licensed counselors affirm homosexuality and gender
5 confusion as beneficial to children. But under the
6 Florida law, however, the county has no authority
7 to act.

8 And I'm just asking you to not only do the
9 right thing, vote no, but you are to take all of
10 this and vote on truth and fact, not emotion or
11 conjecture. Because this is an emotional issue,
12 but it's about truth and fact, and you need to stay
13 within the rules. And right now what you're trying
14 to do is take the lines out of I-95 out and --

15 COMMISSIONER BURDICK: Thank you.

16 MS. TROMBINO: -- expect there not to be
17 chaos. Thank you.

18 MAYOR MCKINLAY: Thank you. I'd like to ask
19 staff one more time: Is anything in this proposed
20 ordinance prohibiting a child from going to a
21 therapist and talking to that therapist about their
22 feelings?

23 MS. HVIZD: In talking about their feelings,
24 no, nothing in this ordinance prohibits that.

25 MAYOR MCKINLAY: Okay. Thank you.

1 COMMISSIONER BURDICK: Sara Swart --
2 Swarthout. Swarthout. Go ahead, Robert.

3 MR. TENNIES: My name is Robert Tennies, and I
4 live in Boca Raton, Florida, and I appreciate the
5 opportunity to share with you today.

6 I believe that this -- this ordinance is an
7 overreach and takes away parental rights and
8 infringes on religious freedom. A parent should
9 have the right to select a licensed counselor for
10 their child that is sympathetic to the parent's
11 religious beliefs.

12 Everyone has a world view; How they see the
13 world. As a Christian and as a Christian educator,
14 I see the world through a biblical lense. This is
15 a result of my religious belief, and I believe the
16 Bible communicates the word of God. It informs me
17 on how I should see life.

18 When I look at the majesty of the sky in the
19 morning, I see God's handiwork because the Bible
20 says "The heavens declare the glory of God," Psalm
21 19:1. It informs me of my ethics when it says "I
22 shall not steal, covet, murder, or place other gods
23 before him," Exodus 20. The scripture informs my
24 view of family when it says, "A man will leave his
25 father and mother and be united to his wife and

1 they become one flesh," Genesis 2:24, Matthew 19:5.
2 Therefore, I believe same-sex marriage is contrary
3 to God's will, and I want to -- I want to pass that
4 on to my children, therefore, my -- my world view
5 is going to influence how I raise my children.

6 As an American, I've always believed that I
7 have the right to raise my children from a
8 religious perspective consistent to my own, and the
9 state should not interfere on a decision such as
10 whether or not I would be able to send my child to
11 a licensed counselor supporting -- who supports my
12 religious convictions. This is a matter before you
13 that impacts parental rights and freedom of
14 religion, and I would appeal to you that you not
15 move forward with it. Thank you.

16 COMMISSIONER BURDICK: Randall Clarke. Go
17 ahead.

18 MS. SWARTHOUT: My name is Sara Swarthout, and
19 I live in Boca Raton, Florida. I'm so privileged
20 to be here and talk with you and have freedom of
21 speech here in addressing you, and I urge that you
22 allow freedom of speech for the therapists in Palm
23 Beach County.

24 I also want to ask you: Have you considered
25 how many dollars you're setting aside to defend

1 this in the legal process? And also to consider
2 what it -- what a pernicious thing it might be that
3 in this room of a therapist that is usually
4 reserved for the client -- and maybe their parents,
5 maybe or maybe not -- the client and the therapist,
6 that now we're going to have another seat and
7 that's going to be the government. How are you
8 going to prove this? Could that not be -- that
9 process be far more pernicious than the ordinance
10 itself? How are you going to enforce it? What is
11 it going to require to invade the privacy between
12 the therapist and his client? It seems somewhat
13 frightening.

14 I called earlier this week and spoke with
15 somebody from your county office. They told me,
16 "Oh, don't worry. This is a shoo-in. All you need
17 is four people on the board, and we've got them.
18 This is going to pass no matter what."

19 I urge you to consider the bigger picture.
20 Thank you.

21 COMMISSIONER BURDICK: Alicia Clarke. Go
22 ahead, Randall.

23 MR. CLARKE: Hi. My name is Randall Clarke.
24 I'm a resident in Wellington, Florida, and I'm also
25 a local pastor in -- here in Palm Beach County, so

1 thank you for the opportunity to speak. And I just
2 wanted to give kind of a practical perspective.

3 I'm opposed to this ordinance, and I am a
4 pastor here in Palm Beach County and I know that
5 there's an exclusion clause for pastors; however,
6 some pastors may also be licensed therapists, so
7 there are pastors who are licensed therapists in
8 the county, and that could present an issue for
9 them of confusion regarding this ordinance. The
10 ordinance -- but what I wanted to speak to as well
11 is that the ordinance would take away my ability to
12 refer to a licensed mental health therapist
13 regarding this issue, and that of other pastors and
14 other professionals as well.

15 As a pastor, I'm not trained as -- as a
16 trained therapist, as a professional therapist, in
17 many, many areas that face families today;
18 including, for example, the pervasiveness of online
19 pornography and addiction. That's really a huge
20 issue in our culture here today as well. And so
21 I'm deeply -- as a pastor, I would be deeply
22 concerned about the spiritual life of anyone who
23 wants to come within my congregation or within the
24 community to speak to me, but I realize that I have
25 limitations and many times I need to refer people

1 who are more trained, better trained, well-trained
2 in those areas, and that would impede my ability,
3 and other pastors, to do that.

4 I refer most people who come to me for
5 counseling with issue -- any kind of issue:
6 Relationship problem, emotional problems, inner
7 conflict, I refer them to my wife who is a licensed
8 therapist here in Florida.

9 People go to therapy because they want to
10 change, because they want to clear up the confusion
11 that they face in all areas of their life, not in
12 just this particular issue. And relationship
13 issues are inner conflict of the dissonance that
14 they feel, and they want someone to talk to who can
15 give them professional guidance. And why would you
16 want to stop this in this particular issue that
17 we're addressing here today? Why would you want to
18 take away the parents' right to help their child
19 who's clearly having some issues and confusion
20 about this to go and speak to a professional
21 counselor who might be able to help them navigate
22 through that issue?

23 And, lastly, there are also, I believe,
24 cross-cultural implications that we need to take
25 into consideration. For families that are not just

1 in my church, of which I have many, I have a very
2 multiethnic church here in Palm Beach County, but
3 do you want to limit the rights of parents in a
4 Haitian family or a Jamaican family or a family
5 from Guyana or from Brazil or a Vietnamese family
6 or a Guatemalan family? How are -- how are they
7 going to handle this in their own cultural -- the
8 culture that they grew up in and they bring into
9 this county?

10 So please don't take away their freedom of
11 choice, their right to help their children --

12 COMMISSIONER BURDICK: Thank you.

13 MR. CLARKE: -- address --

14 COMMISSIONER BURDICK: Thank you, sir.

15 MR. CLARKE: -- these confusing issues.

16 COMMISSIONER BURDICK: Thank you.

17 MR. CLARKE: Thank you.

18 COMMISSIONER BURDICK: Melanie Mahady. Go
19 ahead, Alice.

20 MRS. CLARKE: My name is Alicia Clarke. I am
21 a licensed mental health counselor. I live in
22 Wellington, Florida. I represent the South Florida
23 Association of Christian Counselors as their
24 administrator.

25 I am his wife, and what I wanted to bring to

1 the thoughts here is that people do come to
2 counseling when they have that conflict of their
3 life and their behavior with their core values of
4 their heart. And parents bring their children to
5 counseling when their child wants to change from
6 being an aggressive child, who's fighting with his
7 siblings or his friends or not getting along at
8 school, or a parent brings their child to
9 counseling -- and I am a counselor, and I have
10 counseled children and adolescents -- well, this is
11 up to 18 years old, right? Up to under 18 -- who
12 have been addicted to drinking, to pornography, to
13 sexual promiscuity, and to watching porn and to
14 even taking drugs, and parents are so concerned and
15 the child is as well, an adolescent, to wanting to
16 stop this behavior.

17 And so I think it would be wrong for us to
18 say, "No, I can't help you stop that behavior. I
19 can't help you line up your life with what your
20 heart's desire is because it's illegal. It would
21 be criminal activity." And that's how I feel if a
22 child or an adolescent comes to me and says, "I
23 don't want these sexual attractions that are
24 homosexual," and some who have practiced
25 homosexuality and say, "I don't want to do this

1 anymore. Can you help me?" And I'd have to say,
2 "No, I cannot help you because that's illegal."
3 And I'm not just talking about their feelings, but
4 their behavior that they want to change, and it is
5 possible to do that in a gentle way. I don't
6 understand what the harm would be if it's done just
7 talk therapy and it's done validating them as who
8 they are.

9 And so I think you should oppose this because
10 if a minor, an adolescent, wants to live their life
11 up with a belief, a core heart belief that they
12 want a heterosexual life and marriage and wants
13 help, that we have to say, "No, can't do it."
14 Thank you.

15 COMMISSIONER BURDICK: Janina Seifel. Go
16 ahead, Melanie.

17 MS. MAHADY: My name is Melanie Mahady. I'm a
18 licensed mental health counselor for the state of
19 Florida, and I live in Boynton Beach, Florida, and
20 I oppose this ban.

21 I want to share with you a case example to
22 give you a clear picture of why therapy to address
23 confusion is so important to this specific
24 population of sexual abuse victims struggling with
25 unwanted gender identity and/or same-sex

1 attractions. I've changed the identifying
2 information in order to protect anonymity.

3 A 16-year-old boy comes into my office, head
4 down, slouched over in tears. He tells me that
5 when he was six years old he was sexually abused by
6 an older male. He never talked about it and tried
7 his best to push it out of his mind. So now at 16
8 years old, he is in a relationship with his
9 girlfriend and is having sexual thoughts about men.
10 And when he has -- when he has these sexual
11 thoughts about men, he reports feeling ashamed,
12 angry, and fearful of those thoughts and questions
13 whether he is gay. So he comes to therapy because
14 he wants help with his undesired thoughts and to
15 clear up the confusion that has surfaced as a
16 result of this abuse.

17 So this boy, at six years old, believed, when
18 he was sexually abused, that he deserved it, that
19 it was pleasurable so he must be gay, and he must
20 be asking for this to happen, that this was his
21 fault and this is who he is, and those maladaptive
22 beliefs are linked to his emotions of anger, shame,
23 guilt, and sadness resulting from the trauma.
24 Those beliefs are also attached to physical
25 symptoms of anxiety, fear, and terror.

1 So when this boy considers his attraction to
2 males, these same maladaptive symptoms are
3 triggered and he feels shame, guilt, anxiety,
4 sadness, and anger. So it is my job and
5 responsibility to the state of Florida to provide
6 therapy that addresses negative beliefs and
7 symptoms to help my client safely and effectively
8 reprocess painful traumatic events in order to live
9 a healthier life that is not triggered by shame,
10 guilt, anger, sadness, fear, and terror.

11 I need to be able to process the shame he is
12 reporting that is linked to his same-sex attraction
13 as well as his confusion surrounding his feelings
14 towards the same sex resulting from the sexual
15 abuse he endured as a child, and this ordinance
16 bans any therapy aimed at change of attractions or
17 identity. Therefore, according to this ordinance,
18 this boy would not be permitted to receive the
19 therapy of his choice since his goal is to change
20 his sexual attractions and identity which have
21 resulted from the sexual abuse.

22 So when you make this decision, I just want
23 you to consider this type of case. It's different
24 than those that are coming to therapy that identify
25 as gay and have these same-sex attractions that

1 they are confident in versus someone who doesn't
2 want them and has gotten them from an abuse that
3 they've endured as a child. Thank you.

4 COMMISSIONER BURDICK: Marla Dieterle. Go
5 ahead, Janina.

6 MS. SEIFEL: Good morning. My name is Janina
7 Seifel, and I'm from Riviera Beach, Florida. And
8 Commissioner McKinlay, I want to say that I feel
9 like this ban or this ordinance is grossly being
10 not shared with you correctly, so I want to go
11 directly to the ordinance.

12 In Section 4, as defined in the ordinance,
13 that "Conversion therapy means any counseling,
14 practices, or treatments that seek to change an
15 individual's sexual orientation or gender identity,
16 including but not limited to efforts to change
17 behavior, gender identity or expressions, or to
18 eliminate or reduce sexual or romantic attractions
19 or feelings toward individuals of the same gender
20 or sex." It continues -- it continues with that.
21 So I hope that at the end of my talk with you all,
22 that you would please ask your attorneys if this
23 ordinance clearly bans any counseling aimed at
24 change, specifically to if they -- if we are
25 allowed to work with people to diminish their

1 same-sex attraction or if they want to remain the
2 same gender, are we allowed to do this with this
3 ordinance? Because I think you'll find that that
4 answer is no.

5 I come before you as a licensed mental health
6 counselor and as a mother to a sweet little boy
7 over there. His name is Z [REDACTED]. I want to first
8 address as a professional and then as a mother.

9 I became licensed in 2011 and have primarily
10 worked with juveniles both in foster care and also
11 the criminal justice system, as well as their
12 families. As a professional, I feel that this
13 ordinance is a direct infringement on the freedom
14 of speech for the client as well as the
15 professional. It has been my privilege and honor
16 to work with these young people and have discussed
17 with them a variety of topics: Education, family,
18 social life, abstinence and sex education, and
19 anything else they felt was upsetting in their
20 life.

21 My role as a therapist is to help the
22 individual work through any thought or behavior
23 that they deem troublesome. My role as a therapist
24 is to educate, if necessary, listen and to
25 facilitate conversation to the parents who bring

1 their children or teenagers to treatment. The
2 therapy room of a professional is a safe place.
3 The very standards of my license demand that the
4 room be a judgment free zone, a place where one can
5 come and share their innermost struggles and
6 thoughts about fear of having their confidentiality
7 broken.

8 Any client I've ever worked with who knows
9 that there is no topic that is taboo and that my
10 role in their life is to help them reach whatever
11 their goal is. If they feel depressed and do not
12 want to feel that way, we work towards decreased or
13 absence of depression. If they are using
14 substances and want to stop, we create a
15 client-driven plan to help them stop using
16 substances. If they're experiencing unwanted --
17 this is the difference. This is unwanted same-sex
18 attraction, then we will work towards a resolution
19 that they feel happy with. In no way, shape, or
20 form should there be a governmental ordinance
21 denying a client a right to discuss anything that
22 is on their mind. This is the very essence and
23 beauty of the therapeutic relationship. I beg of
24 you not to take this freedom away from the client
25 as I fear what freedom would be taken away next.

1 As a mother, I have to say I'm appalled that
2 this is even being considered because I see this as
3 a direct assault on my parental right.

4 COMMISSIONER BURDICK: Thank you. Emma
5 Dieterle. Go ahead, Marla.

6 MS. MARLA DIETERLE: Good morning. My name is
7 Marla Dieterle, and I'm a certified couns -- school
8 counselor by profession through the state of
9 Florida. I'm very passionate about counseling, and
10 I'm so thankful to be a part of this profession.

11 I come to you today on behalf of a sector of a
12 population whose rights are being undermined.
13 According to our state and national constitutions,
14 each and every citizen has the right to freely
15 share their opinions and obey their religious and
16 conscientious duties. This present commission has
17 set forth a proposition to bar licensed counselors
18 from sharing the divine and scientific truths about
19 male and female bodies.

20 Though others in this county may disagree with
21 the belief that a person being made only male and
22 female, it's the express right of these
23 professionals to follow the dictates of conscience
24 instead of the repression of this enactment. I ask
25 you therefore not to decide on this proposition for

1 the sake of the opinion of one sector of our county
2 but to stand on the ideals of our country with
3 regards to our inalienable rights. According to
4 our state and national constitutions, each and
5 every citizen has the right to freely share their
6 opinions and obey their religious and conscientious
7 duties.

8 With regards to a minor under the age of 18
9 being able to seek counseling regarding his or her
10 sexual identity, if that minor is questioning or
11 wanting to change his or her gender identity, the
12 desire of his or her sexual orientation will not
13 change the scientific truth of his or her DNA. Our
14 DNA has X and Y chromosomes and surgery cannot
15 change those facts.

16 God has delineated clearly in the "Book of
17 Genesis" that he created life as man and woman
18 alike. It is not an accident. It is a gift of God
19 that is to be cherished. His word is our true
20 source of wisdom.

21 So I hereby stand before the commission to say
22 that this proposal is inherently wrong
23 constitutionally, and it's also harmful to our
24 minors. I'm asking you to stand up for what you
25 know is right and true based on our country's

1 foundation, and to protect our minors from harm.

2 I appeal to your conscience and ask you to
3 vote no against this ordinance.

4 COMMISSIONER BURDICK: Robert Swarthout. Go
5 ahead, Emma.

6 MS. EMMA DIETERLE: Good morning. My name is
7 Emma Dieterle. I am a home-educated high school
8 student in Palm Beach County. I felt I needed to
9 speak before this commission today.

10 The Bible provides the only true foundation
11 for our thinking, starting with God's word, "We
12 know that gender role is created by God and that
13 people are created male and female," Genesis 1,
14 "from the beginning." No matter how hard you try,
15 you can't wish this fundamental physical reality
16 away. The Bible teaches us that man and woman was
17 created in his own image. Our gender identity is a
18 social construct that can't change.

19 In Maine and California, students identifying
20 as transgender can use whichever restroom they
21 desire. The new way to approach the body is to see
22 it as an Arch project, a means of self-expression
23 rather than is how we were originally created. The
24 lifestyle choice of transgenders cause much pain
25 and brokenness. The suicide rates among

1 transgender individuals are 20 times higher than
2 the general population.

3 I am a writing contributor to a GirlDefined
4 blog which encourages young women to make -- to
5 make God's design for womanhood, and I personally
6 see the heartache and pain when minors make choices
7 outside the boundaries of how God's word says we
8 should live.

9 We should open our eyes to see that God has
10 made us according to his perfect design. Man and
11 womanhood aren't plan B. God himself has made us
12 as we are, and minors under the age of 18 should be
13 able to hear this kind of counseling. We cannot
14 have our young people making the rules and
15 determining what's truth without pure logic.

16 The fact in plain truth is God has created us
17 to be a specific gender. I strongly -- I strongly
18 encourage you to vote no against this ordinance.

19 COMMISSIONER BURDICK: William Dupere.

20 MR. SWARTHOUT: My name is Robert Swarthout.
21 I live in Boca Raton, Florida.

22 I saw an article recently about Silvana De
23 Mari. She's a medical doctor and a therapist in
24 Italy. She doesn't practice in Florida. If she
25 were to come to Boca Raton, and if I were to pay

1 for a meeting hall and let her speak about her
2 opinion that homosexuality is why -- unwise, would
3 that be illegal for me to do that? Melissa, would
4 that be legal for me to do that?

5 COMMISSIONER BURDICK: Sir, we don't -- we
6 don't dialogue.

7 MR. SWARTHOUT: Pardon me?

8 COMMISSIONER BURDICK: We don't dialogue.

9 MR. SWARTHOUT: Oh, you do not dialogue.

10 COMMISSIONER BURDICK: That's right.

11 MR. SWARTHOUT: Would the attorneys comment on
12 that?

13 COMMISSIONER BURDICK: You have three minutes
14 to speak, sir.

15 MR. SWARTHOUT: Will the attorneys comment on
16 that issue?

17 MAYOR MCKINLAY: Sir, the way we do public
18 comment is you have three minutes to make your
19 comments.

20 MR. SWARTHOUT: In other words, the attorneys
21 cannot comment on that?

22 MAYOR MCKINLAY: Not unless staff or
23 commission asks them to.

24 MR. SWARTHOUT: Okay. Very good.

25 MAYOR MCKINLAY: Thank you.

1 MR. SWARTHOUT: Melissa, I'm pretty sure that
2 your pitch --

3 MAYOR MCKINLAY: I'm sorry, sir. It's very
4 disrespectful. I'm an elected member. You can
5 address me as Commissioner or --

6 MR. SWARTHOUT: I'm sorry. I couldn't hear
7 your voice.

8 MAYOR MCKINLAY: You may address me as
9 Commissioner or Mayor, but please don't call any
10 members of the commission by their first name
11 during a public hearing. Thank you.

12 MR. SWARTHOUT: McKinlay, am I speaking
13 that -- can I use that? Can I use that name?

14 MAYOR MCKINLAY: Please just make your public
15 comments.

16 MR. SWARTHOUT: I think that the pitch that
17 you're pushing is not going to help the demo --
18 democratic party over the long run. That's just a
19 political opinion.

20 COMMISSIONER BURDICK: Elizabeth Bessette. Go
21 ahead, William.

22 MR. DUPERE: Good morning. My name is William
23 Dupere. I am headmaster of Berean Christian
24 School, and I live at 130 Nottingham Road, and I
25 also represent Christian Schools of Palm Beach

1 County as president.

2 I've been following this for about a month now
3 and my biggest concern is, as a headmaster of a
4 school of about 700 students, is that parents will
5 lose the right to be able to advocate for their
6 child. We have a program at our school that is
7 grace-based where, confidentially, a parent can
8 suggest for or ask for counseling for -- from our
9 counselor.

10 I employ a state counselor, which is Chapter
11 491, and we are disconcerted about this because she
12 will lose the ability to, A, counsel those students
13 at a parent request, and also refer those students
14 out for a referral. So this is alarming for me in
15 that people actually send their kids to our school
16 because they know that we care and because we then
17 offer assistance. Not because I dictate what that
18 assistance is or that my counselor dictates what
19 that assistance is, but it's based on what the
20 student wants, and on many times the parent and the
21 student want their child to be counseled through
22 this process.

23 I would ask for you to oppose this and
24 definitely ask that you stand up for parental
25 rights. Thank you.

1 COMMISSIONER BURDICK: Carly Cass, Cass. Does
2 not wish -- oh, okay.

3 Steve Thomas. Go ahead, Elizabeth.

4 MS. BESSETTE: Good morning, Commissioners and
5 Mayor. I would just like to reiterate that I'm in
6 support of a ban that prevents mental health
7 professionals from changing a person's sexual
8 identity.

9 Fundamentally, I can agree with one aspect of
10 this debate, and that's freedom. But as a resident
11 of Palm Beach County and a mental health
12 professional, this is something that I cannot back
13 as far as conversion therapy goes.

14 As a therapist, the first rule of thumb is to
15 do no harm. Conversion therapy not only violates
16 this ethic, but it implies that a therapist has the
17 ability to change one's sexual orientation. As
18 great as we are, therapists are far and wide unable
19 to pinpoint the therapeutic intervention which can
20 make an individual change this part of who they
21 are.

22 Ethical clinicians maintain and complete
23 continuing education and consultation to ensure
24 that their political, personal, and religious views
25 are not impressed on to their clients as this

1 impacts their ability to remain objective. For
2 this reason, I'm having a difficult time
3 understanding the discrimination of religion and
4 freedom of speech in the context of mental health
5 counselors as it relates to banning conversion
6 therapy.

7 Manipulating research to help this argument in
8 and of itself is detrimental. There is no evidence
9 that any of the claims of conversion therapy is
10 effective, and the APAs concluded that
11 homosexuality is not a mental illness or disorder,
12 so what purpose does conversion therapy serve?

13 I appreciate the concern and ensuring the
14 freedom of therapists to continue practicing the
15 way we see fit, but even we are not above a code of
16 ethics. Doctors, priests, nurses, politicians, we
17 all have a spectrum which we have to practice our
18 craft within, and to think there is a total freedom
19 is a farce in general.

20 The implementation of orders -- ordinances
21 such as those that will allow conversion therapy to
22 continue is not something that I can support. I
23 entered this field wanting to make a difference. I
24 don't attempt to change anyone as I feel each
25 person I work with already has the tools that they

1 need to be able to make the difference they desire
2 in their life. I am simply a facilitator of that
3 change.

4 I think each of the clients I interact with
5 are all gifted, talented, unique, and beautiful
6 people on their own. Collaboration within the
7 therapeutic relationship aids an individual in
8 realizing and accepting their true self. So the
9 question I pose is: What kind of a therapist would
10 I be if I assume that my client was inadequate or
11 wrong or inappropriate based on their sexuality?
12 And what kind of arrogant clinician would I be to
13 assume I had the power to change who they were?
14 Thank you.

15 COMMISSIONER BURDICK: Thank you. Kieron
16 Sharpe.

17 MR. THOMAS: Good morning. My name is Steve
18 Thomas. I am the pastor of the First Baptist
19 Church of Delray Beach, and I lead the Palm Beach
20 Baptist Network and Association of about 100
21 churches here in Palm Beach County.

22 I want to say, first of all, I appreciate you
23 as commissioners. This is a difficult job and I
24 think that it's -- there's a lot of hard choices
25 you have to make. And it seems today that we're

1 coming to an issue where you're saying, "We want to
2 help the weak," and I want you to know I applaud
3 you for that. I think that's a positive thing;
4 however, I cannot support this ordinance.

5 I'm not a fan of conversion or reparative
6 therapy because I think it -- it has, in some
7 cases, used the therapist's office in a way that
8 would provide shame, harm in difficult situations;
9 however, because some have misused therapy doesn't
10 mean that we should limit or try to ban therapy.
11 In the same way, some people have abused pageants,
12 child sports, all kinds of things that children do
13 and cause psychological harm, but we're not banning
14 that.

15 What we're saying is, as Christians, as
16 followers of Christ, is we want to raise our kids
17 that they could love the Lord their God with all
18 their heart, with all their soul, with all their
19 mind, and to love their neighbor as themselves.
20 That was a answer that Jesus Christ gave when he
21 was questioned by lawyers, "What's the most
22 important thing? What really matters?" And Jesus
23 said that. He quoted the Shema from Deuteronomy 6,
24 "Love the Lord your God with all your heart, soul,
25 and mind. Love your neighbors yourself." That's

1 as believers, as Christians, as pastors that we're
2 trying to get people to do. We do not earn God's
3 grace or God's favor by doing good. We earn God's
4 grace and God's favor by responding to his love by
5 loving him and by loving others.

6 I've raised three kids here in this county.
7 I've enjoyed it. I love this place. And I
8 appreciate you being a part of helping it to be a
9 great place to live; however, I think it's really,
10 really scary for you to try to tell therapists to
11 not present a certain point of view, which happens
12 to be our point of view, which makes it much more
13 difficult for us to raise our kids in this
14 wonderful place called Palm Beach County.

15 I think it's a great idea to try to help us
16 all get along and love one another, but to limit
17 and try to step into the therapist's office and say
18 to me as a pastor, me as a parent, "You can't get
19 certain help to help a child evaluate their
20 sexuality." I think that's -- that's a wrong step,
21 and I think it makes it a much more dangerous and
22 much worse place to live.

23 So thank you so much for your time today. I
24 appreciate your work.

25 COMMISSIONER BURDICK: Dr. Carla [sic] Wels.

1 Go ahead, Kieron.

2 MR. SHARPE: Good morning. My name is Kieron
3 Sharpe. I live in Jupiter, Florida, and I've been
4 a counseling pastor for many years. And I just
5 want to appreciate and show my appreciation to this
6 body for the decisions you have to make. And I
7 would also pray and encourage you to seriously
8 consider -- we've heard so many different arguments
9 this morning. There's a lot of passion here. And
10 I don't want to be redundant and repeat some of the
11 amazing stories and arguments that people have
12 made, but I just wanted to ask a couple of
13 questions.

14 We are here concerned with children, and
15 that's why we're here. And I would also like to
16 say that the reason why we're concerned with
17 children is because they're our future. We love
18 our kids. I'm a parent of three kids, now a parent
19 of almost six grandkids. We love our children.
20 And there's some questions that come out with
21 regard to what is being promoted here.

22 Words like "conversion," that predisposes the
23 argument that this is a really bad thing. Our
24 counselors and our therapists who are in that field
25 and that line of work, I would say that they have

1 to be loving because the whole purpose of a
2 counselor is building relationships within the
3 counseling environment. In building relationships,
4 the environment has to be comfortable. It has to
5 be loving and these kids need to be affirmed and
6 encouraged.

7 What is my point? If a child comes in and the
8 parent sends them in for help because they have an
9 unwanted sexual attraction, the role is to help
10 this child or this student reach that place where
11 they can make the appropriate decision and be at
12 ease and comfort with the decisions they make.

13 One of the things I see that come out here,
14 we're accused, as counselors, of trying to change
15 the orientation that causes depression, suicidal
16 thoughts, substance abuse and the like. I get
17 these kids coming to me before they even step into
18 a counseling office. They already have these types
19 of things going on.

20 And I'll cite one example. A young woman, who
21 was suicidal, who struggled with same-sex
22 attraction, from her perspective it was unwanted,
23 and she got the appropriate help. And fast forward
24 a few years. She is now a wife and mother of three
25 healthy children. No more ideation of suicide. No

1 more discomforts. She's moving forward, and I see
2 these kids all the time.

3 So all we want -- it would behoove you to
4 really consider opposing this prohibition because
5 it's about the health and welfare of our children.
6 Thank you.

7 COMMISSIONER BURDICK: Thank you. Kathleen
8 Moran [sic]. Here you go.

9 MS. WELS: Hi. My name is Dr. Daria Wels. I
10 live in Boca Raton, Florida. I've been a licensed
11 psychologist in the state of Florida for over 25
12 years. The Florida Board of Psychology is composed
13 of five persons with doctorate degrees in
14 psychology and was established to ensure that every
15 psychologist practicing in this state meets minimum
16 requirements for safe practice. So if they
17 discipline a psychologist, it is done by peers who
18 understand all of the nuances.

19 In Section 7, you state that "This ordinance
20 is enforceable by the county's code enforcement
21 officers." So Palm Beach County will be sending
22 out the same person that ascertains that garbage
23 cans are up to code to evaluate the therapy of a
24 licensed psychologist practices? You fail to cite
25 evidence to show why existing channels for

1 complaints would not be adequate to address any
2 alleged harm.

3 A licensed professional who counsels her own
4 child, arguably, would run afoul of the ordinance
5 because the ordinance prohibits conversion therapy
6 by a licensed counselor whether the counselor is
7 paid or unpaid. There is no exception for parents
8 who are licensed providers who might give counsel
9 to their own LGBT-identified child.

10 Research shows that autistic adolescents are
11 7.59 times more likely to express gender variance.
12 Adolescent girls with autism are vulnerable to
13 being misdiagnosed as being transgender because
14 they fixate on gender just as they fixate on other
15 things.

16 Under this ordinance, a provider who attempts
17 to help an autistic client sort out whether she is
18 fixating on gender but is not trans, or whether she
19 is really transgender, could be accused of
20 practicing conversion therapy. Adolescent lesbians
21 report growing pressure within the LGBT community
22 to identify as transgender males instead of as
23 lesbian girls.

24 The ordinance contains a blanket prohibition
25 on so-called conversion therapy for minors. Minors

1 are defined as children under 18; however, the
2 ordinance treats a minor who is 17 the same as a
3 minor who is two.

4 The ordinance infringes on the religious
5 liberty rights of pastors and parents. A lay
6 person who is a licensed counselor for Catholic
7 Charities, for example, is not afforded a protected
8 right to engage in religious counseling.

9 My quick read of the Palm Beach County
10 ordinances show that you do not police any other
11 professions. Why are you picking on psychologists?
12 How about requiring accountants to inform minors
13 that using a calculator stunts their math
14 abilities?

15 You have a lot to worry about if you start
16 down the road of muzzling psychologists. Once you
17 do, there is no return. The road to hell is paved
18 with many good intentions. Thank you.

19 COMMISSIONER BURDICK: Tyler Hamilton. Go
20 ahead, Kathleen.

21 MS. MARTIN: My name is Kathleen Martin, and
22 I'm a licensed psychotherapist currently in private
23 practice in Palm Beach County. My three minutes
24 are going to be used asking a few questions. Not
25 of you all, don't worry, but general questions.

1 My first one being: How many of you remember
2 the name C█████ G█████? C█████ G█████ was actually
3 named C█████ M█████ W█████ G█████. He was born on
4 ██████ 2016. He was the infant born in the
5 United Kingdom with mitochondrial DNA depletion
6 syndrome, a very rare genetic disorder. C█████'s
7 case captured the world's attention and raised
8 questions concerning the government's right to
9 oversee and ultimately take control of a child's
10 medical treatment and disregard -- actually,
11 disallow a parent's right to seek treatment for
12 their child.

13 United Kingdom actually refused to allow
14 C█████'s parents to take him to the U.S. for
15 medical treatment with hopes of saving C█████'s
16 life. A five month court battle ensued, to no
17 avail. The pope, the president, and truthfully
18 every person that I -- I know did not agree with
19 England's decision to refuse to allow his parents
20 to travel in a desperate attempt to save their
21 child's life.

22 A different issue you state concerning today's
23 hearing? No, no. Today's issue is the beginning
24 of a slippery slope. Stripping away a child's
25 rights, parental rights, essentially all in favor

1 of a government's control, that's frightening to
2 me, very frightening.

3 Number two question: How many of you have
4 attended graduate school and become licensed
5 therapists?

6 UNIDENTIFIED SPEAKER: Just the first four.

7 MS. MARTIN: Okay. Good, a couple here.

8 Well, if you had, you would have heard one --
9 you would have learned one of the very first
10 hard-and-fast rules of therapy, and that is to go
11 where the client goes. We're trained and we're
12 retrained not to take control, not to impose our
13 personal beliefs on any client. That would be
14 inappropriate. Oh, but wait a minute, isn't that
15 exactly what this ban is looking to do? This ban
16 is looking to impose a county, a government's
17 agenda to what they deem is appropriate rather than
18 allowing the child and the client to direct the
19 therapy needed.

20 The state is actually asking us, as
21 therapists, to break our hard-and-fast rule and
22 direct a child to an agenda determined by the state
23 rather than determined by the child. Unthinkable
24 for a therapist. Unthinkable.

25 Number three: Finally, how many of you are

1 parents? I know we got to make it quick here.
2 Okay. Can you think of one person in your life, in
3 your child's life that has a more pure or loving
4 motive for your child than you? Can you think of
5 one person who would have a more pure motive? I
6 can't. I doubt it. And yet parents are being told
7 they are not allowed to get their children help
8 when their children are struggling with unwanted
9 sexual --

10 COMMISSIONER BURDICK: Thank you.

11 MS. MARTIN: Sorry.

12 COMMISSIONER BURDICK: Thank you.

13 MS. MARTIN: Thank you. Thank you.

14 COMMISSIONER BURDICK: Charlene Harren. Go
15 ahead, Tyler.

16 MR. HAMILTON: Thank you, Commissioners.
17 Yours is a job that's not for the faint of heart,
18 and so I appreciate the willingness to serve this
19 county.

20 On the issue of banning therapy for minors, I
21 think everyone's hearts are in the right place. I
22 have friends who are neither coerced into therapy
23 nor promised something that couldn't be delivered
24 through therapy and who have experienced success.
25 This ordinance, and the people who put you up to

1 proposing it, marginalize my friends by telling
2 them that they either don't exist or that they're
3 diluted. This ordinance also steals an option from
4 kids who are just like my friends.

5 Given that this ordinance was recycled from
6 numerous identical ones circulating throughout
7 municipalities in South Florida, it's clear that
8 this ban was prompted by a group with an objective
9 to get rid of any notion that conflicts with their
10 own views and basic assumptions about sexuality.
11 Likewise, the ordinance is based upon
12 presuppositions and conclusions primarily taken
13 from the American Psychiatric Association, American
14 Psychological Associations, drawn from incomplete
15 research evidence. And the organizations drawing
16 the conclusions are represented by association
17 members with specific biases and objectives.

18 The APA Task Force Report, for example, is
19 written by members of that organization who have
20 written elsewhere about strategy and success in
21 getting rid of any therapy besides that which they
22 espouse, specifically what you've operationally
23 defined as conversion therapy.

24 I have two questions. What particular
25 expertise or information does the county possess

1 about therapy that would lead it to co-op the
2 Florida Department of Health? And secondly, with
3 passage of this ordinance, only so-called
4 affirmative therapy would be available to minors;
5 therefore, what body of research evidence does the
6 county use to demonstrate safety and efficacy of
7 such therapy? Specifically, what research evidence
8 exists to suggest that this type of therapy is safe
9 and effective in minors who are indeed distressed
10 by their attractions or behaviors? Thank you.

11 COMMISSIONER BURDICK: Amanda Canate. Okay.

12 MS. HARREN: My name is Charlene Harren.

13 COMMISSIONER BURDICK: Wait a minute,
14 Charlene.

15 MS. HARREN: I'm sorry.

16 COMMISSIONER BURDICK: Rand Hoch. Go ahead,
17 Charlene. I'm sorry.

18 MS. HARREN: My name is Charlene Harren, and I
19 live in Boynton Beach. My husband, who just passed
20 away in May, was a pastoral counselor. He worked
21 for many years with people who had unwanted
22 homosexual attractions, including teenagers, young
23 adults, and men. He would also refer them to
24 professional counselors to address the deeper
25 issues. Professional counseling is a very

1 important resource for people addressing unwanted
2 attractions.

3 Over the years we had the privilege of
4 witnessing change take place in the lives of many
5 of the people that we knew through ministry and
6 many of the people that he counseled. In fact, my
7 husband and I had the privilege of attending a
8 wedding of one of the young men that my husband had
9 counseled.

10 And when my husband passed away, that same
11 young man called to offer condolences. He said
12 that my husband had helped him become the man he is
13 today, and he added that he and his wife and two
14 children were moving away to begin training to
15 enter the ministry.

16 Over the years we have known many people who
17 have chose to get help for reducing unwanted
18 homosexual attractions. I've known several couples
19 that one or both used to identify as homosexual but
20 are now married to one another in a heterosexual
21 relationship. And I have known others who have
22 chosen celibacy over homosexual relationships.

23 Although you may not personally know people
24 who have been dissatisfied with their homosexual
25 attractions, please don't assume such people do not

1 exist. There are, in fact, many people who desire
2 change, including many teenagers. Please don't
3 disregard this population. Please don't take away
4 the right of young people to seek licensed
5 professional counseling when they are distressed by
6 their unwanted attractions. Would you want this
7 for your child? Would you want your child to have
8 no other choice? Please vote no on this ordinance.
9 Thank you.

10 MR. HOCH: Hi. My name is Rand Hoch. I'm
11 president of -- and founder of the Palm Beach
12 County Human Rights Council. Mayor McKinlay and
13 Commissioners, thank you for taking a look at this
14 ordinance at our request.

15 Over the past two years we've heard from two
16 individuals, minors, who have been required to go
17 to conversion therapy by their parents. These are
18 kids with gay friends who are comfortable where
19 they are; It's their parents that have a problem
20 with their children being gay or lesbian.

21 I guess I'm the first lawyer other than Helene
22 to talk today. You've heard legal advice from a
23 bunch of psychologists and other people, but I have
24 to tell you, Helene has done an amazing job looking
25 at this for the past year and a half. She's read

1 every case that's out there. She has challenged
2 Trent Steele and I and Jamie Foreman from the
3 council on every section that might be a problem, a
4 year and a half of legal research, and she won most
5 of the arguments. Things --

6 When we first made the presentation, we were
7 overreaching. We knew that we wanted everything.
8 We wanted to prohibit advertising of conversion
9 therapy, which is illegal in two states because
10 conversion therapy is fraudulent. There is no
11 evidence that it works. Among the federal cases,
12 they wouldn't even allow one of the witnesses, who
13 was a conversion therapist, to testify because he
14 lacked scientific knowledge and reality that was
15 acceptable by the courts.

16 Our ordinance is different than the one in
17 Miami-Dade County. It's narrower because of
18 Helene. She took a look at what was going on there
19 and said, "This opens us up to a problem," so she
20 closed the gap.

21 Florida legislature has never had a hearing on
22 conversion therapy regardless of what you've been
23 told. Excuse me?

24 COMMISSIONER: Can you address that?

25 MR. HOCH: Okay. They've never had a hearing

1 on conversion therapy. Bills have been filed, but
2 they have refused to amend the sections of the law
3 that governs psychologists, psychiatrists, medical
4 providers, to specifically address conversion
5 therapy, and that's the problem and that's why
6 we're here today. That's why we've been to other
7 places throughout the county, and other groups have
8 been throughout Florida because there is a problem.
9 Conversion therapy causes harm. That is proven in
10 every one of the studies that we provided you.

11 And I apologize for giving you hundreds of
12 pages of things to review, but it's consistent.
13 And these are done by real groups. They're not
14 done by the American College of Pediatricians --
15 and I have ten seconds left -- so nothing affects
16 free speech. It affects conduct, and that has been
17 dealt with by the United States Supreme Court and a
18 lot of lower courts. Thank you.

19 COMMISSIONER BURDICK: Thank you.

20 That concludes the members of the public who
21 wish to speak, but we do have a number of cards
22 here that do not want to speak but wanted their
23 names read into the record.

24 Amanda Canate is in support. Dylan Brocks is
25 in support. Carly Cass is in support. Sherman

1 Dibble is opposed. Rachel Brent is opposed. Julie
2 Thomas is in opposition. Joe Seifel is opposed.
3 And Vanessa Smith is also opposed.

4 And that concludes our comment from the
5 public, and I will now turn it over to the Mayor of
6 Palm Beach County, Melissa McKinlay.

7 MAYOR MCKINLAY: Thank you very much. Thank
8 you very much. Commissioner Berger, you're
9 recognized.

10 COMMISSIONER BERGER: I wanted to ask
11 something of Rand, but that's okay, he's already
12 sat down. I'll just make it in my comments.

13 MAYOR MCKINLAY: Okay.

14 COMMISSIONER BERGER: I'll just make it in my
15 comments.

16 MAYOR MCKINLAY: We're on comments. Did you
17 want to make your comments or do you want me to
18 come back to you?

19 COMMISSIONER BERGER: Still on questions?

20 MAYOR MCKINLAY: No, we're not. We're on
21 comment right now.

22 COMMISSIONER BERGER: Okay. Do we need a
23 motion?

24 MAYOR MCKINLAY: Actually, we can do -- we can
25 do questions, that's fine. Commissioner Abrams.

1 COMMISSIONER ABRAMS: Thank you, Madam Mayor.
2 I do have a couple of areas of inquiry here. The
3 first is this issue of the Board's jurisdiction,
4 the county's jurisdiction, I guess, over this
5 issue. What's the county attorney's position on
6 that?

7 MS. HVIZD: Well, the question I believe
8 should not be phrased in terms of jurisdiction,
9 which is an authority to hear an issue. I believe
10 it rather is a question of preemption. That's the
11 way a court would look at it.

12 As you know, there are two ways that the
13 county might be preempted from legislating in a
14 particular area. One is an express preemption.
15 There is no express preemption in the Florida law.

16 COMMISSIONER ABRAMS: That's when the
17 legislature specifically says "The county shall not
18 legislate in this area."

19 MS. HVIZD: Correct. And the second way would
20 be an implied preemption, and that would be
21 something that the courts would have to imply from
22 the legislative scheme. And in this regard, you
23 are writing on a clean slate. There has been no
24 court in the state of Florida to address this type
25 of question, and so I am also giving you advice

1 based on a lack of precedence that we can refer to.

2 The proponents of this particular ordinance
3 point to language in the Florida legislature that
4 says that counties may protect the health, safety,
5 and welfare of children, and they see that as a
6 statement of the legislature's intent not to
7 preempt counties from legislating in this area.

8 That's one argument. The other side of the
9 argument is that Florida does have a very broad
10 Patient's Bill of Rights and very extensive
11 legislation regarding professional associations and
12 boards that do oversee physicians.

13 So there is an argument to be made on both
14 sides. There is no express preemption, however.

15 COMMISSIONER ABRAMS: Okay. And then I guess
16 the -- moving to more of a substantive issue on
17 this, you know, a lot of discussion -- I was
18 wondering where all my friends from Boca Raton,
19 where they were when the Boca Raton City Council
20 took this up; but in any event, I'm glad to see you
21 all came up here to West Palm. But let me ask: A
22 lot of -- a lot of debate this morning about
23 discussion -- discussing with youth or children the
24 issue of unwanted attractions versus the act -- the
25 actual treatment or seeking to change a child's

1 sexual orientation.

2 And I know we're on first reading today and,
3 you know, I don't know if this is going to move
4 forward or not; but if it were to move forward, if
5 there weren't some ability to even further sort of
6 narrowly tailor this to the actual treatment that
7 would seek to change a child's sexual
8 orientation -- because my problem isn't so much
9 with the freedom that I think people should have to
10 discuss things as opposed -- or even counseling
11 and, you know, I don't know if that's a term of art
12 in the, you know, psychological community, but I
13 do, in my head at least, make a distinction between
14 discussing and counseling versus what we have in
15 your definition of practices or treatment to seek
16 to change an individual's sexual orientation or
17 gender identity because that I don't think can
18 occur as a matter of fact. But, you know, if this
19 were to come back, Madam Mayor, you know, I
20 would -- I would like to see if we couldn't tighten
21 that up to prohibit the actual activity that I
22 think is being complained of by the Human Rights
23 Coalition, which is the actual practice or
24 treatment of changing someone's sexual orientation.

25 And then just if you can confirm that you've

1 written it up so that it sort of works both ways.
2 That, you know, a child who is gay cannot be
3 converted to being straight, likewise, this would
4 prohibit a straight child from being converted to
5 being gay if -- you know, again, if any of that is
6 even possible, which it's not in my view. And
7 that's what you are saying in this -- in this
8 section for definition of conversion therapy.

9 Because while you are saying that conversion
10 therapy does not include counseling that provides
11 support and assistance, et cetera, you have
12 provided that this is so as long as such counseling
13 does not seek to change an individual's sexual
14 orientation or gender identity. So it works both
15 ways as you've drafted it; is that correct?

16 MS. HVIZD: Correct.

17 COMMISSIONER ABRAMS: Okay. Thank you.

18 MAYOR MCKINLAY: Commissioner Valeche.

19 COMMISSIONER VALECHE: Thank you, Madam Mayor.
20 I think we're on very dangerous ground here and, to
21 me, this is primarily about speech and what we're
22 doing here, to be honest, and at least in my view,
23 is criminalizing and --

24 MAYOR MCKINLAY: Mr. Valeche, I'd like to
25 remind you that we're on questions right now, not

1 on comments.

2 COMMISSIONER VALECHE: Okay. Well, I'm
3 questioning the Board's motives in doing this, but
4 I'll -- I'll defer -- I'll wait. Sure.

5 MAYOR MCKINLAY: Thank you. Commissioner
6 Kerner.

7 COMMISSIONER KERNER: Thank you, Madam Mayor.
8 My -- my line of questioning pertains directly to
9 what Commissioner Abrams was interested in, and
10 that is the implied preemption concern for -- the
11 legislature would have to fully occupy the field of
12 regulation over this conduct for it to be impliedly
13 preempted; is that correct?

14 MS. HVIZD: I think I might extend that a
15 little bit. You're suggesting that they would have
16 to completely occupy the field as to this conduct
17 as to --

18 COMMISSIONER KERNER: As to the regulation of
19 mental health treatment, I guess.

20 MS. HVIZD: Okay. If it is more -- if the
21 statement is more broad, I would agree with that.

22 COMMISSIONER KERNER: And so in that line, I
23 know that there's not any precedent as to sexual
24 orientation change efforts specifically, but is the
25 County Attorney's Office aware of regulation within

1 that field by local governments that don't pertain
2 specifically to that issue?

3 MS. HVIZD: Other than the ordinances that
4 several other municipalities have already passed,
5 I -- I am not aware of every municipality's
6 ordinances though, so --

7 COMMISSIONER KERNER: Sure. Well, I guess I'm
8 wondering: Have other local governments attempted
9 to regulate -- not SOCE specifically, but other
10 aspects of mental health or psychological
11 treatment?

12 MS. HVIZD: And again, Commissioner, I'm
13 sorry, I'm just not able to answer that question
14 with any specificity. I can't -- I can't say.

15 COMMISSIONER KERNER: If we find instances
16 where local governments have regulated in that
17 area, the broadest area possible, would that give
18 the County Attorney's Office more comfort that
19 local governments have regulated and thus it's been
20 upheld and thus there is no implied preemption?

21 MS. HVIZD: Certainly. I'm not aware of any
22 ordinances.

23 The county commission, pursuant to its home
24 rule charter, is allowed to enact ordinances to
25 protect the health, safety, and welfare of its

1 citizens. And so, in that light, you have the
2 authority, if you will, to enact an ordinance that
3 you believe is intended to protect the health,
4 safety, and welfare of minors, of any citizen. So
5 it would not surprise me if we were to find an
6 ordinance in another municipality or county within
7 the state of Florida that does indeed place some
8 limits on medical practices.

9 COMMISSIONER KERNER: Okay. So for the many
10 speakers that came up and essentially warned us
11 that we're operating outside of our authority as
12 the county commission, as we sit here today,
13 there's nothing specific that you can point to to
14 sustain their allegations?

15 MS. HVIZD: Correct.

16 COMMISSIONER KERNER: Okay. Beyond that, I
17 guess I'll save the rest for debate.

18 MAYOR MCKINLAY: Commissioner Burdick.

19 COMMISSIONER BURDICK: Thank you. I'd like to
20 move the approval on preliminary reading and
21 advertise for public hearing on December 19, 2017
22 at 9:30 in the morning establishing a Prohibition
23 of Conversion Therapy on Minors Ordinance.

24 VICE MAYOR BERNARD: Second.

25 MAYOR MCKINLAY: Okay. There's a motion

1 that's been made by Commissioner Burdick and a
2 second by Vice Mayor Bernard.

3 Commissioner Berger, I do know that you had a
4 question, so if you would like to ask that, please
5 feel free.

6 COMMISSIONER BERGER: I wanted to direct a
7 question to the young lady that's sitting towards
8 the back there that came up and spoke. You are a
9 counselor and you spoke very eloquently and had the
10 really beautiful blue color dress on. Yes. Oh,
11 blue blouse, sorry. I just like the color blue.

12 Thank you. Thank you for coming out. I
13 just -- I'm not sure that we've been real clear
14 with each other about exactly what conversion
15 therapy is, so I'm going to take a stab at this
16 question. If a parent came to you with a young
17 person, a teenager, that was having difficulty and
18 that parent said, "I want you to take my child. I
19 want you to tell him or her that he or she is
20 wrong, bad, a sinner, will go to hell, not go to
21 heaven," would you take that case?

22 MS. BESSETTE: I don't think it's such a cut
23 and dry answer. I would definitely explore that
24 with the parents.

25 Within the practice that I work in, we have

1 policies and procedures in place where we wouldn't
2 see a child without seeing a parent first, so that
3 would be a discussion that I would have. It's not
4 a black and white answer for me, but I know that
5 for myself ethically, I'm not in a business to
6 change people. I'm in it to help them discover
7 what they already have.

8 There's no evidence to say that conversion
9 therapy works, so I go back to what someone cited
10 earlier about your jurisdiction of letting a doctor
11 give a Z-Pak. Well, you wouldn't give a Z-Pak if
12 you didn't have a diagnosis, and there's no
13 diagnosis that says that this is what conversion
14 therapy is for. I hope that answers your question.

15 COMMISSIONER BERGER: Yes, it does. And I
16 appreciate your honesty in that answer. Thank you.

17 MAYOR MCKINLAY: We are now on comments, and I
18 will go back to Commissioner Valeche.

19 COMMISSIONER VALECHE: Thank you, Madam Mayor.
20 I'll start again.

21 We are on very dangerous ground here because,
22 in my view, this is a speech issue and what we're
23 doing is banning and criminalizing speech that we
24 might not agree with or might find distasteful.

25 I -- from what I've read about conversion

1 therapy, it's probably not a good thing, but I
2 would certainly not be presumptuous enough to
3 impose my nonprofessional opinion, and I don't
4 think we should be presumptuous enough to impose
5 our nonprofessional opinions on a profession that's
6 self-regulating.

7 Another thing that we're doing here is getting
8 between -- we're interposing ourselves between
9 parents and children, which is certainly not the
10 role of the county commission, and I'll illustrate.

11 I mean if a parent wants to -- thinks that
12 this thing is good, which they're allowed to
13 think -- you know, we're not in the thought control
14 business here -- and they want to take their kid to
15 a therapist that previously, you know, contemplated
16 this, I don't even know what it is, and we haven't
17 defined it yet, they won't be able to do it. Or,
18 as the Mayor asked, they could bring their kid
19 there but if the -- if the conversation inches into
20 this area, this amorphous area that we don't -- we
21 haven't even defined, then suddenly the therapist
22 could be cited by our code enforcement officer and,
23 you know, given a fine. I don't know what the
24 penalties are here, but there is a fine.

25 This is smacking of fascism to me, you know,

1 because that's how fascism starts. You don't like
2 somebody's ideas and you say you can't say them
3 anymore.

4 The last thing, and then I'll read something
5 from the ACLU, which, as you know, is very
6 fair-minded about speech issues, but this is
7 unenforceable. Honestly, that code enforcement
8 question I thought was very relevant. How are we
9 going to find out whether this is taking place
10 within people's offices in the privacy of -- and
11 I'm assuming that like most doctor-patient
12 relationships, and these are not always doctors,
13 but that this conversation is privileged. And how
14 do we -- what do we do? Break in? Do we eavesdrop
15 on people? I think there's all sorts of problems.

16 But let me read from the ACLU. "Available
17 research does not support the use of conversion
18 therapy as an effective method in the treatment of
19 LGBT persons. Evidence shows that the practice may
20 actually cause emotional or physical harm to LGBT
21 individuals, particularly adolescents or young
22 persons. At the same time, however, we believe
23 that this type of therapy is and can be prohibited
24 more appropriately through other methods, including
25 through the professional disciplinary process.

1 Legislative regulation remains problematic in our
2 view, particularly because of its potential civil
3 liberties impact far beyond its designated intent.

4 Here is what we have argued: Professional
5 licensing entities are better suited than
6 legislators to regulate medical practices given
7 their expertise in the field and the lower risk
8 that such decisions will be based on politics
9 rather than the medical evidence."

10 I think we're overstepping our bounds here.

11 MAYOR MCKINLAY: Vice Mayor Bernard.

12 VICE MAYOR BERNARD: Thank you, Madam Mayor.
13 You know, I move that -- you know, I think it's so
14 important for us -- for this to, you know, go into
15 December 19th. I know it's not a -- it's not a
16 perfect ordinance and where we may need to -- if
17 there is issues that we need to address in terms of
18 making sure that it's -- it's applied narrowly, I
19 think that we would have time between now and
20 December 19th to address those. But, you know,
21 since we're -- we're here to protect the health,
22 safety, and the welfare of our residents, and this
23 is our opportunity to protect minors.

24 And since the state -- since the legislature
25 have not -- have not acted on this, we, as a county

1 commission, I believe that we should move forward
2 since there's no express or implied preemption.
3 This gives us a clean slate. And if the
4 legislature want to preempt us, then they can do
5 that in the future.

6 So I'm supporting this, and if there's
7 something that we need to address in the future
8 between now and December 19th, I think that we
9 should bring the parties together and address it to
10 make sure that it's narrowly tailored. Thank you.

11 MAYOR MCKINLAY: Thank you, Vice Mayor
12 Bernard. Commissioner Kerner.

13 COMMISSIONER KERNER: Thank you, Madam Mayor.
14 I will vote today to move forward with this
15 proposed ordinance.

16 I think it's important to make the distinction
17 that we're not regulating speech here. We're
18 not -- first of all, we're not interfering with the
19 parental relationship or the pastoral relationship.
20 What we are doing here today, or what we may do, is
21 regulate a profession.

22 There was some comments made about 3 plus 4
23 equals 21 and these -- and that's incorrect. And
24 the assumption is that being homosexual is and
25 somehow wrong. That's the presumption that I feel

1 when someone says "3 plus 4 equals 21, you're
2 wrong." There's an analogy there. And so what
3 we're talking about today is it's fine to believe
4 that. I'm not going to impose my views on my
5 constituents. It's fine to believe that. It's
6 fine to speak about that in the parent-child
7 relationship if that's how you wish to teach your
8 children. That's far beyond our authority as
9 county commissioners.

10 And certainly within the religious context, we
11 don't mean to infringe upon the religious
12 relationship that exists. That's sacred and that's
13 not something that governments should interfere
14 with, but what we are speaking about today is
15 regulating the profession of psychology,
16 psychiatry -- psychiatry, and licensed mental
17 health, and so government is well-empowered to
18 regulate that relationship.

19 And just to allay fears about code enforcement
20 officers sneaking in or eavesdropping on that very
21 sacred relationship as well, that's not how this
22 ordinance would or could be enforced. The way that
23 I see it being enforced is that if a young -- if a
24 minor is compelled to go to this type of therapy --
25 as it stands right now, they have no outlet to

1 object to it except objecting to their parents, but
2 if they are compelled to go to this type of therapy
3 and they don't agree with it and it offends them
4 and it hurts them and it affects their psychology
5 and mental health, then they have the ability to
6 petition their government and say, "Hey, my
7 psychologist is violating the law and I want my
8 government to do something." That option does not
9 otherwise exist in the current legislative scheme
10 in Palm Beach County, and I will be voting for it
11 today. Thank you.

12 MAYOR MCKINLAY: Ms. Nieman.

13 MS. NIEMAN: I just want to point out that I
14 appreciate Mr. Hoch's comments about Helene's hard
15 work, and she definitely has, but we are stepping
16 into new grounds.

17 You heard earlier that Tampa is being sued.
18 I've requested a copy of that complaint and will
19 have that reviewed to see how our ordinance
20 parallels and what the challenges are so you have
21 that information for your point of public hearing.

22 MAYOR MCKINLAY: Commissioner Kerner.

23 COMMISSIONER KERNER: I have a question on
24 that issue. Thank you, Madam Mayor.

25 Is the lawsuit as to the facial and

1 constitutional of the ordinance or is it being
2 challenged as it was applied?

3 MS. NIEMAN: I have no idea. It's new
4 information that there -- a suit was filed. So
5 I've requested that this morning as I'm sitting
6 here, and we will have that, you know, information
7 for you. I just don't want to leave an impression
8 that all of Helene's good work results in a slam
9 dunk if we're challenged.

10 COMMISSIONER KERNER: Thank you.

11 MS. NIEMAN: We know that doesn't happen any
12 time with what we're doing, but especially here.

13 MAYOR MCKINLAY: Thank you. Commissioner
14 Abrams.

15 COMMISSIONER ABRAMS: Madam Mayor, I can --
16 this is a difficult issue. I must say I
17 acknowledge the arguments on both sides. I can --
18 but we are here on first reading. I can support
19 bringing this back and -- but I would want to see
20 what a final version looked like based on some of
21 the concerns that I've expressed based on the
22 additional information that County Attorney's
23 Office is going to provide or reserve the right
24 myself to make changes at the next meeting -- you
25 know, to propose changes for the Board's

1 consideration and would withhold my judgment on the
2 substance of this until then.

3 MAYOR MCKINLAY: Thank you, Commissioner
4 Abrams. And I don't see any more lights, so I'll
5 just wrap it up.

6 Our job is not an easy one, and sometimes we
7 get into subjects that we don't always see eye to
8 eye with and from certain members of the public.
9 This -- this type of issue is one of those. I
10 think it's an argument versus those of us that
11 believe a person's sexual preference is something
12 that they're born with versus those that believe
13 that it's a learned behavior.

14 I -- I support the position that it's a
15 genetic inclination and that a person is born that
16 way. I do not believe that it's a behavior that
17 needs to be corrected. I think it's a behavior
18 that our society needs to learn to live with and to
19 accept.

20 And Pastor Thomas, you've said it -- you said
21 it perfectly when that we should love our
22 neighbors, we love ourselves. And that means our
23 neighbors with -- with their flaws or with their
24 beliefs that are different than our own, we should
25 still love them.

1 I am also here as a mother, and I'm also here
2 as a advocate for children and have been doing that
3 mostly in a volunteer capacity for more than a
4 quarter of a century. And I had a boss one time,
5 he annoyed me. I was 25 years old and I went to
6 him to complain, and he looked at me and he said,
7 "Feelings are feelings. They're neither right nor
8 wrong." And at the time I thought that was the
9 most idiotic piece of advice that I had ever been
10 given, and now that I realize there is some parts
11 of him that -- that were a bit genius.

12 I respect the mostly respectful debate that
13 we've had here today and appreciate everybody's
14 position on both sides of this issue. I believe
15 that this conversation warrants further discussion,
16 and I look forward to supporting this in bringing
17 this back to us in a few weeks for a final
18 decision.

19 I had a lot of other comments here, but I
20 think I'll refrain from those right now because I
21 don't want this conversation to turn ugly, and I
22 will just say that I particularly am grateful for
23 Commissioner Kerner's comments and believe that you
24 have presented the best argument today for moving
25 forward.

1 So with that, I don't see any further
2 discussion, so I will call for a vote. So all in
3 favor of moving forward on preliminary reading for
4 this ordinance to come back to us for final
5 adoption, please signify by saying aye.

6 COMMISSIONERS: Aye (en masse).

7 MAYOR MCKINLAY: All those opposed?

8 Let the record reflect the motion carries 6 to
9 1 with Commissioner Valeche opposing. Thank you.

10 (Whereupon, the discussion regarding Agenda
11 Item 4.A.1. is concluded.)

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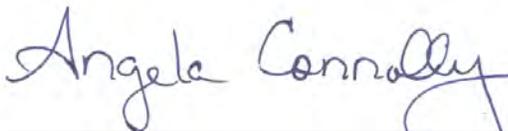
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COUNTY OF PALM BEACH)

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Dated this 19th day of July, 2018.



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