

RESOLUTION NO. 21-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN ATTORNEY TO APPEAR AS AMICUS CURIAE AND/OR TO JOIN AS A SIGNATORY ON ANY LOCAL GOVERNMENT AMICUS BRIEF IN SUPPORT OF LOCAL CONVERSION THERAPY BANS, INCLUDING, BUT NOT LIMITED, TO THE CURRENT PETITION FOR REHEARING AND REHEARING EN BANC IN *OTTO ET AL. V CITY OF BOCA RATON ET AL.*; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) supports our Nation’s civil rights laws, which protect people on the basis of race, color, national origin, and in most cases, sex, disability, and religion; and

WHEREAS, in 2017, the City of Boca Raton, Florida, and the County of Palm Beach, Florida, each enacted local Ordinances prohibiting state-licensed therapists from trying to change the sexual orientation or gender identity of a patient under 18 years old; and

WHEREAS, in 2018, an anti-LGBTQ legal group filed a federal lawsuit, captioned *Otto v. City of Boca Raton*, challenging the law on First Amendment grounds on behalf of two licensed therapists who wish to engage in conversion therapy with minors; and

WHEREAS, on November 20, 2020, in a 2-1 decision, the U.S. Court of Appeals for the Eleventh Circuit enjoined bans on the therapy by Boca Raton and Palm Beach County on First Amendment grounds; and

WHEREAS, founded in 1998, The Trevor Project is the leading national organization providing crisis intervention and suicide prevention services to lesbian, gay, bisexual, transgender, queer & questioning (LGBTQ) young people under 25; and

WHEREAS, The Trevor Project is committed to producing innovative research that brings new knowledge and clinical implications to the field of suicidology; and

WHEREAS, according to The Trevor Project’s research, LGBTQ youth who had undergone conversion therapy were more than twice as likely to report having attempted suicide as those who did not; and

WHEREAS, conversion therapy is based on the outdated and false notion that being LGBTQ is a mental illness that should be cured, despite all major medical associations’ agreement that LGBTQ identities are a normal variant of human nature; and

WHEREAS, the Eleventh Circuit Court’s decision is a dangerous outlier – two other federal appeals courts have upheld similar protections against conversion therapy, and twenty (20) states and more than eighty (80) localities have enacted similar laws with strong bipartisan support; and

WHEREAS, currently, two local government defendants in the case, City of Boca Raton and Palm Beach County, are filing a petition for rehearing and rehearing en banc before the full Eleventh Circuit; and

WHEREAS, as a long-standing champion for diversity, the Town should support the City of Boca Raton and Palm Beach County in their petition for rehearing and rehearing en banc before the full Eleventh Circuit, the ruling in which could ultimately affect the ability of local governments to protect their LGBTQ youths; and

WHEREAS, the Town Council finds that the adoption of this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Authorization.** The Town Attorney is hereby authorized to appear as amicus curiae and/or sign onto any local government amicus brief in support of local conversion therapy bans, including, but not limited, to the current petition for rehearing and rehearing en banc in *Otto, et al. v City of Boca Raton, et al.*

Section 3. **Effective Date.** This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this ____ day of January, 2021.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Michael P. Callahan _____

Council Member Robert “BJ” Duncan _____

Council Member Suzy Lord _____

Council Member Roger Coriat _____