



Town of Cutler Bay

Town Hall
10720 Caribbean Blvd
Cutler Bay, FL 33189

Memorandum

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Memorandum

To: Honorable Mayor and Town Council

From: Council Member Roger Coriat, Seat 3

Date: January 20, 2021

Re: 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.

REQUEST

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.

BACKGROUND AND ANALYSIS

Founded in 1998 by the creators of the Academy Award®-winning short film TREVOR, 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. The Trevor Project is committed to producing innovative research that brings new knowledge and clinical implications to the field of suicidology. To accomplish this, The Trevor Project takes a two-pronged approach.

- Partner with external research organizations (such as academic institutions) to carry out complex investigations that range from program evaluations to interventions; and
- Monitor, analyze, and evaluate existing data collected from Trevor-served youth to produce insights into vulnerable populations, suicidal risk factors, and social factors influencing suicidal ideation and attempts.

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. 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 (also known as “Conversion Therapy”). It is reported that every leading medical and mental health organization in the country has warned that these practices do not work and put young people at risk of serious harm, including depression, substance abuse, and suicide.

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

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. 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. The American Psychiatric Association has not treated homosexuality as a mental illness since 1973, and being transgender is no longer treated as a mental illness since "gender identity disorder" was removed from psychological diagnostic manuals in 2013. Moreover, no credible scientific study has ever supported the claims of conversion therapists to actually change a person's sexual orientation. A 2009 report by an American Psychological Association Task Force found that *"results of scientifically valid research indicate that it is unlikely that individuals will be able to reduce same-sex attractions or increase other-sex sexual attractions through [sexual orientation change efforts]."*

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. Currently, two (2) 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.

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.

RECOMMENDATION

It is recommended that the Town Council adopt the attached Resolution, which authorizes the Town Attorney to appear as amicus curiae and 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.*