

**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 19, 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’ Meetings dated December 19, 2017, Bates Labeled Document PBC 000430 – PBC 000550.

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.

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_____ /

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

DATE: DECEMBER 19, 2017

TIME: 39:01 - 2:33:35

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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.F.1 begins.)

MAYOR MCKINLAY: 4.F.1, this is the proposed ordinance on conversion therapy. I'll ask one more time: If any member of the public would like to speak, now is the time to turn in your card. If not, I won't accept any more cards after this.

1 Okay. Thank you. Mr. Bonlarron, I'll turn
2 this over to you.

3 MR. BONLARRON: Thank you, Madam.

4 MAYOR MCKINLAY: Let me turn this to Denise.

5 MS. NIEMAN: Oh, I would like -- would you
6 like me to make my statement? I have a strong
7 recommendation. Is that why it's being turned over
8 to me now? Okay. Because I -- what would you
9 like?

10 MR. BONLARRON: If you want, we can just go
11 over the revisions that we've made to the ordinance
12 based on the conversation from the last meeting,
13 and then Denise can offer an opinion as well, if
14 you want to do it that way.

15 MS. NIEMAN: Yeah. I think it would be
16 important to put that on the record before you take
17 public comment.

18 MR. BONLARRON: So Helene is going to go over,
19 briefly, the revisions that we've made since the
20 last meeting to the first public hearing.

21 MS. HVIZD: Good morning, Madam Mayor and
22 Commissioners. We made, in essence, two changes to
23 the ordinance that was presented to you at the last
24 meeting on December 5th. Those changes were as a
25 result of conversations with Dr. Julie Hamilton, as

1 well as direction from Commissioner Abrams.

2 The first is that we removed the fourth
3 Whereas Clause discussing the American
4 Psychological Association's Task Force on
5 appropriate therapeutic responses to sexual
6 orientation. That was in response to discussion
7 with Dr. Hamilton.

8 And then in response to discussion, or
9 direction rather from Commissioner Abrams, we've
10 altered the definition of conversion therapy,
11 Section 4. This is on page 5, beginning at line
12 13. And, in essence -- well, what we did was we
13 took out any "counseling" or "treatment," so the
14 definition now says, "Conversion therapy means the
15 practice of seeking to change an individual's
16 sexual orientation or gender identity," et cetera.
17 This ordinance now, in essence, mimics the New
18 Jersey law that was a state law that was upheld in
19 a couple of cases out of New Jersey by the federal
20 courts.

21 So those were the changes that have been made.
22 If there are any other questions, then I -- I
23 understand the county attorney has a comment.

24 MS. NIEMAN: Yes. At the last hearing -- I'm
25 sorry, the first reading, we were -- it was brought

1 to our attention that a very similar ordinance that
2 the city of Tampa had adopted was under judicial
3 review.

4 We had a chance to review that complaint since
5 the last meeting, and it really is an ordinance
6 that's similar to ours. I would strongly recommend
7 that the Board not take action on this, but to hold
8 off and direct staff to monitor the court
9 proceedings. That way we can learn and have a
10 federal court case in Florida as to what the -- the
11 law is in Florida. Because, as Helene pointed out,
12 the ordinance is legally sound based on cases
13 outside of our state; but now we know that we're in
14 federal court, I always advise you not to move
15 forward with a federal ordinance.

16 MS. HVIZD: And if I could expand on that just
17 briefly. I was in contact with counsel for the
18 City of Tampa this morning, and he says that there
19 will be no action taken prior to January 12th, but
20 at some point thereafter he expects a hearing to be
21 set on the plea for injunctive relief.

22 MAYOR MCKINLAY: Does anybody have any
23 questions? I do. I have one question. What is
24 the difference between what we're proposing and
25 what Tampa has passed?

1 MS. HVIZD: The main difference is the
2 penalties. They have penalties established of
3 \$1,000 for a first violation and \$5,000 for a
4 second violation. Our penalties are \$250 and \$500.

5 The definition of conversion therapy is
6 virtually identical. They define counselors. They
7 exclude clergy as we do. So it's basically just
8 the penalties imposed. There may be -- there may
9 be a comma here or there, but it makes no
10 difference for the meaning.

11 MAYOR MCKINLAY: Commissioner Valeche.

12 COMMISSIONER VALECHE: Just to follow-up on
13 that, but what will be heard in this case and the
14 gravamen of the case is not the amount of the
15 fines, right? It's -- I mean that is sort of a
16 detail that won't bear on the outcome of the case?
17 Or, Ms. Nieman, could you --

18 MS. NIEMAN: Right. That is not a major part
19 or any part of this lawsuit at all. It's whether
20 or not it can be regulated at a local level.

21 COMMISSIONER VALECHE: So for all intents and
22 purposes, our -- our ordinance is identical?

23 MS. NIEMAN: It will get into the preemption
24 that we discussed last meeting. It's a well-pled
25 complaint with a lot of, you know, causes but the

1 penalties are not critical in this case.

2 COMMISSIONER VALECHE: Thank you.

3 MAYOR MCKINLAY: Commissioner Kerner.

4 COMMISSIONER KERNER: Thank you, Madam Mayor.

5 City County Attorney, is there any possibility that
6 if suit is filed in Palm Beach County, that our
7 action would be stayed or consolidated with the
8 other action on the west coast?

9 MS. NIEMAN: I have -- I'm not in a position
10 to answer that question. We didn't have that
11 conversation. Ms. Helene, have you discussed --

12 MS. HVIZD: I think consolidation may be a
13 possibility, but there are several factors that
14 you'd have to examine first, and we just don't have
15 the facts sufficient to say whether or not that
16 would take place.

17 COMMISSIONER KERNER: Thank you.

18 MAYOR MCKINLAY: A consolidation, if that were
19 ordered by the federal courts, would also include
20 all of the municipalities that are passing around
21 ordinances?

22 MS. NIEMAN: Had individual suits filed
23 against them.

24 MAYOR MCKINLAY: With that, we're going to go
25 to public comment. I would ask the audience to

1 please not clap or cheer or boo or any -- any
2 behavior as such. Thank you.

3 COMMISSIONER BURDICK: Julie Hamilton and
4 Diane Torres. Please state your name for the
5 record, and you have three minutes.

6 MS. HAMILTON: Okay. My name is Dr. Julie
7 Hamilton. I'm a licensed therapist in Palm Beach
8 Gardens. I do appreciate the word of caution
9 because it would cost this county many, many tax
10 dollars to fight a lawsuit that would inevitably be
11 filed against the county if it passes today.

12 But I want to say that the changes that were
13 made, taking out the word "counseling" and keeping
14 the word "practice" is really not a change at all.
15 As therapists, the only practice we engage in is
16 talking. We listen. We ask questions. We have
17 conversations. So that is our practice. It is a
18 speech violation.

19 The other thing I want to say is that if
20 you -- actually, I just want to ask a few
21 questions. I know you can't answer them, but some
22 things to consider as you consider this ban whether
23 today or in January or next year. What do you want
24 us to do with the clients we are currently seeing
25 if you pass this ban? If we drop them, that's

1 considered abandonment by our field.

2 The next question would be: What if the
3 mother calls us and says her son is suicidal
4 because he has attractions that he doesn't want.
5 Should we tell her that the county commissioners
6 say we're not allowed to work with him if his goal
7 is to change?

8 By the way, this is a ban on goals, it is not
9 a ban on practice. Please understand this. There
10 is no such thing as conversion therapy. We do the
11 same thing with all our clients. We talk to them.
12 Whether they come in with substance abuse, eating
13 disorders, homosexual attractions, whatever it is,
14 it's the same thing. Conversion therapy is a
15 made-up term by activists, defined by activists.
16 It does not describe what we do. We talk to
17 clients.

18 Your ordinance is banning a goal. I don't
19 know if you guys are still listening or not, but
20 your ordinance is banning a goal. It's a goal.
21 You're saying clients are not allowed to have the
22 goal of changing -- and you know what? You're not
23 banning us because we don't set the goals, the
24 clients do. You're telling clients they cannot
25 come to us with the goal of changing, so do you

1 want us to tell them the commissioners say you're
2 not allowed to have that goal?

3 And then what if we're seeing a client and
4 they come in for depression and substance abuse,
5 but six months into treatment we discover that the
6 reason they're depressed is because they were
7 sexually abused and they were left with attractions
8 that they don't want? Do we tell them, "I'm sorry.
9 We can keep talking about your substance abuse, but
10 we cannot help you if your goal is to get rid of
11 those attractions. The commissioners say we cannot
12 help you with that goal"?

13 You know, I could go on and on with ethical
14 dilemmas that this ordinance would cause and harm
15 it would cause to children and teenagers, the ones
16 that are suicidal and depressed, but the truth is
17 I'm -- we're going to have questions as we go
18 forward about how we would implement this on a
19 daily basis. Is your office going to be available
20 for phone calls? Because the state regulates us
21 and the Department of Professional Regulation is
22 available for us to call if we have questions about
23 the laws and rules in Florida. We can call them or
24 we can email them and we can ask them.

25 So if you're going to step in and oversee us,

1 can we call you each time we have an ethical
2 dilemma or a suicidal client? Can we ask you what
3 to do about that client?

4 You're stepping into dangerous ground, and I
5 would ask you to vote no. Not just postpone it,
6 but vote no. Thank you.

7 COMMISSIONER BURDICK: Connie Bogner.

8 MAYOR MCKINLAY: Yes, Commissioner Berger.

9 COMMISSIONER BERGER: I have a question for
10 the lady that just finished speaking, if I may.
11 Thank you for coming back up to the microphone.

12 You made a statement early on that all we do
13 is talk.

14 MS. HAMILTON: Yes.

15 COMMISSIONER BERGER: Are you guaranteeing to
16 me that every therapist in Palm Beach County only
17 talks to their clients?

18 MS. HAMILTON: Yes. We're talking about talk
19 therapy. Now if -- now for medication, that's
20 dispensed by a psychiatrist. If there's any other
21 procedure that you're talking about, I'm not aware
22 of any therapists in Palm Beach County doing that.

23 COMMISSIONER BERGER: Thank you.

24 MS. HAMILTON: You're welcome. Can I add to
25 it? Can I answer one more thing? This -- if

1 you're talking about adverse techniques or shock
2 therapy or anything like that, that is illegal.
3 That cannot go on in a therapy office, cannot. It
4 is literally talking. Okay.

5 COMMISSIONER BURDICK: Connie Bogner. Not
6 Connie Bogner?

7 Andres Torrens. Is Andres here?

8 MS. TORRES: Is it my turn?

9 COMMISSIONER BURDICK: Yes, ma'am.

10 MS. TORRES: Hi. My name is Diane Torres, and
11 I work with kids all my life. I was a kid once.
12 We were all kids once. And my only point to this
13 is that when we were kids, we didn't have to worry
14 about all this sexual identity stuff. We were just
15 kids being kids, and so I don't understand why we
16 can't just let kids be kids.

17 And so the fact of it is now we have this
18 thing where kids are being pressured and feeling
19 pressured and feeling bullied into being one way or
20 the other, and that's not right. And I think that
21 if a kid feels that way, and they want to talk to
22 somebody that they feel is safe, or a parent sees
23 that a child needs somebody that the child wants to
24 go and talk to somebody that they feel safe, they
25 should have the right to do that, and it's not

1 right for us to legislate morality. It's not up to
2 us to legislate how a child feels or what a child
3 wants. We have to do what's best for them, and I
4 don't think the way society is being run right now
5 is good for kids. And we need to provide every
6 safety net we can so that a child feels safe to
7 express themselves.

8 And so I ask you to say no to this ban. I
9 think it is ridiculous that we even have to have
10 this conversation. And that's all I have to say,
11 so I thank you very much for your attention.

12 COMMISSIONER BURDICK: Thank you.

13 MS. TORRES: You're welcome.

14 MS. BOGNER: Hi. Good morning. I'm Connie
15 Bogner. Sorry for the delay. I'm stickered up
16 with my little one with me here.

17 Connie Bogner from Riviera Beach, Florida.
18 I'm a native. And I actually went to school in
19 Riviera Beach High School, Suncoast High School
20 there as well. I think we're all here, we're just
21 trying to accomplish the same thing, which is to
22 protect the children, and nobody wants something to
23 be forced on children that's going to shame them or
24 harm them I think on -- on both sides, both
25 positions.

1 So we're all trying to accomplish the same
2 thing. I think maybe the means that we're going
3 about is not the best means. You are trying to do
4 what -- what we feel we have control over.

5 The parents, like myself here, are trying to
6 speak out and you esteemed commissioners taking the
7 laws that you can implement and trying -- and
8 better our community, but I think what -- what will
9 actually happen is our -- our goals are not going
10 to end up happening because we're -- we're going to
11 actually -- by trying to protect those who want --
12 or who want to -- children who want to have a
13 homosexual lifestyle and parents who are forcing
14 them to not to -- to try to live a different way,
15 by protecting those children, we're discounting the
16 ones who have these homosexual attractions and
17 don't want it.

18 God forbid any of our children, you know,
19 experience a sexual trauma and have confusion, you
20 know, and want help, this -- this ban would prevent
21 that. And I'm just -- I'm just a parent. I'm not
22 a professional speaker, obviously. I'm just trying
23 to do the best thing for my kids. I love my kids.
24 I try and have open communication with my kids.
25 And if -- if they choose either way, I want them to

1 be able to get help. And so, you know, I just
2 really ask of you to please just keep that option
3 available. So, thank you so much.

4 COMMISSIONER BURDICK: Virginia Brooks.

5 MR. TORRENS: Good morning. Andres Torrens,
6 122 Casa Grande Court in Palm Beach Gardens,
7 Florida.

8 Good morning, and thank you for giving me this
9 opportunity to speak today. I am a licensed
10 clinical social worker and a family therapist who's
11 been practicing for over 30 years. I have worked
12 with youth and families my entire career, currently
13 run a behavior health program for children and
14 families in West Palm Beach, and serve as the
15 legislative chair for the National Association of
16 Social Workers. I am here to speak to you about a
17 practice known as conversion therapy, an extremely
18 dangerous and unethical practice that does not work
19 and which should be banned.

20 Imagine what it would be like for you if, as a
21 minor, you were taken to see a therapist and the
22 therapist told you that they were going to help you
23 become homosexual because identifying as
24 heterosexual was wrong. How absurd would that have
25 been for you, especially for those of you who

1 identify as heterosexual? Young people who are
2 subjected to this barbaric treatment can become
3 depressed, engage in substance abuse, engage in
4 self-harm, and even become suicidal.

5 A recent study showed that 40 percent of youth
6 who identified as LGBT either had a plan to hurt
7 themselves or had attempted suicide. Some of this
8 could have been avoided had they had qualified and
9 sensitively-trained clinicians that worked with
10 them in coming to terms with their identity rather
11 than telling them that there was something wrong
12 with them. But even given the sad but true
13 statistics, some mental health providers continue
14 to subject our LGBT youth to conversion therapy.

15 In Palm Beach County, recognizing how
16 destructive this practice is -- I'm sorry. In
17 some -- in Palm Beach County, recognizing how
18 destructive this practice is to our LGBT youth,
19 some municipalities have stood up for our kids and
20 banned the use of conversion therapy. I am here
21 today to ask you to please ban this practice in all
22 of Palm Beach County. Let's not allow one more
23 young person to hurt themselves or take their life
24 because of this inhumane practice.

25 I love this county that I have lived in for

1 the past 11 years but, frankly, I am disappointed
2 and ashamed to say that I live in a city and a
3 county that allows children to be abused by the
4 practice of conversion therapy. Please, I ask you,
5 as an advocate for children, to stand up and speak
6 for those who don't have a voice, our children.

7 Do you want to go to bed tonight knowing that
8 there could be a child receiving this abusive form
9 of therapy and you didn't do anything to prevent
10 it? Thank you.

11 COMMISSIONER BURDICK: Sue Trombino.

12 MS. BROOKS: Okay. My name is Virginia
13 Brooks. I live at 917 Evergreen Drive in North
14 Palm Beach.

15 There are serious issues to be addressed as
16 you consider how you are to vote on the proposed
17 ban on conversion therapy. One is the definition
18 of conversion -- conversion therapy itself. And I
19 actually have not heard any specifics as to what
20 this is, what it does, except that I've read some
21 things about certain types of techniques that have
22 been discredited for several years. It's a rather
23 umbrella term. There's nothing that I have seen
24 that suggests what it does for children at all.

25 Popular explanations of the activity suggests

1 unpleasant attempts by nonprofessionals to force
2 gay or lesbian youth to convert to heterosexuality.
3 And I can understand why you might be cautious
4 about that if the reports are actually true, but
5 who could be in favor of these kinds of practices?
6 But this ordinance does not recognize the needs of
7 young people who have unwanted same-sex attractions
8 or confusion, for some due possibly to previous
9 sexual abuse, to exposure to pornography, to
10 dysfunctional family life. These are young people
11 who need someone to talk with, someone to talk to
12 about the problems they have and understanding who
13 they are both physically and sexually.

14 Yes, the ordinance allows for pastors to
15 counsel them, and I commend the ones that are here.
16 But as you seriously consider how to vote on this
17 ordinance, you surely cannot refuse to allow mental
18 health professionals: Psychiatrists,
19 psychologists, therapists, counselors, who are
20 licensed by the state of Florida to meet with
21 troubled kids, to listen to their stories and their
22 concerns, to offer professional help and let them
23 talk through their problems and deal with the
24 problems relating to their sexual identity, to help
25 them reach conclusions that are most consistent

1 with their health and their true desires. If we
2 don't allow health professionals to do this, who is
3 going to help them otherwise?

4 I am asking you to vote against this ban.
5 While you're trying to protect young people, your
6 vote for the ban ignores the needs of some of our
7 most troubled youth. We cannot do this. These
8 young people and the citizens of Palm Beach County
9 will appreciate a no vote. For your sakes, please
10 consider this carefully and vote no. Thank you
11 very much.

12 COMMISSIONER BURDICK: Elizabeth Bessette.

13 MS. TROMBINO: Hi, thank you. My name is Sue
14 Trombino. I live in Highland Beach, Boca Raton.
15 And as I -- as I re-read the summary and about this
16 conversion therapy, I think that words matter. And
17 conversion therapy is just -- it's a very
18 misleading term.

19 You know, everybody, as you read this,
20 everybody wants children to be safe. And what I
21 don't understand is that you say the well-being of
22 minors, including lesbian, guy, bisexual,
23 transgender, LGBTQPT -- whatever it is. It's just
24 like it's silly. But you can't just make up that
25 there are serious harms and risks to all this

1 because there's no real data. There's no
2 complaints up at the -- up in Tallahassee. You
3 can't just project what you think may happen.

4 Now there's a lot of confusion here, and it
5 seems to me that one side gets fined, the other
6 doesn't. What about the harm to the less -- to the
7 99.9 percent of the children that are not going to
8 get help? You're talking about the less than
9 1 percent.

10 Well, you know, those children that you -- you
11 separate here, all minors should be under the
12 authority of their parents. And the LGBT, whatever
13 here, they have no more rights than a heterosexual
14 person. We're all in the same. Children are
15 children. If they need help, they need to get
16 help.

17 And I don't believe, with all due respect,
18 that all of you sitting here, number one, have the
19 authority to tell a parent what they can and cannot
20 do with the God-given right that God has given
21 them, number one. Number two is you have
22 absolutely no authority by the Florida Constitution
23 and the patient right. And number three, you have
24 no authority by the U.S. Constitution.

25 And I know you all have received the letter

1 from Liberty Counsel. Liberty Counsel is suing.
2 They -- 92 percent of the time, when they show up
3 against the ACLU, they win. And on this time, the
4 ACLU is on our side.

5 Now there's a couple things that you
6 mentioned. I think, Madam Mayor, you mentioned
7 about tax dollars. You were very concerned on one
8 of the other issues about tax dollars. Well,
9 again, with all due respect, at the end of the day
10 you will get your paycheck, the attorneys will get
11 their paycheck, but who will lose at the end of the
12 day because there will be a lawsuit if you all say
13 yes? And I would heed you should heed your
14 attorney. But at the end of the day it's the
15 people, it's we the people that will end up getting
16 hurt because it's our money.

17 You see, government does not create jobs. It
18 is a third-party transaction. You are using our
19 money and you will -- at the end of the day you
20 will get your money, they will get their money, but
21 we the people will lose our money. And you are
22 supposed to be a good steward of the money that --
23 that you have been given. You are supposed to
24 be -- you are -- it's a privilege to sit in the
25 seat that you're in, but within your jurisdiction

1 you have --

2 MAYOR MCKINLAY: I have something to add.

3 MS. TROMBINO: -- more jurisdiction with my
4 child. Thank you.

5 MAYOR MCKINLAY: Let me just add: One of your
6 comments was that the LGBTQI community has the same
7 rights. No, they don't. In many communities
8 that's been one of the arguments across this
9 country.

10 They haven't been able to marry. They don't
11 have housing protections. The legislature hasn't
12 even been able to pass legislation that includes
13 them in the protective classes when you're talking
14 about anti-bullying legislation.

15 MS. TROMBINO: But --

16 MAYOR MCKINLAY: I'm not asking for a comment.

17 MS. TROMBINO: Oh, okay. I can't limit your
18 time but --

19 MAYOR MCKINLAY: Thank you very much.

20 MS. TROMBINO: Thank you.

21 MAYOR MCKINLAY: They do not have the same
22 rights.

23 MS. TROMBINO: Well, that's a misnomer.

24 MAYOR MCKINLAY: That's what we're --

25 COMMISSIONER BURDICK: Steve Thomas.

1 MAYOR MCKINLAY: -- aiming for.

2 COMMISSIONER BURDICK: Go ahead, Elizabeth.

3 MS. BESSETTE: Good morning, Madam Mayor and
4 Commissioners. My name is Elizabeth Bessette. I'm
5 a master-degreed registered intern in Palm Beach
6 County. I would like to clarify it's LGBTQIA, not
7 "whatever."

8 The practice of conversion therapy began in
9 the 20th century when homosexuality was considered
10 to be a mental disorder. Mental health
11 professionals aim to cure homosexuality with the
12 number of barbaric techniques, including electric
13 shock therapy and even castration.

14 In 1973, the American Psychiatric Association
15 removed homosexuality from the "Diagnostic and
16 Statistical Manual of Mental Disorders." These
17 so-called treatments in the name of curing
18 homosexuality are now widely understood to have
19 been tragic episode in our history.

20 Opponents of the ban have said that there are
21 organizations who support conversion therapy in
22 minors. I want to point out that one such
23 organization they often mention, the American
24 College of Pediatricians, otherwise known as
25 ACPeds, is a socially conservative advocacy group

1 of pediatricians and other health care
2 professionals in the United States. It was founded
3 in 2002 as a protest against the American Academy
4 of Pediatric support for adoption of gay couples.

5 The Southern Poverty Law Center has classified
6 ACPeds as a hate group which has history of
7 propagating damaging falsehoods about LGBTQ people,
8 including linking homosexuality to pedophilia.
9 According to the American Civil Liberties Union,
10 ACPeds is a fringe group that has acted to promote
11 unscientific and harmful reparative therapies for
12 LGBTQ students.

13 Conversion therapy has been criticized by
14 professional organizations across helping
15 disciplines. In 2009, the American Psychological
16 Association prepared a report and resolution
17 against conversion therapy which was based on
18 another study of 83 peer-reviewed studies from 1960
19 to 2007, and a few of them were found to be
20 methodically sound.

21 Among the key findings, though, were that
22 treatment doesn't change sexual orientation. It
23 does contribute to distress through stigma, shame,
24 isolation, and rejection. And in contrast, clients
25 whose sexual orientation was affirmed experienced

1 immeasurable benefit. I urge you to support this
2 ordinance to protect the health of lesbian, gay,
3 bisexual, transgender, queer, and questioning youth
4 in our city from the dangers of conversion therapy.
5 Thank you.

6 COMMISSIONER BURDICK: Troy Bailes.

7 MR. THOMAS: Good morning. My name is Steve
8 Thomas. I serve as the lead pastor of the First
9 Baptist Church in Delray Beach and also the leader
10 of the Palm Beach Baptist Network.

11 I want to come today and just explain a little
12 bit from a pastor's perspective. I feel like that
13 churches are being viewed as oppressive, unfair,
14 unloving because we teach what the Bible clearly
15 says. An honest pastor who believes in the Bible
16 is going to do what the Bible says, which is to
17 share with people what sin is.

18 Now let's be clear, the Bible says that all,
19 all have sinned and fall short of the glory of God,
20 every one of us. The challenge of the pastor is to
21 say to people how do I connect you to God? I am
22 not the go-between between people and their God,
23 rather I'm the one that helps connect them directly
24 to God himself. And so my goal with people is to
25 share with them what the Bible says in clear

1 honesty and say, "Listen, Jesus Christ died to
2 forgive us of all sin, and I want you to know that
3 forgiveness." That's the goal of the pastor.
4 That's the goal of the church.

5 So we see this ordinance, our purpose is to
6 say, "Listen, I feel like you are telling us we
7 don't have the right to say what, in fact, the
8 Bible says. You are infringing on our religious
9 liberty, our belief, and our thought." And as
10 Americans, we want to -- everybody should have the
11 right to believe what they want to believe, and
12 that's our goal.

13 When you think of, "Well, people still have
14 the opportunity to go to therapy. We're not
15 shutting down therapy," but you are telling
16 therapists what they can and cannot say. It's a
17 little bit like telling a financial advisor "You
18 can only advise people to buy stocks." We can go
19 get advice from a financial counselor, but he can
20 only tell us what we tell us -- what we tell him he
21 can tell us. That's not freedom, and that's not
22 advice. That's simply the government saying what
23 you can and cannot say.

24 Thank you for your work. I believe your
25 motives are pure. I think you want to help

1 children, but you are also causing great harm to
2 other children. As a result, if you vote for this
3 ban, you are saying no to children. You're saying
4 you can't have access to someone who feels the way
5 you feel, who will help you in the direction you
6 feel like you want to go.

7 You can say that in fact, "No, that's no true,
8 we're going to take you where you want to go;" but
9 in reality, if someone helps them change, they
10 could indeed be fined. So thank you for your work.

11 COMMISSIONER BURDICK: Thank you. Tye Riter.
12 Go ahead.

13 MR. BAILES: Troy Bailes from Loxahatchee.
14 Good morning, Commissioners.

15 According to the proposed ordinance, it,
16 quote, is an exercise of the county's police power
17 for the benefit of public health, safety, and
18 welfare. No matter what the courts say, the
19 pro-LGBT website, "The Advocate," says "STIs that
20 spread through skin-to-skin contact, herpes and
21 HPV, can still be spread with condom use especially
22 if either party has any open sores or lesions."

23 When they say "especially," they acknowledge
24 the fact that even without any open sores or
25 lesions, STIs can still spread even when using

1 condoms.

2 MAYOR MCKINLAY: Sir, could you keep your
3 comments related to conversion therapy and the
4 ordinance before us today --

5 MR. BAILES: I am.

6 MAYOR MCKINLAY: -- and not STIs? Thank you.

7 MR. BAILES: I am. Tell us how then is this
8 ordinance benefiting health, safety, and welfare.

9 No matter what the courts say, when speaking
10 of HIV, the CBC website says after initial
11 infection, people may have -- may not have any
12 symptoms for years. Tell us, how many people know
13 they have HIV as soon as they get it? And how many
14 sexual partners could they have had before they
15 even find out they have it?

16 MAYOR MCKINLAY: I will remind you again --

17 MR. BAILES: Commissioner Bernard --

18 MAYOR MCKINLAY: -- conversion therapy only,
19 please. Thank you.

20 MR. BAILES: Commissioner Bernard said "We're
21 here to protect the health, safety, and welfare of
22 our residents." He also said this is an
23 opportunity to protect minors.

24 Number one, no, you're not here to protect the
25 health, safety, and welfare of our residents.

1 You're here to protect the God-given rights of Palm
2 Beach County residents recognized by our
3 Constitution. Voting to pass this ordinance is a
4 betrayal of that duty.

5 Number two, this is not an opportunity to
6 protect minors. It will outlaw certain forms of
7 free speech, which will open the door to outlawing
8 more free speech.

9 Number three, this ordinance denies parental
10 rights by stripping parents of their right to seek
11 out counseling to deliver their child from the
12 travesty of homosexuality and transgenderism.

13 Number four, this ordinance denies minors the
14 right to seek out any counseling to help them out
15 of this lifestyle once they realize it is no longer
16 cool but bankrupt and deadly.

17 This whole homosexuality and transgender
18 business is a fad. It will pass, I assure you.
19 There is a wholly righteous and just God who will
20 judge and destroy this county and this nation for
21 this abomination putting an end to this practice
22 unless we, as a nation, repent.

23 And you, Commissioners, shall stand before
24 Jesus Christ, the one and only true king of all
25 there is, and give an account to him. Not only for

1 how you vote on this wicked proposal, but how you
2 live your lives. I urge you to repent for even
3 considering this travesty and beg Jesus Christ for
4 forgiveness. Thank you.

5 COMMISSIONER BURDICK: Nicole Davis. Nicole
6 Davis here? Okay. Go ahead, sir.

7 MR. RITER: Good morning. My name is Tye
8 Riter. I live at 9107 Rodeo Drive in Lake Worth,
9 and I'm a pastor at REVEAL Fellowship.

10 I attended the meeting a couple of weeks ago,
11 and I felt like there was some perspective that was
12 missing in what was presented. Kind of like a good
13 murder mystery, it appears like things are going
14 this way and then there's other things that come to
15 light or information that comes to light that we
16 need to consider.

17 Mayor McKinlay, I sense that you are a really
18 compassionate and caring person, as are many of the
19 commission -- as I assume all the commissioners
20 are. And in your closing comments, Mayor McKinlay,
21 you mentioned two weeks ago that -- you quoted
22 Jesus about loving one another, and I agree. I
23 couldn't agree more.

24 This ordinance has come from you -- come
25 before you on behalf of the Human Rights Coalition

1 from the voices of two adolescents that felt forced
2 to attend conversion therapy. I think most of us
3 would dislike the concept of therapy aimed at
4 forcing someone to change their deeply-held beliefs
5 or try to fix something that isn't broken, but I
6 believe this is where conversion therapy is a
7 misnomer. The term, it's an archaic term often
8 associated with barbaric practices like shock
9 therapy. What is -- what's currently being used is
10 more -- is talk therapy, not shock therapy, and
11 there's a dramatic difference.

12 Modern research suggests that sexual
13 orientation is actually on a continuum. Some
14 people have purely homosexual or purely
15 heterosexual attractions, but some have places in
16 between where they have a majority of one or the
17 other or even bisexual, for example, that are in
18 the middle. Even modern social units are
19 confirming Bruce Jenner's conversion or evolution
20 to Caitlyn Jenner is evidence of change in gender
21 identity.

22 The DSM-5 currently recognizes 14 different
23 sexual orientations. We live in an era -- a time
24 of much confusion. The premise of that sexual
25 orientation and identity are somehow fixed at birth

1 doesn't really line up with the facts or our
2 culture. We talk about attractions and feelings,
3 but feelings can change.

4 In the last meeting there was a -- you
5 mentioned that you had a plethora of evidence that
6 was presented -- that you were presented by the
7 Human Rights Coalition, yet they are the ones that
8 were promoting this ban. And you mentioned that
9 you did your own research, but Google doesn't give
10 you access to all of the studies, and the nature of
11 the studies sometimes make it difficult to get the
12 accurate information. Many of the studies actually
13 specifically exclude participants who have had
14 religious experiences that influenced their
15 transformation.

16 We do have the testimony of people like
17 Patrick Hamel. He testified before you last --
18 last time. He was a young man that was molested as
19 a child, and as a adolescent had homosexual
20 attractions. And he shared with you, through
21 therapy and the power of God, he was transformed.

22 At our church we have more than five people
23 that have experienced that transformation. So can
24 people change? Yes. Do all? No, of course not.
25 Is it possible for all? I don't know. That's not

1 my decision. But I do know that there are many
2 that have changed and have experienced that.

3 If you're truly compassionate and care about
4 the feelings and struggles of all people, you need
5 to vote no on this ordinance.

6 COMMISSIONER BURDICK: Steven Smith.

7 MS. DAVIS: Good day. The word that comes to
8 me is "option." Merriam-Webster's definition of
9 option is the power or right to choose freedom of
10 choice.

11 As a parent, if my child is -- if there's
12 something going on with my child and you guys are
13 presenting to me A, B, and C, even though D and E
14 can work, you're taking away my options, and that's
15 not right. When we voted for you all, we had
16 options, but you all won because you were the
17 better choice.

18 In Dade County, even though I know we're in
19 Palm Beach County, Miami-Dade rejected the ban.
20 Commissioner Rebeca Sosa, whose past votes on
21 transgender rights and same-sex marriage is what
22 brought her the endorsement of SAVE, which is a gay
23 rights group, Commissioner Rebeca Sosa, Dade County
24 stated, "In this case, my problem is with the
25 rights of parents. If you make a decision about

1 your children that, in the end, is wrong, that's
2 your responsibility. I think government has to be
3 respectful of that," and that's where I stand as
4 well.

5 I am a parent, and it's my choice to choose
6 where I would like for my child to have counseling
7 if they need counseling. And I believe that I am
8 educated enough to do my due diligence and research
9 any reviews or if there's anything that has been
10 written against a particular counselor, and that's
11 my right to choose which counselor I would like to
12 take my child to. Thank you all for your patience.

13 MR. SMITH: Good morning, everybody. My name
14 is --

15 COMMISSIONER BURDICK: One moment, sir. Sara
16 Swarthout, is Sara here? Okay. Go ahead, sir.

17 MR. SMITH: Good morning, everybody. My name
18 is Steven Smith. The reason why I'm asking you to
19 say no to this ban, this conversion, is because
20 I've dealt with that lifestyle. I struggled with
21 it. I went through many different situations. I
22 was molested for three years as a child and I never
23 told anyone, so I held it in and I acted out in
24 different ways.

25 And you guys are talking about doing shock

1 therapy to someone. If that would have happened to
2 me, I can only imagine it would be -- you were
3 trying to condition me to believe that this was
4 going to work for me. In all actuality, I talked
5 to God and I talked to other people around my
6 situation, and that's what helped me to get to the
7 point of, yes, I was comfortable in it because I
8 was trying to find a love of a father. But at the
9 end of the day, you're talking about using
10 something almost to the point of making them
11 believe that they are really something when they're
12 really not.

13 It takes you to talk to people. It takes you
14 to be able to speak to someone and tell your
15 situation and your story. You have to start at the
16 root of the conception of the situation to realize
17 that you have to find out why this child is this
18 way, whether it's a generational curse or they were
19 raped or molested or they were introduced to this
20 lifestyle because they were lonely or they had a
21 need for something.

22 If you're going to do this type of conversion
23 where you're going to do shock therapy, then you
24 should include the drug dealers, the drug users,
25 the alcoholics, the murderers, the thieves, the

1 robbers, and probably some people that are in
2 government because you fail to realize that we all
3 have things that have caused us to be the way that
4 we are.

5 And I worked around kids. I've talked to
6 kids. I've been in the lifestyle to the point that
7 they wanted to commit suicide because they had no
8 one to talk to. Now you're saying that you want to
9 take something -- almost like you do prodding a cow
10 or an animal to make them fell like, okay, this is
11 going to work for you; that every time you get out
12 of line, that this is going to bring you back to
13 the place of, okay, you're not that. You're not
14 that. How do you know? These -- a lot of them are
15 killing themselves because they have nobody to talk
16 to, and I just personally don't feel that's going
17 to work.

18 The way that I was delivered from it was in
19 2010 when I told God I don't want to be gay anymore
20 and he took it away from me, and that's what you
21 need. I'm a Christian, I'm a believer, and I know
22 that it worked for me. And if anybody else have
23 kids that are out here that are dealing with it,
24 the only way you're going to get it done is through
25 prayer whether you believe or not because it's been

1 seven years for me.

2 So I'm saying no, and I'm asking you guys to
3 vote no on it because you got to realize, at the end of
4 the day, once you guys make the decision, if you say yes
5 to it, you have to live with that for the rest of your
6 life. And you will stand before God and he's going to
7 question you on it, but you guys were put in this
8 position by God to do the right things for the people.
9 That's the sole purpose of us voting for you guys. And
10 to do something like that, where you're stripping or
11 taking away the rights of the parents in the household,
12 then you might as well raise the children yourself
13 because they're going to feel like, "Well, I don't have
14 to do it because the government said that you can't do
15 this to me or the government is saying this, that, and
16 the other." So are you really giving the parents the
17 true rights of a child that they brought into this world
18 or are you going to totally take that away?

19 And my last thing is what if it happens to one
20 of your children? Are you going to agree to them
21 shocking them? Because the repercussions are going to
22 come back and you're going to have to deal with it.

23 Thank you.

24 COMMISSIONER BURDICK: Sir, your time is up.

25 Thank you. Reverend Jeremy McKeen. Go ahead,

1 ma'am.

2 MS. SWARTHOUT: I'm Sara Swarthout, excuse me,
3 from Boca Raton. I didn't know when Boca Raton
4 passed its ordinance and, as a result, I wasn't
5 able to step up in my own community and speak out.
6 But when I did find out it happened, I keep
7 wondering why -- why is this happening in the
8 ordinance level? Why don't they put it on a ballot
9 so that people can be aware when they go to vote on
10 this huge issue?

11 We all know this country's divided. And
12 one-half has one agenda, the other has the other
13 agenda, and each one wants to stuff it down the
14 other person's throat. It's time for government to
15 be limited. You do not need to overreach.
16 Stopping speech therapy is not a good thing.

17 Now if all you're concerned about is electric
18 shock, which already Dr. Hamilton testified
19 doesn't -- is not even allowed, if all you're
20 worried about those kind of brutal techniques, then
21 talk about those. Limit your ordinance. No --
22 just say "I want to reinforce the idea that there's
23 no shock therapy." But to talk about speech
24 therapy, and to be the one governing freedom of
25 speech is a bit presumptuous. So, I thank you.

1 COMMISSIONER BURDICK: Rachel Needle. Go
2 ahead, sir.

3 MR. MCKEEN: Good morning, Madam Mayor, Vice
4 Mayor, the distinguished commissioners and a
5 dedicated staff. My name is Jeremy McKeen, and I
6 am the founding and lead pastor at Truth Point
7 Church, a Presbyterian church in West Palm Beach.

8 And, first, I want to apologize. Anyone
9 speaking in the name of Jesus should not do so in a
10 self-righteous, condemning, or critical, or cryful
11 way. That's not the way of Jesus. And I come to
12 you on behalf of the clergy in our county first to
13 thank you. We do not thank you enough. We do not
14 pray for you enough. And I want to thank you for
15 the excellent and often thankless work that you do.

16 I sincerely believe that we live in the best
17 county in the state of Florida. I know it's not a
18 competition, but I believe that with all my heart
19 because of the work that you do. And this morning
20 it's not thankless. We thank you. And because I
21 know that you -- that you care to do excellent
22 work, I would ask that you would say no to this ban
23 or at least postpone it, and here's why: If you
24 pass this ban, even with the changes that were
25 made, and I'm thankful for those, you would, and I

1 believe unintentionally, be preventing minors from
2 receiving advice on how to make choices that are
3 consistent with their own desired sexuality.

4 For example, I think everyone in attendance
5 here, or even those watching, are perhaps wondering
6 if -- let's say a 16-year-old who identifies as
7 homosexual but wants to receive counsel and verbal
8 advice on how they themselves can take personal
9 steps to change, not counselors changing them,
10 would this ban prohibit therapists from giving that
11 requested counsel? From the way the bill reads,
12 even with the changes, I believe it does. And if
13 it doesn't, I'm not sure what is being banned.

14 And so it appears that you're about to go
15 against the very principles that we all stand for,
16 principles of freedom and equality. So in an
17 effort to protect minors, this ban is taking away
18 the equal rights of minors by forbidding them to
19 choose the type of professional therapy that suits
20 them because it bans therapists from giving a
21 particular form of advice that they, their client,
22 may want. And so I think we're just questioning
23 the freedom and equality in all this.

24 Again, it's been said, your hearts are in the
25 right place, but I would just urge you to either

1 say no or at least postpone this in the name of
2 freedom and equality that we all stand for. Again,
3 thank you for the work that you do, and I'm honored
4 to stand here and address you this morning.

5 Thank you. Merry Christmas, Happy Holidays to
6 you and your family.

7 COMMISSIONER BURDICK: Lori Messham.

8 MS. NEEDLE: Good morning, Mayor,
9 Commissioners. My name is Dr. Rachel Needle. I'm
10 a licensed psychologist and certified sex
11 therapist, and I train people on the topic of
12 sexuality around the world. I've also taught
13 master's and doctorate programs at a number of
14 universities in South Florida. And given that one
15 of the courses that I teach is ethics, I have to
16 say that some of the claims that I've been hearing
17 from local therapists are quite disturbing to me.

18 You heard a lot of comments both today and at
19 the first hearing about how this ordinance will
20 prevent free speech and prevent minors from seeking
21 mental health services, even went as far as saying
22 that you're banning a goal, and that we're going to
23 be calling you to ask, you know, "Is this okay?" or
24 abandoning a client.

25 First of all, that could not be further from

1 the truth. All this is doing is saying that you
2 cannot claim to change or convert someone's sexual
3 orientations or attractions because there's no
4 evidence that doing so is possible, and there is
5 evidence that it can produce harm.

6 Being gay, lesbian, bisexual, or transgender
7 is not a result of trauma in childhood or
8 adulthood, and is not a result of child sexual
9 abuse. That's -- conversion therapy is not
10 attempting to cure or treat a mental health
11 disorder. It is not supported by trauma therapy.

12 Conversion therapy is not based in science,
13 meaning that -- and it's not evidence-based, so
14 rigorous, objective, empirical research has not
15 been shown to be effective. Research has shown
16 that it can cause harm to minors. Opponents of the
17 ban have also mentioned child sexual abuse as being
18 a cause of being gay.

19 While estimates of child sexual abuse vary,
20 understandably so; some don't admit it, some don't
21 remember it, they range between 17 and 25 percent,
22 and some studies suggest higher, yet the portion of
23 American adults identifying as LGBTQIA is about
24 4 percent. So the claim doesn't fit. And even if
25 it did, the first rule that I've learned as a

1 researcher is that correlation does not equal
2 causation.

3 I would like to take a moment to enter into
4 the record some statements from some of the most
5 highly respected organizations on the dangers of
6 conversion therapy. The American Psychological
7 Association concluded that conversion therapy,
8 quote, may cause serious risk of harm, such as
9 confusion, depression, guilt, helplessness,
10 hopelessness, shame, and social withdrawal.

11 Additionally, the American Psychiatric
12 Association stated, quote, the potential risks of
13 reparative therapy are great, including depression,
14 anxiety, and self-destructive behavior.

15 I want to just touch on somebody mentioned the
16 research on sexual fluidity. I happen to have a
17 personal relationship with Dr. Lisa Diamond who is
18 the leading expert and the one that's done all the
19 research on sexual fluidity. She talks about, in
20 her research, that you can expand an individual's
21 orientations but cannot take away. You cannot
22 effortly change or mold someone's sexuality.

23 So you can read the research and see that this
24 is -- that however they're spinning it, you cannot
25 change it. You cannot -- you can watch it change

1 and add attractions, but you cannot take
2 attractions away or purposely do so.

3 Rather than strengthening the message of hate
4 and disapproval contributing to LGBTQ youth in our
5 society feeling badly about themselves and
6 increasing shame, with this ordinance you have the
7 ability to protect them and to change this message
8 to one of acceptance and love. Enacting this
9 ordinance will protect children and adolescents
10 from a practice that is far beyond the ethical --
11 outside the bounds of any ethical, psychological
12 treatment plan. Thank you very much.

13 COMMISSIONER BURDICK: Thank you. Harm
14 Maarsigh.

15 MAYOR MCKINLAY: I have Commissioner
16 Valeche -- Dr. Needle?

17 MS. NEEDLE: Oh, sure.

18 MAYOR MCKINLAY: Commissioner Valeche has a
19 question.

20 COMMISSIONER VALECHE: Just one great
21 question. I just want to ask you: Do you honestly
22 believe that your colleagues in the psychological
23 community are actually aggressively trying, in a --
24 in a forceful manner, to change people's sexuality?

25 MS. NEEDLE: I mean, I'm not sure what you

1 mean by that. I don't think that aggressively
2 trying to --

3 COMMISSIONER VALECHE: I mean do you think
4 people come in to an office and are aggressively, I
5 don't know, you know, tried -- persuaded, I don't
6 know what the term would be in psychology but --

7 MS. NEEDLE: Sure.

8 COMMISSIONER VALECHE: -- do you really
9 believe that that's going on in psychologists'
10 offices?

11 MS. NEEDLE: Whether it's aggressive or not,
12 claiming to be able to do something that there's no
13 evidence that is possible -- not only that, but the
14 evidence that does exist suggests that it can cause
15 psychological harm to a client is --

16 COMMISSIONER VALECHE: But do you think
17 psychologists are trying to cause psychological
18 harm to their -- whether inadvertently or not, do
19 you think --

20 MS. NEEDLE: I can't speak to their goals.

21 COMMISSIONER VALECHE: -- they're actually
22 trying do that?

23 MS. NEEDLE: Because --

24 COMMISSIONER VALECHE: Honestly, I mean
25 because that's the issue here. If this --

1 You know, some speakers have said, "We're not
2 even sure that this exists anymore. We don't know
3 what it is. It's ill-defined." But whatever it
4 is, if it's bad, do you think responsible
5 psychologists are engaging in this practice?

6 MS. NEEDLE: So I'm not going to pretend that
7 I think that all psychologists are responsible and
8 most -- I think we have to ask the psychologists
9 that have spoken.

10 COMMISSIONER VALECHE: Well, do you think
11 any -- do you think -- what is your view as to the
12 prevalence of this among practitioners?

13 MS. NEEDLE: I think that if it's happening at
14 all, that's too much, and it is happening. So you
15 can Google, you can try to find a therapist that
16 does it --

17 COMMISSIONER VALECHE: So you do think that?

18 MS. NEEDLE: -- and you can find it.

19 MAYOR MCKINLAY: Mr. Valeche --

20 COMMISSIONER VALECHE: Okay.

21 MAYOR MCKINLAY: -- you've asked her a lot of
22 questions. Let her answer.

23 COMMISSIONER VALECHE: Okay.

24 MAYOR MCKINLAY: Thank you.

25

1 MS. NEEDLE: Thank you.

2 MS. MESSHAM: Hello. My name is Lori Messham.
3 I own the Attachment Center of the Palm Beaches in
4 Lake Worth, Florida. I also reside at 75 Cleveland
5 Road, Lake Worth, Florida. I'm a mom of three as
6 well; seven, five, and two years old.

7 I'm a little bit confused on why this is even
8 part of an agenda, and I'm going to tell you why.
9 I work with a lot of kids. I've been doing private
10 practice, and I've been doing counseling for over
11 23 years. I work with perpetrators, and when my
12 colleague stands here and tells me there is no
13 evidence of change; I'm sorry you have not seen
14 that, but I have personally seen people change from
15 one identity to another. Not through whatever is
16 explained as conversion therapy, but I'm also a
17 believer in Jesus Christ. And when people come to
18 me seeking help, I give them a document that
19 explains -- and I tell them on the phone, as I do
20 some intake preparation from them, I say, "Listen,
21 therapists are like gloves. Some fit and some
22 don't. Some will work for you. You will not like
23 them or some will. It just depends based on your
24 faith."

25 My faith is I believe in the Bible, and I let

1 them know that, and I have them sign something
2 saying that will be part of therapy. I will
3 implement that. And if they have a problem with
4 any of that, then I'm not the best suited therapist
5 for them or their children.

6 What you're not taking into account is the
7 practicality. There's a lot of numbers going
8 around, but do you realize how many perpetrators
9 that are out there and victims that I've worked
10 with who have been told, since they were infants,
11 by a child -- by another child in the home that's
12 perpetrated them, that they shouldn't have been a
13 girl, they shouldn't have been a boy, and telling
14 them -- brainwashing them that they should be a
15 different sex? So to say to me that that isn't
16 happening when I've worked with kids, that's going
17 on more than you guys realize. And they're being
18 sexually traumatized by the same family members
19 that are children. This happens in the adoption
20 world all the time, and I don't think any of you
21 realize that.

22 So we get to the roots. I don't try and say,
23 "Well, I'm going to tell them what the Bible says."
24 I tell them what I believe. But I'm a very
25 respectful therapist, and what they choose -- I

1 like Jesus Christ. You can make your choices,
2 okay. God loves, Jesus loves, regardless of our
3 choices. But there's a -- there's blessings that
4 come from obedience, whether it's being a
5 heterosexual or not.

6 And so, ultimately, when they come to me and
7 parents come to me with children who are aggressive
8 or they're having lots of behavior problems, if
9 this is an issue, and a lot of times there are, and
10 I'm like the last stop on the road --

11 COMMISSIONER BURDICK: Thank you.

12 MAYOR MCKINLAY: I have a question. If you're
13 dealing with the victims that are being abused by
14 other children in their homes --

15 MS. MESSHAM: Yes.

16 MAYOR MCKINLAY: -- you're a mandatory
17 reporter, are you reporting that abuse?

18 MS. MESSHAM: Absolutely every time, and
19 they're taken out.

20 COMMISSIONER BURDICK: Kieron Sharpe.

21 MR. MAARSIGH: Hi. My name is Dr. Harm
22 Maarsigh. I'm not an expert on transgenderism. My
23 field of expertise is pharmacology. I'm a licensed
24 pharmacologist, certified.

25 We heard a lot about does it work or not. All

1 of you buy supplements or other homeopathic
2 medications that have no proof that they actually
3 work that we do not talk about banning those here
4 in this moment.

5 The World Professional Association for
6 Transgender Health, in their rules of -- standards
7 of care, notes that roughly 6 to 23 percent of boys
8 and 12 to 27 percent of girls that have gender
9 dysphoria as a preadolescent actually carry this
10 into adulthood. In other words, roughly 80 percent
11 do not.

12 I really appreciate your efforts to protect a
13 very vulnerable class. Children are vulnerable by
14 definition. And children who are confused are even
15 more vulnerable, whatever the source of confusion
16 is. But if you're not helping the 80 percent of
17 children that are happy with their birth, gender,
18 sex, identity with therapy, I think we do those
19 children a disservice.

20 It feels like we're talking here just one
21 option and it's this ban or it's forced conversion
22 therapy. I don't think that's in the books. I
23 think that's -- those are the only options. The
24 options are: Do we allow therapists to pick the
25 therapy they think they should pick in best

1 interests of their clients?

2 We talk about clients. We have unwanted
3 sexual desires, meaning they have two conflicting
4 desires. They want to be -- maybe have some sexual
5 attractions here but, on the other hand, they want
6 to be something else.

7 You, as commission, I don't think you can say
8 that you can be forced to go one desire and we
9 decide which one of those two it will be. I think
10 you can only do one wise thing, and it's to leave
11 the options open. The option, again, is not just
12 to have forced conversion therapy, it's to have
13 free choice, have the free choice to pick what
14 therapy you think will meet your goal best.

15 I thank you very much -- I thank you very much
16 for your time, and I wish you a lot of wisdom to
17 make this decision. Thank you very much.

18 COMMISSIONER BURDICK: Kathy Martin. Go
19 ahead, sir.

20 MR. SHARPE: Good morning, Commissioners. My
21 name is Kieron Sharpe. I'm a counseling pastor in
22 Tequesta. I reside in Jupiter, Florida. And I'm
23 reading this on behalf of Tyler Hamilton who could
24 not be here today.

25 I would like to raise four points and two

1 questions about this ordinance. First, attorneys
2 and scientists define research differently. This
3 ordinance is rationale stemmed from task force
4 reports and position statements. Statements from
5 professional associations are not research
6 statements. Statements are arguable. Statements
7 are neither conclusive nor infallible. Statements
8 do not constitute a standard of practice. Basing
9 your rationale on position statements is like using
10 CliffsNotes to write your master's thesis.

11 Second, professional associations are not
12 regulatory agencies. Professional associations are
13 governed by political entities that advocate and
14 lobby for their interests within broader
15 communities and institutions. Associations are
16 beset by the same inadequacies as other
17 institutions. Competing organizations are commonly
18 created in response to such inadequacies, such as
19 the case of the -- the case law on decline of the
20 American Medical Association and the rise of
21 medical specialty organizations.

22 The mental health associations must honestly
23 admit the role that politics has played in their
24 own recent histories. Nicholas Cummings is a
25 forerunner of advances in LGBT interests in the

1 mental health professions, and he has publicly
2 decried the lack of scientific evidence that
3 justify these political actions.

4 Third, conversion therapy is not a specific
5 practice. The professionals that have been
6 targeted by the instigators of this ordinance are
7 not conversion therapists. None of them have
8 attended conversion therapy school. They don't
9 shock or castrate their clients.

10 Fourth, change does occur. Change in therapy
11 does not mean turning a gay person straight.
12 Change can be any slight shift in feelings,
13 attractions, behaviors, or identity. In this
14 regard, change is possible. And contrary to
15 generalizations about phobic parents, there are
16 children who desire and do change.

17 I conclude with the following questions: One,
18 would you please describe a typical session with a
19 conversion therapist? Furthermore, can you
20 describe what differentiates a conversion
21 therapist's skill set from that of some other type
22 of therapist?

23 Two, can you produce research, evidence, to
24 justify the so-called affirmative therapy that this
25 ordinance prescribes for children?

1 If you can't sufficiently answer these
2 questions, I would submit that you're not prepared
3 to pass this ordinance. Thank you.

4 COMMISSIONER BURDICK: Janina Seifel. Go
5 ahead, ma'am.

6 MS. MARTIN: Thank you. My name is Kathy
7 Martin, and I'm a licensed psychotherapist
8 currently in private practice in Palm Beach County.

9 I would like to begin by stating that I am --
10 I do not believe in conversion therapy nor do I
11 think that any ethical state licensed therapist
12 should. Why do I say this? Because it is not my
13 job to convert anyone to my particular way of
14 thinking. My code of ethics dictates that I am to
15 go where the client is, not lead them to where I
16 want them to go.

17 I am mandated by my state license to work with
18 the client at his or her point of struggle. My
19 code of ethics clearly disallows any client
20 coercion, bullying, brainwashing to only my way of
21 thinking. Wait a minute. Isn't that exactly what
22 the Palm Beach County Commissioners in this
23 proposed ban are attempting to do by allowing me to
24 counsel in only one direction? Their direction?

25 So if a client, a child, comes to me with

1 confused, unwanted same-sex attractions, the
2 commissioners are telling me that I am banned from
3 going where the client is. They are attempting to
4 force me to break my code of ethics, not allowing
5 me to help my client at their point of struggle.

6 A quick example of this. I'm currently
7 working with a young teenage boy, 16 years old. He
8 was introduced to male-on-male pornography at a
9 very young age. As a trained therapist, my
10 knowledge base recognizes that first arousal
11 experience plant an incredible and powerful imprint
12 on the brain which impacts future arousal
13 responses. Has that caused my young client
14 confusion when he feels same-sex attractions?
15 Absolutely. He doesn't understand why he has them
16 and, frankly, he doesn't want them.

17 Will I allow a group of, no offense, untrained
18 county commissioners to legally force me to break
19 my code of ethics by not allowing me to go where my
20 client is by banning me from helping my client
21 unravel his or her unwanted attractions?

22 Absolutely not. I will regulate my work based on a
23 higher authority, the state of Florida. They are
24 the ones who oversee and regulate both my code of
25 ethics and my license, not a group of local

1 commissioners.

2 And finally, as a Christian, I am told
3 biblically to submit to my governing authorities,
4 provided they do not require me to sin by going
5 against my conscience. I believe that the state of
6 Florida has done an excellent job in regulating my
7 code of ethics, and I gladly submit to the rules,
8 so I hope you say no to this ban. Thank you.

9 COMMISSIONER BURDICK: Dr. Daria Wels. Go
10 ahead.

11 MS. SEIFEL: Thank you. Good morning. My
12 name is Janina Seifel, a licensed mental health
13 counselor from Riviera Beach, Florida. I would
14 like to request that you vote no on this ordinance
15 for several reasons.

16 One, on Florida Statute 381.026, under (d),
17 "Access to health care," it states that "A patient
18 has the right to access any mode of treatment that
19 is, in his or her own judgment and the judgment of
20 his or her health care practitioner, in the best
21 interests of the patient, including complementary
22 or alternative health care treatments, in
23 accordance with the provisions of Statute 456.41."

24 This statute clearly states that a client has
25 a right to pursue whatever type of treatment they

1 want. So if they say it's unwanted homosexual
2 attractions, this statute says it's their right to
3 seek counsel in addressing those attractions. If a
4 child is experiencing gender confusion and desires
5 them to embrace their gender of their birth, the
6 statute says it's their right.

7 Two, in the same statute, under "Individual
8 dignity," it states that the individual dignity
9 must be respected at all times and upon all
10 occasions. This statute already prohibits
11 therapists from engaging in any counseling or
12 practices that would elicit shame or coercive
13 therapy.

14 Three, again under the same statute, which is
15 the Florida Patient's Bill of Rights -- I'm sorry I
16 didn't mention that earlier. Under "Information,"
17 it states that the patient has the right to express
18 grievances to a appropriate state licensing agency
19 regarding alleged violations of patients' rights.
20 A patient has the right to know the procedures for
21 expressing a grievance.

22 On the December 5th reading, Commissioner
23 Kerner had questioned if there was a place for
24 clients to report, and we do have that. And every
25 practice and practitioner I know makes sure that

1 their clients know what the number is to report any
2 grievances with their therapist.

3 Four, although at the last meeting it was
4 stated that one of the commissioners believe that
5 an individual's orientation is dictated by
6 genetics, the American Psychological Association
7 states on their website that there's no consensus,
8 I'm sorry, among scientists about the exact reasons
9 that an individual develops a heterosexual,
10 bisexual, gay, or lesbian orientation. But even if
11 there was a consensus, would the individual not
12 still have the right to change their orientation if
13 they were born that way?

14 If someone is born with brown hair and they
15 want blonde, they can bleach their hair. If a
16 woman is unhappy with her breast size, she can
17 either get implants or a reduction. The list can
18 go on and on for biological traits that can be
19 changed if an individual is distressed or unhappy
20 with what they were born. The Department of Health
21 has never received a single report of harm in the
22 state of Florida with regard to this issue.

23 In closing, I want to clarify that I
24 understand that the commissioners is trying to
25 protect minors from bad therapists and therapy.

1 However, the state of Florida has already put
2 protection for minors and adults in place with the
3 Department of Health, licensing boards, and the
4 Florida Patient's Bill of Rights. Please do not
5 trample on the civil rights of patients saying they
6 cannot receive the type of therapy that they
7 desire. Thank you for your time.

8 COMMISSIONER BURDICK: E [REDACTED] D [REDACTED]. Go
9 ahead, ma'am.

10 MS. WELS: Dr. Daria Wels, licensed
11 psychologist, Boca Raton.

12 This ordinance is about there being only one
13 right way, the commissioner's way. Your ordinance
14 would forbid me from helping a minor who is
15 wondering if they are gay or transgender from
16 exploring this.

17 According to your ordinance, I would only be
18 allowed to point them toward a gay or transgender
19 lifestyle. Good therapy is about listening to what
20 patients say, identifying ambivalences, clarifying
21 meanings, feelings, intense goals, and assessing
22 the accuracy of their perceptions. All of this may
23 run afoul of your ordinance depending on what might
24 be presented to me. Your ordinance would make me
25 decide for them that the only direction is an LGBT

1 identity, your ideological goal, not necessarily
2 the patient's.

3 A good therapist listens to a patient that
4 wants to minimize same-sex feelings or overcome
5 their gender confusion in order to identify with
6 his or her biological sex, but this ordinance
7 subjects me to fines for exploring ambivalence or
8 outside influences. It makes it illegal for me to
9 provide information about the negative consequences
10 of medical or surgical transition like permanent
11 infertility. All of these normal ethical
12 therapeutic techniques would be illegal.

13 This ordinance exposes therapists to
14 malpractice, either because we fail to adhere to
15 ethical patient-centered therapeutic methods, or
16 for fear that the techniques we use might be
17 misconstrued as the practice of conversion therapy.
18 This ordinance substitutes the judgment of
19 non-licensed commissioners for the professional
20 judgment of state licensing organizations. It
21 requires therapists to apply a double standard to
22 treat minors unequally. Why do you presume a minor
23 is mature enough to seek gender transition but
24 isn't mature enough to decide they like who they
25 biologically are?

1 HIPAA laws, how will you get evidence of a
2 violation? Will you spy on my therapy sessions?
3 Will you ask therapists to violate confidentiality
4 by revealing the substance of our sessions? How
5 can I possibly defend myself against charges that I
6 violated this ordinance when I am prohibited by law
7 from revealing protected health information even
8 when the evidence might prove my innocence? What
9 if the charge comes from a friend or LGBT
10 organization? Without the patient's permission, I
11 cannot disclose confidential communications in
12 order to defend myself.

13 Given the sensitive nature of the topic, it is
14 unfair to expect a minor to give permission for
15 public disclosure of the contents of a therapy
16 session. Give the children of this county a
17 choice. Please vote no. Thank you.

18 COMMISSIONER BURDICK: Marla Dieterle.

19 MAYOR MCKINLAY: Helene, can you just give us
20 a brief explanation of how a complaint would be
21 filed?

22 MS. HVIZD: We're -- we're all still somewhat
23 imagining, Mayor, how this would actually work. So
24 I imagine that it would be complaint-driven,
25 somewhat similar to code enforcement being informed

1 of some other violation. At that point a code
2 enforcement officer would need to investigate.

3 And people that have spoken to you are
4 absolutely correct in suggesting that there is a
5 patient-therapist privilege that attaches to
6 communications between a patient and a therapist,
7 and that the therapist is not entitled to waive
8 that privilege except for circumstances, I believe,
9 when it's a lawsuit filed against them and they are
10 defending themselves. I think that's traditionally
11 the only way a physician can waive that privilege.

12 Minors are able to waive the privilege. And I
13 believe the way that's traditionally done, or as
14 I've seen it in one case, is that a guardian ad
15 litem is appointed on behalf of the minor and then
16 that guardian makes the decision about waiver of a
17 privilege.

18 At that point the cases would follow the
19 normal case for a code enforcement situation.
20 There would be a hearing in front of a magistrate.
21 Evidence would be presented such as it is, and a
22 decision would be made by the magistrate as to
23 whether or not the ordinance had been violated.

24 MAYOR MCKINLAY: Okay. Commissioner Valeche.

25 COMMISSIONER VALECHE: Thank you, Madam Mayor.

1 Well, two things struck me about what you said.
2 One is if this is an incomplete work process that
3 we're trying to adopt, why -- why isn't it fully
4 baked before it gets to us where we have a process
5 of complaint specified -- you know, saying that --
6 or we have some vague notion about how this is
7 going to happen but it's not real? The ordinance
8 is real. The fines are real. Why isn't the
9 complaint process real?

10 The second part of that question is: In
11 researching this, I would assume you've -- if we're
12 providing a remedy, then there had to have been --
13 there has to be something that this is a remedy
14 for. Is there a record of complaints filed with
15 whatever regulatory -- you know, psychologists here
16 have cited their regulatory bodies in the state.
17 Is there a database of complaints about conversion
18 therapy in that database or is this just, again,
19 something that people think happens but there's no
20 concrete evidence of happening?

21 MS. HVIZD: Madam Mayor, Commissioner Valeche,
22 I apologize if you mistook my comments for
23 suggesting that there is no process in place for
24 enforcement. There certainly is. It's the code
25 enforcement process.

1 My suggestion that we're still imagining how
2 this would work is directly related to the
3 evidence, collection of the evidence, and the
4 process by which a patient or therapist privilege
5 might be waived. So there is a process in place.
6 It will follow the code enforcement process.

7 As to your second question regarding
8 complaints, we are here at the direction of the
9 Board of County Commissioners who asked us to bring
10 back an ordinance that was first sent to the Palm
11 Beach County League of Cities, and that they
12 approved of, and that is what we have done. I am
13 being told that a public records request was
14 conducted on behalf of the Liberty Counsel to one
15 department, I believe, Department of Children and
16 Families at the state level, asking for any
17 complaints regarding conversion therapy, and that
18 they were told there were no public records that
19 satisfied that public records request.

20 Other than that, I have not researched whether
21 there are complaints currently existing against any
22 of these therapists. We have been told by the Palm
23 Beach County Human Rights Coalition that there have
24 been two complaints of children regarding this
25 practice. That's what we were told, but I would

1 not be able to give you details. I believe that
2 perhaps could be asked of Mr. Hoch if he's here.

3 COMMISSIONER VALECHE: Okay.

4 COMMISSIONER BURDICK: Go ahead, E [REDACTED].

5 MS. E [REDACTED] D [REDACTED]: Good morning. My name is
6 E [REDACTED] D [REDACTED]. I'm a home-educated high school
7 student in Palm Beach County, and I'm here to
8 address the Board this morning to -- for my
9 concerns.

10 There's a great deal of confusion regarding
11 gender due to the growing LGBTQ movement, but God's
12 word brings me to clarity and simplicity to this
13 issue. It simply and clearly states that God
14 created male and female in his image. We do not
15 have the authority to redefine and ignore the
16 gender God has created us to be.

17 This perspective on changing one's identity
18 has influenced how many people view their body.
19 They think it's a blank slate upon which we may
20 draw any identity we choose. The Bible teaches a
21 very different perspective. Our manhood or
22 womanhood is not incidental. It has been given us
23 by God as a gift. God's word is the truth. It
24 makes sense of our humanity. It restores our
25 dignity. It calls us to be men and women who see

1 our body as a gift, a vessel by which we may give
2 glory to our maker and redeemer. This is not a
3 fairytale. It's a true fact that no one can change
4 their identity.

5 Last summer the federal government stated that
6 it would not require Medicaid or Medicare to cover
7 transition-affirming procedures for children
8 because medical experts at the Department of Health
9 and Human Services found the risks were often too
10 high. Children who undergo -- undergo sex
11 reassignment even in Sweden, which is among the
12 most LGBTQ-affirming countries, have a suicide rate
13 nearly 20 times greater than that of the general
14 population.

15 Today's institutions that promote
16 transition -- transition of affirmation are pushing
17 children to impersonate the opposite sex, sending
18 many of them down to the path -- path of puberty
19 blockers, sterilization, the removal of healthy
20 body parts, and untold psychological damage.
21 Clearly conversion therapy is child abuse. It's
22 time for you, Commissioners, to understand exactly
23 what is happening to minors and unite to take
24 action to say no to this ordinance. Thank you.

25 MS. MARLA DIETERLE: Good morning. My name is

1 Marla Dieterle.

2 COMMISSIONER BURDICK: Marla, before you --
3 J [REDACTED] D [REDACTED]. Go ahead, Marla.

4 MS. MARLA DIETERLE: My name is Marla
5 Dieterle, and I'm a resident of Palm Beach County,
6 and I'm here to speak to you as a certified
7 counselor with the state of Florida, but more
8 importantly as a concerned parent.

9 My husband and I have personally chosen to
10 home educate both of our children. The reason is
11 simple: In the Book of Deuteronomy, the Lord tells
12 parents to raise their children in God's ways and
13 teach them about him day and night. We've been
14 able to do this because of the freedoms granted to
15 us in the state of Florida and within the country
16 we live in, the United States of America. This
17 country was founded upon biblical principles and
18 for those of life, liberty, and the pursuit of
19 happiness.

20 This First Amendment gives me the right of
21 freedom of religion to raise my children in God's
22 ways and with his truth. If either of my children
23 were to have a struggle in which they needed
24 counseling, there is no other consideration for
25 them than to look to the wisdom that God has set

1 before us in his word. The 66 books contained in
2 this Bible is their truth to live by. That is the
3 only wisdom that would ring true for them, wisdom
4 from God.

5 I would also like to remind the Board that
6 within Florida we have a patient bill of rights.
7 These rights provide clients the choice of a full
8 range of treatment and counseling options. Palm
9 Beach County does not have the right to limit the
10 choice of treatment that a counselor and patient
11 decide upon. The proposal before the commission is
12 an overreach of the Florida State Patient's Bill of
13 Rights and my children's right to seek biblical
14 counseling.

15 Let me remind the Board that the Supreme Court
16 of the United States, as the law of this land, has
17 given me the right as a parent to direct the
18 upbringing of my children. We still live in the
19 United States of America, the land of the free, and
20 I do have freedom of religion.

21 This proposal is wrong. If your purpose as
22 commissioners is to uphold our American values and
23 our Constitutional freedoms and protect the rights
24 of our minors, you have no other choice than to
25 vote no against this proposal on this 19th day of

1 December. I humbly ask that each one of you seek
2 your God-given conscience and vote no on this
3 unconstitutional proposal.

4 COMMISSIONER BURDICK: Gordon Dieterle. Go
5 ahead, sir.

6 MR. JEFF D: Thank you, Commissioners
7 and Madam Mayor, for this public meeting and giving
8 me the opportunity to speak this morning. My name
9 is JEFF D. I'm a home-educated high school
10 student. I'm here to ask you to vote against the
11 conversion therapy resolution for a multitude of
12 reasons.

13 This document of regulations before us is
14 intolerant of a specific section of the Palm Beach
15 County populace. It allows for non-Christian and
16 secular counselors to provide the prescriptions of
17 their conscience while denying this right of free
18 speech to those with religious convictions. These
19 men and women have every right to share the
20 prescription they recognize as most beneficial to
21 their patients. You are asking for tolerance for
22 all counselors except one, the Christian counselor.

23 Commissioners, I have been homeschooled for
24 seven years of my life because of the parental
25 rights in this state. Now, if this resolution is

1 passed, Christian parents and their children who
2 are experiencing these emotions cannot and will not
3 receive the help they need and want. This is
4 depriving poor confused children of the counsel
5 they and their parents want and desire. The
6 counselor does not seek the patient but vice versa.

7 I ask you to allow freedom and tolerance to
8 grace our county's record. This unconstitutional
9 and illiberal policy only taints our record to the
10 nation and future generations. These counselors
11 are asking you and beseeching you, Commissioners,
12 to publicly obey their God as any person would want
13 to follow the principles of their heart. This
14 resolution sets before us two pathways: A pathway
15 of narrow-mindedness or a pathway of liberty and
16 the free exercise of religious conscience and free
17 speech.

18 I hope the choice is fairly clear and set
19 before you today as you decide to vote on an issue
20 of immeasurable consequence.

21 COMMISSIONER BURDICK: Shannon Otto.

22 MR. GORDON DIETERLE: Good morning, Mayor
23 McKinlay, Vice Mayor Bernard, distinguished
24 commissioners and staff. My name is Gordon
25 Dieterle. Thank you for allowing me to speak

1 today. It's a privilege to be before you.

2 I'm a 27-year member of the Florida Bar, a
3 member of the 15th Judicial Nominating Commission,
4 on the Board Directors of the South Palm Beach
5 County Bar Association. I'm a parent of two, and
6 you've seen my children and wife speak before me.
7 I'm also a practicing Christian.

8 I stand today as a resident of Palm Beach
9 County, but also as a concerned Christian in
10 opposition to this ordinance that's before the
11 commission today. This commission is voting on an
12 ordinance that is a significant overreach that goes
13 beyond the powers it was given by the Florida
14 Constitution in regulating the ability of
15 therapists to counsel minors and parents of their
16 own choosing.

17 This ordinance is unconstitutional for
18 multiple reasons. It's a violation of the due
19 process clause, the equal protection clause, the
20 right to free speech, and the freedom of religion,
21 but I'll focus on two other issues as to why this
22 ordinance is unconstitutional and why, if suit is
23 filed, is likely to be struck down, as the one in
24 Tampa will likely be struck down.

25 One is the right to privacy. U.S. Supreme

1 Court in the Griswold case and progeny handed down
2 since then has held that we, as U.S. citizens, have
3 a right to privacy. This ordinance infringes on
4 the right to privacy of parents and minors in the
5 confines of their own home to decide whether
6 therapy of this nature or any nature is
7 permissible, and you are taking that fundamental
8 right away from parents and minors by passing this
9 ordinance. I would ask you to revisit this and
10 reconsider what you might be doing here in taking
11 away a right that we have come to hold as
12 sacrosanct.

13 Secondly, this county, for years, has been at
14 the forefront of passing antidiscrimination
15 ordinances in housing, in jobs, and you are to be
16 commended for that. However, this particular
17 ordinance, if passed today, is discriminatory on
18 its face. It targets and selects a class of
19 citizens, practicing Christians, and precludes them
20 from being able to practice their faith, to
21 practice free speech, to honor their God, to follow
22 the Bible, and to counsel with Christian counselors
23 on matters of intense personal nature that should
24 be decided by them in the confines of their own
25 home.

1 I would respectfully request that you take the
2 county attorney's advice and table voting on this
3 ordinance today and see how the federal court in
4 the Middle District of Florida is going to rule on
5 the case that Liberty foundation has filed there.

6 If you pass this ordinance today, there will
7 be a lawsuit and there will be an injunction that's
8 entered, and this ordinance will ultimately be
9 struck down as unconstitutional. Thank you so much
10 for your time. Happy Holidays and God bless you.

11 COMMISSIONER BURDICK: Dr. Robert Otto.

12 MRS. OTTO: He is not here. He's in court
13 right now as an expert witness.

14 COMMISSIONER BURDICK: Chris Stanin [sic], is
15 Chris here? No? Our last speak -- Chris? Our
16 last speaker will be Rand Hoch. Oh, Chris, come on
17 up. Go ahead, Shannon.

18 MRS. OTTO: Madam Mayor McKinlay, you sent my
19 husband Dr. Otto an email yesterday reassuring him
20 that if the ordinance passes, he can still help
21 minors with their feelings on this issue. Your
22 email is public record, so people can see that I am
23 not taking your comment out of context, and I have
24 a copy right here if anybody would like to see it.

25 The Section 4 of the ordinance states very

1 clearly that this proposal would make it illegal
2 for any therapist to help minors, and I quote,
3 eliminate or reduce sexual or romantic attractions
4 or feelings. So let the record reflect that Mayor
5 McKinlay, in her email, is giving my husband
6 permission to violate the law.

7 MAYOR MCKINLAY: Let me clarify that, if you
8 can pose -- pause the clock there.

9 No, it's not. What it's saying is that as a
10 parent, you still have the right to take your child
11 to seek mental health therapy. Nothing in this
12 ordinance prevents a parent from seeking mental
13 health therapy services for their patient -- for
14 their children.

15 It just states, as Dr. Needle so eloquently
16 stated earlier, that you cannot claim to convert a
17 child for one's sexual orientation to another.
18 That was the purpose of my email, and your husband
19 was very gracious to thank me for being the only
20 commissioner that responded to him.

21 MRS. OTTO: Yes.

22 MAYOR MCKINLAY: We'll let the clock continue.

23 MRS. OTTO: Yes, he was grateful for that.
24 However, what you just said is not about feelings,
25 it's not about the parent taking their child, it's

1 about what the therapist and the child can be
2 talking about. That's what we're talking about.
3 And the therapist doesn't have the opportunity to
4 talk about a child -- to talk with a child if the
5 child decides that they would like to talk about
6 their feelings to move out of a homosexual
7 lifestyle or something like that. We're still
8 talking about feelings, and they don't have the
9 right to talk about that. The therapist and the
10 child doesn't have that right. It's right there.

11 Does that mean that you will pay the fines
12 that they receive? According to the fact that you
13 had said that they cannot talk about their -- that
14 they can talk about their feelings, but in the
15 ordinance it says that they can't.

16 It's really appalling to think that we're even
17 talking about this subject today. It's really --
18 it's very -- it's just outrageous. We live in
19 America. We have freedom of speech. We have
20 freedom of religion. We have parental rights.
21 It's amazing to me, as I look at this Board -- and
22 I know you're educated people. I know some of you
23 are attorneys, and it's as though you haven't even
24 researched this.

25 And even your council -- like you were saying

1 Mr. Hal, that -- that there -- there are decisions
2 being made on one side, but you don't even have --
3 you don't even have some things in place. You
4 don't even have understanding of the full picture
5 here and the ramifications of it.

6 I have -- well, I know that you have received
7 a letter from Liberty Counsel, and I have the 198
8 pages, and I just wonder even about this ordinance.
9 What have you all read? What -- have you read this
10 briefly?

11 COMMISSIONER BURDICK: Thank you. Thank you,
12 Mrs. Otto. Chris Stani, and our last speaker will
13 be Rand Hoch.

14 MR. STAHL: Good morning. My name is
15 Christopher Stahl. I'm just going to read here
16 what I typed up.

17 Freedom of religion is a principle that
18 supports the freedom of an individual or community,
19 in public or private, to manifest religion or
20 belief in teaching, practice, worship, and
21 observance. It also includes the freedom to change
22 one's religion or belief.

23 Congress shall make no law respecting an
24 establishment of religion or prohibiting the free
25 exercise thereof or obliging the freedom of speech,

1 and this proposal violates both of those. The
2 author of this law is violating the Constitution of
3 the United States and the rights of all United
4 States citizens. If Congress cannot interfere with
5 religion, then why do they think they can?

6 So this proposed law violates a person's right
7 to discuss a belief and for teaching and practice
8 of a person's sexuality and religion. A counselor
9 that cannot talk to a child about their sexuality
10 is interfering with the free exercise of their
11 religion and the freedom of speech of that child or
12 whoever is seeking the counseling.

13 Additionally, professional licenses for
14 counselors are issued by the state of Florida. The
15 county commission has no authority to restrict what
16 happens in a counseling room. That is controlled
17 by the State Department of Health, Florida Statute
18 491.009. This fact was ignored by the county
19 commission and denied by the attorney who wrote the
20 proposal.

21 And I close with a question: Why is the
22 Constitution of the United States being
23 circumvented here? Because it clearly is. Thank
24 you.

25 COMMISSIONER BURDICK: Go ahead, Mr. Hoch.

1 MR. HOCH: Mayor McKinlay, Commissioners, my
2 name is Rand Hoch. I'm president and founder of
3 the Palm Beach County Human Rights Council.

4 For almost three decades county commissioners
5 and other public officials have enacted laws and
6 policies to protect LGBTQ people. As a result,
7 Palm Beach County is now one of the safest places
8 in the world for LGBTQ people to live, study, work,
9 create families, raise children, and retire, and I
10 want to thank you for that.

11 I also want to commend Helene for modifying
12 the ordinance to take into effect the concerns
13 raised by Commissioner Abrams at the last meeting.
14 Helene has gone to great lengths to balance the
15 interest of children, parents, and therapists. Not
16 a single word needs to be added or deleted from the
17 draft presented to you today. If enacted, this
18 ordinance will serve as a model for other counties
19 around the state and the nation.

20 For the past 18 months I've had to endure
21 people suggesting to elected officials that gay
22 people are God's mistakes, and then go on to say
23 that they are the ones who can fix the mistakes
24 through therapy. How arrogant. I have been taught
25 that each one of us is created in God's image.

1 I have been taught that God does not make
2 mistakes, and I believe those statements to be
3 true. I also believe the statements and
4 conclusions from virtually every mainstream
5 scientific, medical, psychiatric, and psychological
6 organization in this country that conversion
7 therapy is ineffective and it causes harm to
8 children.

9 So the choice before you today is clear. You
10 can vote to protect children from harm or you can
11 vote to protect these people who want to continue
12 to cause children harm. Basically the choice is
13 between kids and quacks. Please vote to protect
14 the kids. Thank you, and Happy Holidays, Happy New
15 Year.

16 COMMISSIONER BURDICK: Madam Mayor, we have 13
17 additional cards who do not wish to speak this
18 morning but are in opposition.

19 MAYOR MCKINLAY: And we will enter those into
20 the record. Commissioner Valeche.

21 COMMISSIONER VALECHE: Mr. Hoch, I just had
22 a -- you can go over there, I think.

23 Just in terms of the complaints, it was
24 mentioned earlier that there were two that the HRC
25 knows of. Could you give me an idea of who those

1 complaints were registered with, who they
2 originated from, what the disposition of them was,
3 et cetera?

4 MR. HOCH: Gladly.

5 COMMISSIONER VALECHE: Give us some color on
6 that, please.

7 MR. HOCH: Both of the complaints regard
8 children who live in your district.

9 COMMISSIONER VALECHE: Okay.

10 MR. HOCH: We received complaints from the
11 mothers of gay people because their friends, the
12 gay children's friends who also identified as gay,
13 were being subjected to conversion therapy.

14 COMMISSIONER VALECHE: And?

15 MR. HOCH: There's nothing we can do about
16 that unless you act today. So these kids are still
17 being forced to go to therapists who are telling
18 them that God does not love them --

19 COMMISSIONER VALECHE: Isn't there -- isn't
20 there some recourse for the parent if they feel
21 their child has been harmed by a professional?

22 MR. HOCH: The parents are the ones who are
23 causing the harm to the children by sending them to
24 therapy. The children are the ones being harmed by
25 the therapy. There is no recourse unless you pass

1 an ordinance and the child comes forward to the
2 county and says, "This is what's happening to me,"
3 and only a complaint is going to trigger this
4 ordinance from taking effect. It's not like
5 anyone's going to go into a therapist's office and
6 sit in with patients.

7 And the children are allowed to waive all of
8 the HIPAA requirements for their therapist. They
9 can tell them because the children are the
10 patients.

11 COMMISSIONER VALECHE: Okay. I understand.
12 But wouldn't the child in this instance, in these
13 two instances, have been able to register a
14 complaint?

15 MR. HOCH: With who? Well, that's the
16 problem.

17 COMMISSIONER VALECHE: Well --

18 MAYOR MCKINLAY: It's not banned.

19 COMMISSIONER VALECHE: -- I think there's a
20 licensing organization. There's a professional
21 organization.

22 MR. HOCH: There is no state law that
23 specifically prohibits therapists from doing
24 conversion therapy. That's the entire problem.
25 That's why 16 communities have already passed this.

1 That's why 10 states have already passed this.
2 That's why dozens of cities and counties around the
3 country have passed it. Without the law, these
4 kids are helpless.

5 COMMISSIONER VALECHE: Well, but there --
6 whether the statute or the regulatory body mentions
7 conversion therapy per se, there's still a
8 prohibition against the psychologist abusing his or
9 her professional position to do harm to a patient
10 and, you know, that can take in a wide range of
11 subjects beyond conversion therapy. And I think
12 there is recourse in those instances, isn't there?

13 MR. HOCH: These psychologists and therapists
14 don't think they're doing harm. That's a problem.
15 That is the problem. And you're dealing with
16 minors, so you're the only ones who can protect
17 them. It's up to the seven of you.

18 COMMISSIONER VALECHE: Well, but in this -- if
19 we were to pass the ordinance, it would be the
20 minors' perception that they were being harmed,
21 it's not the -- whether the psychologist believes
22 they're doing harm or not is totally irrelevant to
23 this, it's the patient who's -- who we're going to
24 be listening to.

25 MR. HOCH: That's correct.

1 COMMISSIONER VALECHE: So why isn't the
2 patient in this case, you know, responsible to --
3 not responsible, but why doesn't they -- why don't
4 they have the option of making the abusive therapy
5 known to the licensing authority?

6 MR. HOCH: I imagine they could, but I don't
7 know if the licensing authority will actually do
8 anything. I do have faith that Palm Beach
9 County --

10 COMMISSIONER VALECHE: Well, why would they be
11 more inclined to report it to the county than they
12 would to -- to the state?

13 MR. HOCH: Don't you get a lot of complaints
14 from people that should really go elsewhere? You
15 are the closest form of government to these kids.
16 They look to you. Don't send them elsewhere. Take
17 responsibility, protect these children.

18 COMMISSIONER VALECHE: All right. Okay.

19 MR. HOCH: Thank you.

20 MAYOR MCKINLAY: And let me add that this is
21 the same state legislature that has refused to hear
22 a ban on conversion therapy under the premise of
23 protection of privacy rights, but the same state
24 legislature that forces a female, who's seeking an
25 abortion, to have a six inch wand stuck between her

1 legs in a forced ultrasound before she can move
2 forward with that procedure.

3 COMMISSIONER BURDICK: Are you ready? I'd
4 like to move the adoption of the ordinance of the
5 Palm Beach County Commissioners, Palm Beach County,
6 Florida Establishing a Prohibition for Conversion
7 Therapy on Minors Ordinance.

8 COMMISSIONER KERNER: Second.

9 MAYOR MCKINLAY: I have a motion by
10 Commissioner Burdick to move the ordinance. I have
11 a second by Commissioner Kerner.

12 Commissioner Abrams, you are recognized.

13 COMMISSIONER ABRAMS: Well, I think in making
14 that motion, we don't want to just give short
15 shrift to the county attorney's caution/admonition
16 on this. You know, we'd be the first county, my
17 understanding, to pass such an ordinance.

18 There's -- it's a gray area. There's no doubt
19 that -- we've already been told there would be
20 lawsuits filed, and I have no doubt of that.
21 They're public-interest organizations that file
22 these lawsuits, such as the one in Tampa. That
23 would result in monetary exposure to the county. I
24 mean there's no doubt.

25 I'm mindful of the county attorney's

1 admonition. It's something that is consistent
2 advice she's given on many, many issues. Not just
3 this one, many issues. Any concern, my colleagues
4 know what I've had on many issues and believe we
5 should wait until the Tampa case is resolved. It
6 may be resolved sooner than later, we don't know,
7 but wait -- wait until the Tampa case is resolved.

8 I would move a substitute motion to postpone
9 the matter until the current litigation in Tampa is
10 resolved.

11 COMMISSIONER VALECHE: Second.

12 MAYOR MCKINLAY: Any substitute motion to
13 postpone consideration by Commissioner Abrams,
14 seconded by Commissioner Valeche.

15 COMMISSIONER ABRAMS: Just on discussion on
16 the motion because I do want to just clarify my
17 views on this.

18 I appreciate all sides coming together on that
19 amendment. I do think that -- I know the faith
20 community would prefer that the ordinance obviously
21 be rejected in its entirety. That's not clearly
22 where a vote would be going on this. This narrows
23 the scope of this to exactly what the Human Rights
24 Coalition's specific concerns are, so I think it's
25 a -- it's a good amendment.

1 I don't believe in conversion therapy. That's
2 not my effort in making this substitute motion to
3 somehow avoid taking a position on that. I think
4 the county -- that the county should not sanction
5 conversion therapy, but I do think that I am
6 mindful and heedful of the advice of the county
7 attorney as she's given that advice in the past and
8 in the future, and we've -- it still, you know,
9 would give an opportunity for the Board to take the
10 matter up in the future.

11 MAYOR MCKINLAY: Commissioner Berger.

12 COMMISSIONER BERGER: Thank you, Madam Mayor.
13 Commissioner Abrams, I -- I hear what you said
14 about going along with the county attorney's
15 opinion. And while I'm hesitant to do that, I have
16 always respected the staff, and I have always
17 respected the county attorney and the advice that
18 she's given us. So I can -- I can entertain that,
19 although it is reluctant.

20 The other thing I wanted to share was in a
21 recent Huffington Post article there was a young
22 man that was only identified as T.C., and he came
23 forward, and he was 19 years old. It took him four
24 years to come forward and discuss what happened to
25 him in conversion therapy. And remember the words

1 "conversion." You're trying to change something.
2 That's -- that's the meaning of that. And he --
3 I'm not going to go into the details of the --
4 of the article or what he said, but my strong
5 feeling is that there's a young man or a young lady
6 who wants to come forward with a complaint, that
7 young man or that young lady should be able to do
8 that. So I do support the ordinance, and I would
9 hope that the Tampa -- that the Tampa case comes
10 out with that order, but I will -- I have always
11 gone with staff's recommendation, and I will do
12 that today, but at the end of the day I do support
13 this completely.

14 MAYOR MCKINLAY: Commissioner Valeche.

15 COMMISSIONER VALECHE: Thank you, Madam Mayor.
16 Yeah, I just wanted to agree with Commissioner
17 Abrams. You know, I don't see why we need to rush
18 when there's actual litigation occurring. And if
19 we're subjecting our county to potential litigation
20 ourselves and some costs, a delay of who knows how
21 long but, you know, a few months, I don't think
22 this problem is -- is that pressing if there have
23 been two complaints in whatever time period
24 we've -- we've looked at in the county.

25 You know, it's not as though this is happening

1 every day and we need to step in and stop it
2 immediately, so I think a delay of a few months is
3 not going to affect very many people. And it will
4 save us the, you know, distress of having to defend
5 this in court if -- should we have to.

6 MAYOR MCKINLAY: Commissioner Bernard.

7 VICE MAYOR BERNARD: Thank you. Thank you,
8 Madam Mayor. At this moment I will not support the
9 substitute motion. I believe that we do need to
10 move forward with this issue.

11 And, you know, we don't know how long the
12 Tampa case is going to take place. It could be
13 three years. And with the current administration
14 in terms of sacking the court, we have no idea, you
15 know, how they're going to react, so I believe that
16 we need to move forward. Thank you.

17 MAYOR MCKINLAY: Commissioner Kerner.

18 COMMISSIONER KERNER: Thank you, Madam Mayor.
19 I'll save my debate depending on how this motion --
20 whether it prevails or not, but I do have a
21 question for the county attorney. Was there a
22 temporary injunction issued in the Tampa case?

23 MS. NIEMAN: No. That is what is currently
24 going to be scheduled. They've asked for one and
25 they asked for a permanent injunction and we

1 haven't -- there hasn't been a hearing on anything
2 yet.

3 COMMISSIONER KERNER: So these temporary
4 injections are heard much more quickly and
5 there's --

6 MS. NIEMAN: Yes.

7 COMMISSIONER KERNER: -- they -- they do make
8 a facial determination as to the likelihood of the
9 merits, don't they?

10 MS. NIEMAN: Right.

11 COMMISSIONER KERNER: Okay. So I'll save my
12 debate for the next vote for the underlying motion.

13 MAYOR MCKINLAY: First of all, as much respect
14 as I have for Mr. Hoch, let me just assure those
15 that spoke today that I understand you are
16 passionate about your feelings and about your
17 religious beliefs, and in no way do I find any of
18 you to be "quacks." I think that is an unfair
19 adjective to use to describe your passion and your
20 advocacy.

21 As for me, for me, this -- you know, it's been
22 described that we have two agendas on this issue.
23 For me it's one agenda, and it's just to love
24 people for the way they are. Telling a child that
25 there is something inherently wrong with them

1 because of the way they believe or the way they
2 feel about their sexuality is the only issue that
3 matters to me in this debate today. I don't think
4 there's anything inherently wrong with a child who
5 believes that they are gay.

6 I asked my own teenage daughters to describe
7 to me one word -- in one word what conversion
8 therapy meant to them. One said stupid, typical
9 teenager response; and the older teenager said
10 torture, and I take the opinions of them pretty
11 heavy-heartedly.

12 And I don't know what the proper procedure is,
13 but I know under our rules we're allowed to have
14 two substitute motions. If this motion to postpone
15 were to pass, we don't consider the underlying
16 motion. So I'm going to pass the gavel to
17 Commissioner Bernard and make a substitute motion
18 that we move this ordinance passage today.

19 I do believe that we have the ability, as we
20 had when the legislature preempted us on our gun
21 ordinances, to look at the decision that is made in
22 the federal court regarding the Tampa case. In the
23 future, if we are forced to rescind or revise our
24 ordinance, we can do so at that time. So I make a
25 substitute motion to pass the ordinance banning

1 conversion therapy today.

2 COMMISSIONER KERNER: Point of order, Madam
3 Mayor?

4 VICE MAYOR BERNARD: You're recognized.

5 COMMISSIONER KERNER: If we were to vote on
6 this -- on Commissioner Abrams' motion and it were
7 to fail, wouldn't we not return to the underlying
8 motion which is the motion that you've essentially
9 made? So should we vote on Commissioner Abrams'
10 motion first?

11 MAYOR MCKINLAY: If that's how you want to do
12 it, I'll rescind my substitute motion.

13 COMMISSIONER KERNER: I don't have a
14 preference. I just want to keep the record clear
15 or maybe you could call the vote on -- on your
16 motion, Madam Mayor.

17 MAYOR MCKINLAY: Okay. All right. I will
18 call for a vote on the substitute motion to
19 postpone the passage of the conversion therapy
20 ordinance until such a time that we have a decision
21 by the federal court regarding the Tampa case.

22 Seeing no further lights, and no further
23 discussion, all in favor? To postpone --

24 COMMISSIONER ABRAMS: Postpone until Tampa --

25 MAYOR MCKINLAY: All in favor? That was

1 surprising.

2 All opposed?

3 Motion fails 5 to 2 with Commissioners Kerner,
4 Bernard, Burdick, Berger, and McKinlay opposing
5 postponement.

6 That takes us to the original motion. And
7 Commissioner Kerner, you are recognized.

8 COMMISSIONER KERNER: Thank you, Madam Mayor.
9 Let me start by saying that I do appreciate the
10 positions and the passion that have been
11 demonstrated here on both sides of this very
12 important issue. I think it's important, based
13 upon what I've heard today, and some of the
14 rhetoric that's been discussed at the podium here
15 today, I think it's important that we discuss, as a
16 Board of County Commissioners, what we are not
17 doing.

18 First and foremost, this ordinance is not an
19 intrusion into the parent-child relationship.
20 Nothing within the ordinance prevents or prohibits
21 or attempts to regulate what a parent can say or
22 discuss with their child. And if that was lost in
23 your interpretation of the ordinance, I apologize,
24 but that part is made clear.

25 This is not an intrusion into the pastor or

1 rabbi or other religious leader relationship with a
2 child. This specifically exempts that I am very
3 cognizant, very respectful, and deeply humbled at
4 the fact that in this country we have religious
5 freedom, and I don't think there's anybody on this
6 Board of County Commissioners that would ever act
7 to interfere in that relationship.

8 This is not your government making a
9 determination on the merits of one sexual
10 preference or gender identity position over
11 another. Those are personal issues that are left
12 to children and their parents and their religion
13 and other factors. This ordinance does not
14 authorize your government to monitor or intrude
15 into the psychologist or mental health expert
16 relationship with their patient.

17 I've also heard that this is a clear violation
18 of the First Amendment, a amendment that is the
19 cornerstone of our democracy, freedom of speech.
20 An appellate court has already ruled on this issue.
21 The 3rd Circuit Court of Appeals considered this
22 case in New Jersey in the case of King versus
23 Governor of State of New Jersey. Governor
24 Christie, a Republican.

25 The Court went on to answer the question

1 whether this is a violation of the First Amendment.
2 It said that "We disagree that it's a violation and
3 hold that the verbal communication that occurs
4 during SOCE, Sexual Orientation Change Efforts, is
5 speech that enjoy some degree of protection under
6 the First Amendment. Because plaintiffs are
7 speaking as state licensed professionals within the
8 confines of a professional relationship, however,
9 this level of protection is diminished.
10 Accordingly, it survives plaintiffs' free speech
11 challenge." That is the law of the land.

12 And I will note that even though the 11th
13 Circuit Court of Appeals has not weighed in on
14 this, this was appealed to the U.S. Supreme Court,
15 and they decided not to review the case. And so
16 what I would say to my colleagues on this board
17 about the Tampa case is that the persuasive
18 authority is in favor of our position if we were to
19 pass this.

20 I also asked the county attorney whether there
21 was a temporary injunction issued in the Tampa
22 case. And the reason that I asked that is in cases
23 where the government infringes upon the rights, and
24 certainly the Constitutional rights of our
25 citizens, they have the opportunity to ask for a

1 temporary injunction. That is a process that
2 happens quickly. It also weighs the merits of the
3 case at a very facial level.

4 That has not occurred here. So to my
5 colleagues on the board that are concerned about
6 the Tampa case, what I would tell you is: There is
7 a clear and present danger here today in Palm Beach
8 County. Unless we act, this practice will not be
9 banned.

10 One of the commissioners asked why -- why
11 would we not just wait? That's the reason why. If
12 you believe in your heart that the government
13 should regulate this type of conduct, which I do,
14 then we have a duty to act today. I would not let
15 another case, in another part of the state, where a
16 temporary injection has not been issued, influence
17 you in any meaningful way.

18 With that said, let me just review my notes.
19 You know what? I heard from a gentleman, Steven
20 Smith. I think he's since left, but I mean he came
21 to the podium and spoke very passionately about
22 some very personal issues about how in 2010 he
23 talked to God and he talked to other people, and
24 through that process he changed, I guess, from
25 being homosexual to heterosexual. And he had the

1 courage to come up here and tell us that story in
2 front of his government leaders and on camera.

3 And what I would say to Mr. Smith, if he was
4 here, is that this ordinance wouldn't have affected
5 his experience at all. This is not about us
6 affecting your relationship or interfering with
7 your relationship with God. This is about
8 regulating the professional and licensed conduct of
9 people that attempt to change, through therapy, the
10 way a young child sees him or herself.

11 There is a need to act on this ordinance
12 today. If -- if the elected leaders in this
13 country always deferred and stepped back when there
14 was litigation, we would not have meaningful change
15 in any area of our laws that needed reform. This
16 is our opportunity to stand up for children, our
17 community, and protect them in the immediate
18 future. The moment we vote on this, that will be
19 the law in Palm Beach County, and I would encourage
20 you to join me in voting for this ordinance. Thank
21 you, Madam Mayor.

22 COMMISSIONER ABRAMS: I feel like my
23 colleague's discussions are kind of directed at me
24 since I had made the original motion based on the
25 Tampa case, and so let me just respond by saying:

1 The New Jersey case law may be clear, but New
2 Jersey is not Florida. If there is a temporary
3 injunction issued, the matter can come back to us.

4 It is not a question, Madam Mayor, of passing
5 the ordinance and then having to rescind it if the
6 Tampa litigation is not successful. The -- the
7 scenario would be that we would pass the ordinance,
8 we would get sued, we would have to litigate it;
9 then if the Tampa case were not successful, we
10 might -- we would then be -- have to rescind it. I
11 don't know if it would -- it would be
12 unconstitutional, I guess.

13 My fiduciary duty, I can only talk about what
14 our responsibilities and duties up here are, is to
15 avoid that. We still have, as was articulated,
16 a -- an avenue through the state -- which has now
17 gotten more publicity now, which I think is fine --
18 for those children who feel that they have been
19 mistreated in their therapy. So I don't think
20 we're for that -- that avenue is foreclosed in any
21 way.

22 So I do think it is the better position, the
23 better approach that we're not to wait while
24 knowing that if harm is occurring to a child, there
25 is an avenue. This may be a better avenue, and I

1 accept what you're saying about that.

2 And what Mr. Hoch in fact had said, that
3 sometimes the complaints coming to local officials
4 or having that outlet at the local government level
5 is more effective, but I think we can balance
6 things here while waiting for the outcome and yet
7 still having an avenue, and then taking it up in
8 the future.

9 MAYOR MCKINLAY: Commissioner Valeche.

10 COMMISSIONER VALECHE: Thank you, Madam Mayor.
11 Well, I'm going to continue to oppose this. And as
12 I said last time, as it's been described to me, I
13 don't believe in conversion therapy. I think it's
14 a harmful practice. Having said that, I am really
15 not convinced that it's going on at the level that
16 people claim it is.

17 From the professionals who are here today who
18 spoke, I thought very eloquently about how they run
19 their practices, they respond to -- and I don't
20 want to get into this actually. Let me stop there
21 because we're not talking about psychological
22 practices. But what we're doing here I think is --
23 the language that we use is overly broad, and it
24 restricts what psychologists can speak to their
25 patients about for fear of running afoul of this

1 law.

2 Again, conversion therapy to me is a very
3 ill-defined subject here, and I think that's why
4 we're stepping into a very dangerous area here
5 because other things that aren't conversion therapy
6 can be covered by this ordinance and can result in
7 violations. So I think we're -- again, as I said
8 last time, I think we're overreaching our authority
9 as a county commission.

10 I personally found it troubling that we've
11 spent an entire morning bringing religion, values,
12 sexuality, things that the county commission really
13 is not constituted to consider. You know, why are
14 we doing this? Why are we getting into areas that
15 are best left to people that are trained in those
16 things and, you know, have far more experience
17 professionally and education to rule on?

18 I think we're way out of our league here; and
19 for that reason, I think, as I've said, I continue
20 to oppose it.

21 MAYOR MCKINLAY: I see no further lights. I
22 have a motion on the floor, I believe it was made
23 by Commissioner Burdick and seconded by
24 Commissioner Kerner, to pass the ordinance of
25 conversion therapy.

1 All in favor?

2 All opposed?

3 Motion carries the vote of 5 to 2 with

4 Commissioners Valeche and Abrams dissenting.

5 (Whereupon, the discussion regarding Agenda

6 Item 4.F.1. is concluded.)

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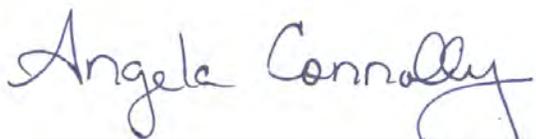
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COUNTY OF PALM BEACH)

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Dated this 20th day of July, 2018.



Angela Connolly, R.P.R.

	2007 24:19		ACLU 21:3,4
\$	2009 24:15	9	ACPEDS 23:25 24:6,10
\$1,000 6:3	2010 36:19 95:22	9107 30:8	act 80:16 93:6 95:8,14 96:11
\$250 6:4	20th 23:9	917 17:13	acted 24:10 34:23
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