

**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.

**DEFENDANT, COUNTY OF PALM BEACH, FLORIDA’S, NOTICE OF FILING
EXECUTED COPY OF ORDINANCE NO. 2022-020**

Defendant, COUNTY OF PALM BEACH, FLORIDA (“County”), hereby files an executed copy of Ordinance No. 2022-020 in support of its position outlined in the Joint Notice of Case Procedural Proposal [ECF No. 171]. On August 23, 2022, the Palm Beach County Board of County Commissioners unanimously passed Ordinance No. 2022-020 repealing Chapter 18, Article V, Section 18-121, et seq., Palm Beach County Code, Ordinance No. 2017-046 (the challenged ordinance in this action).

Respectfully submitted this 8th day of September, 2022, by:

/s/ Marianna Sarkisyan

Marianna Sarkisyan, Esquire
Assistant County Attorney
Florida Bar No. 57059

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 8, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send an electronic notice to the authorized CM/ECF filers.

/s/ Marianna Sarkisyan

Marianna Sarkisyan, Esquire

Assistant County Attorney

Florida Bar No. 57059

300 North Dixie Highway, Suite 359

West Palm Beach, Florida 33401

Tel: (561) 355-2529; Fax: (561) 355-4234

Email: msarkisyan@pbcgov.org

ldennis@pbcgov.org, mjcullen@pbcgov.org

ORDINANCE NO. 2022- 020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING CHAPTER 18, ARTICLE V, SECTION 18-121, ET SEQ., PALM BEACH COUNTY CODE, ORDINANCE NO. 2017-046, "PROHIBITION OF CONVERSION THERAPY ON MINORS ORDINANCE"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, on December 21, 2017, the Palm Beach County Board of County Commissioners (BCC) enacted Chapter 18, Article V, Section 18-121, et seq., Palm Beach County Code, Ordinance No. 2017-046, referred to as the "Prohibition of Conversion Therapy on Minors Ordinance" (Ordinance); and

WHEREAS, the Eleventh Circuit Court of Appeals considered the Ordinance in *Otto v. City of Boca Raton, Florida*, 931 F.3d 854 (11th Cir. 2020), *reh'g en banc den.*, 2022 WL 2824907 (Jul. 20, 2022), and determined that the Ordinance was violative of the First Amendment; and

WHEREAS, in light of the decision in *Otto*, the BCC wishes to repeal the Ordinance.

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

Section 1.

Chapter 18, Article V, Section 18-121, et seq., Palm Beach County Code, Ordinance No. 2017-046, is hereby repealed in its entirety.

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. EFFECTIVE DATE:

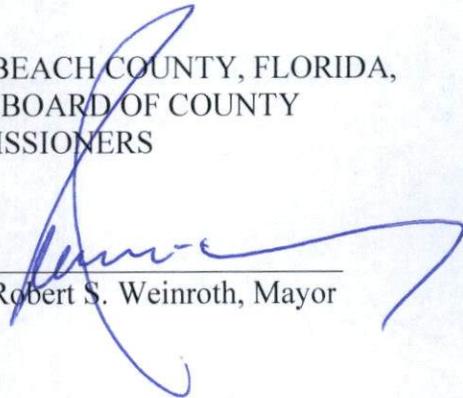
The provisions of this Ordinance shall become effective upon filing with the Department of State.

1 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County,
2 Florida, on this the 23rd day of August, 2022.

3
4 JOSEPH ABRUZZO, CLERK
5 OF THE CIRCUIT COURT &
6 COMPTROLLER

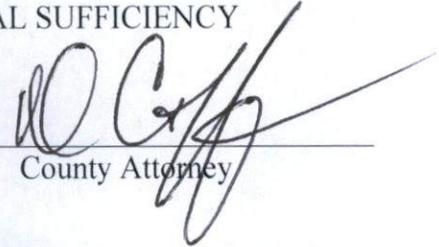
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

7
8
9 By: 
Deputy Clerk

By: 
Robert S. Weinroth, Mayor



10
11
12
13
14 APPROVED AS TO FORM AND
15 LEGAL SUFFICIENCY

16
17 By: 
18 County Attorney
19
20
21
22

EFFECTIVE DATE: Filed with the Department of State on the 25th day of August, 2022.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 29, 2022

Honorable Joseph Abruzzo
Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attn: Tracey Powell

Dear Honorable Joseph Abruzzo:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2022-020, which was filed in this office on August 25, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh