

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-CV-80771-ROSENBERG/REINHART

ROBERT W. OTTO and JULIE H.
HAMILTON,

Plaintiff,

v.

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

Defendants.

**DEFENDANT, CITY OF BOCA RATON'S NOTICE OF
FILING SUPPLEMENT TO SUGGESTION OF MOOTNESS**

Defendant, City of Boca Raton ("City"), hereby supplements its Suggestion of Mootness [ECF No. 151] with the executed copy of Ordinance No. 5626, Exhibit "A" hereto. Specifically, on August 23, 2020, the City Council unanimously passed Ordinance No. 5626, which permanently repeals Chapter 9, Article VI that codified Ordinance No. 5407 (the challenged ordinance in this action).

Dated: August 24, 2022

Respectfully submitted,

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City of Boca Raton

FINAL 8/23/2022



Incorporated 1925

ORDINANCE

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5626

AN ORDINANCE OF THE CITY OF BOCA RATON
REPEALING CHAPTER 9, ARTICLE VI, "PROHIBITION OF
CONVERSION THERAPY ON MINORS," CODE OF
ORDINANCES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEALER; PROVIDING FOR
CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Eleventh Circuit Court of Appeals, in the case of *Otto, et al. vs. City of Boca Raton and County of Palm Beach, Florida*, has found Chapter 9, Article VI, "Prohibition of Conversion Therapy on Minors," of the City's Code of Ordinances (the "Prohibition") to be an unconstitutional restriction on speech in violation of the First Amendment to the United States Constitution; and

WHEREAS, the City has analyzed the decision of the Eleventh Circuit, and although the City disagrees with the decision, the City respects the judicial authority of the Eleventh Circuit and accepts the decision; and

WHEREAS, the Prohibition is applicable not only to the named plaintiffs in *Otto, et al. vs. City of Boca Raton, et al.*, but is also applicable to any other practitioners in the City; and

1 WHEREAS, in order to ensure that the Prohibition does not chill protected speech in
2 violation of the First Amendment (and therefore harm practitioners), the City wishes to repeal
3 Chapter 9, Article VI, Code of Ordinances, in its entirety; and

4 WHEREAS, on August 5, 2022, the City Council adopted emergency Ordinance No.
5 5625 repealing the Prohibition, and now wishes to adopt the repeal as a non-emergency
6 ordinance; now therefore

7

8 THE CITY OF BOCA RATON HEREBY ORDAINS:

9

10 Section 1. Chapter 9, Article VI, "Prohibition of Conversion Therapy on Minors," Code
11 of Ordinances, is deleted in its entirety.

12 Section 2. The City Council finds that, based upon the decision of the Eleventh Circuit
13 Court of Appeals, it has no intention of reenacting, or considering the reenactment of, Chapter 9,
14 Article VI, or anything substantially similar.

15 Section 3. If any section, subsection, clause or provision of this ordinance is held
16 invalid, the remainder shall not be affected by such invalidity.

17 Section 4. All ordinances and resolutions or parts of ordinances and resolutions and
18 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

19 Section 5. Codification of the repeal of Chapter 9, Article VI in the City Code of
20 Ordinances is hereby authorized and directed.

21 Section 6. This ordinance shall take effect immediately upon adoption. [NOTE:
22 Ordinance No. 5625, an emergency ordinance which repealed Chapter 9, Article VI, Code of
23 Ordinances, was adopted and took effect on August 5, 2022, and has remained in effect since
24 that date and through the adoption of this ordinance.]

25

1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 23rd day
2 of August, 2022.

3 CITY OF BOCA RATON, FLORIDA

4
5 ATTEST:

6
7 Mary Siddons
8
9 Mary Siddons, City Clerk

10 Scott Singer
11 Scott Singer, Mayor

12 Approved as to form:
13 Diana Grub Frieser
14 Diana Grub Frieser
15 City Attorney

16
17
18 022305 rev
19

COUNCIL MEMBER	YES	NO	ABSTAINED
MAYOR SCOTT SINGER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEPUTY MAYOR ANDREA LEVINE O'ROURKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBER YVETTE DRUCKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBER MONICA MAYOTTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCIL MEMBER ANDY THOMSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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