

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

**ORDINANCE NO. O-2017-XXX**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING CHAPTER 8 ENTITLED "MISCELLANEOUS OFFENSES AND PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF OAKLAND PARK, FLORIDA; PROVIDING FOR THE CREATION OF ARTICLE VIII TO BE ENTITLED "PROHIBITION OF CONVERSION THERAPY ON MINORS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE PROHIBITION OF CONVERSION THERAPY; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, as recognized by major professional associations of mental health practitioners and researchers in the United States and elsewhere for nearly 40 years, being lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBT or LGBTQ) is not a mental disease, disorder or illness, deficiency or shortcoming; and

**WHEREAS**, the American Psychiatric Association in December 1998 published its opposition to any psychiatric treatment, including reparative or conversion therapy, which therapy regime is based upon the assumption that homosexuality is a mental disorder per se or that a patient should change his or her homosexual orientation; and

**WHEREAS**, the American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") conducted a systematic review of peer-reviewed journal literature on sexual orientation change efforts ("SOCE"), and issued its report in 2009, citing research that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to self, a loss of faith, and a sense of having wasted time and resources; and

1  
2       **WHEREAS**, following the report issued by the APA Task Force, the American  
3 Psychological Association in 2009 issued a resolution on Appropriate Affirmative Responses to  
4 Sexual Orientation Distress and Change Efforts, advising parents, guardians, young people, and  
5 their families to avoid sexual orientation change efforts that portray homosexuality as a mental  
6 illness or developmental disorder and to seek psychotherapy, social support, and  
7 educational services that provide accurate information on sexual orientation and sexuality,  
8 increase family and school support, and reduce rejection of sexual minority youth;<sup>4</sup> and  
9

10       **WHEREAS**, the American Psychoanalytic Association in June 2012 issued a position  
11 statement on conversion therapy efforts, articulating that "As with any societal prejudice, bias  
12 against individuals based on actual or perceived sexual orientation, gender identity or gender  
13 expression negatively affects mental health, contributing to an enduring sense of stigma and  
14 pervasive self-criticism through the internalization of such prejudice" and that psychoanalytic  
15 technique "does not encompass purposeful attempts to 'convert,' 'repair,' change or shift an  
16 individual's sexual orientation, gender identity or gender expression," such efforts being  
17 inapposite to "fundamental principles of psychoanalytic treatment and often result in substantial  
18 psychological pain by reinforcing damaging internalized attitudes;" and  
19

20       **WHEREAS**, the American Academy of Child & Adolescent Psychiatry in 2012  
21 published an article in its Journal stating that clinicians should be aware that there is "no  
22 evidence that sexual orientation can be altered through therapy and that attempts to do so may be  
23 harmful;" that there is "no medically valid basis for attempting to prevent homosexuality, which  
24 is not an illness;" and that such efforts may encourage family rejection and undermine self-  
25 esteem, connectedness and caring, important protective factors against suicidal ideation and  
26 attempts; and that, for similar reasons cumulatively stated above, carrying the risk of significant  
27 harm, SOCE is contraindicated ; and  
28

29       **WHEREAS**, the Pan American Health Organization, a regional office of the World  
30 Health Organization, issued a statement in 2012 stating: "These supposed conversion therapies  
31 constitute a violation of the ethical principles of health care and violate human rights that are  
32 protected by international and regional agreements." The organization also noted that  
33 conversion therapies "lack medical justification and represent a serious threat to the health and  
34 well-being of affected people;" and  
35  
36

1           **WHEREAS**, in 2014 the American School Counselor Association issued a position  
2 statement that states: “It is not the role of the professional school counselor to attempt to change  
3 a student’s sexual orientation or gender identity. Professional school counselors do not support  
4 efforts by licensed mental health professionals to change a student’s sexual orientation or gender  
5 as these practices have been proven ineffective and harmful;” and  
6

7           **WHEREAS**, a 2015 report of the Substance Abuse and Mental Health Services  
8 Administration, a division of the U.S. Department of Health and Human Services, "Ending  
9 Conversion Therapy: Supporting and Affirming LGBTQ Youth" further reiterates based on  
10 scientific literature that conversion therapy efforts to change an individual's sexual orientation,  
11 gender identity, or gender expression is a practice not supported by credible evidence and been  
12 disavowed by behavioral health experts and associations, perpetuates outdated views of gender  
13 roles and identities, negative stereotypes, stating, importantly, that such therapy may put young  
14 people at risk of serious harm, and recognizing that, same-gender sexual orientation (including  
15 identity, behavior, and attraction) is part of the normal spectrum of human diversity and does not  
16 constitute a mental disorder; and  
17

18           **WHEREAS**, the American College of Physicians wrote a position paper in 2015  
19 opposing the use of “conversion,” “reorientation,” or “reparative” therapy for the treatment of  
20 LGBT persons, stating that “[a]vailable research does not support the use of reparative therapy as  
21 an effective method in the treatment of LGBT persons. Evidence shows that the practice may  
22 actually cause emotional or physical harm to LGBT individuals, particularly adolescents or  
23 young persons;” and  
24

25           **WHEREAS**, the United States Court of Appeals Third Circuit held in King vs. Governor  
26 of the State of New Jersey, 767 F. 3d 216 (2014) that a prohibition of SOCE does not violate  
27 counselor’s First Amendment free speech rights; and  
28

29           **WHEREAS**, the United States Court of Appeals Ninth Circuit held in Pickup vs. Brown,  
30 740 F. 3d 1208 (2014) that a California State Statute which subject state-licenses mental health  
31 providers to professional discipline for engaging in “sexual orientation change efforts” with  
32 clients under the age of 18 years of age was rationally related to the legitimate government  
33 interest of protecting the well-being of minors and did not infringe on the fundamental rights of  
34 parents; and  
35

36           **WHEREAS**, the City Commission of Oakland Park does not intend to prevent mental  
37 health providers from speaking to the public about SOCE; expressing their views to patients;  
38 recommending SOCE to patients; administering SOCE to any person who is 18 years of age or  
39 older; or referring minors to unlicensed counselors, such as religious leaders. This ordinance is

1 not intended to prevent unlicensed providers, such as religious leaders, from administering  
2 SOCE to children or adults; nor does it prevent minors from seeking SOCE from mental health  
3 providers in other political subdivisions or states outside of the City of Oakland Park, Florida;  
4 and  
5

6 **WHEREAS**, City of Oakland Park has a compelling interest in protecting the physical  
7 and psychological well-being of minors, including but not limited to lesbian, gay, bisexual,  
8 transgender and questioning youth, and in protecting its minors against exposure to serious  
9 harms caused by sexual orientation and gender identity change efforts; and  
10

11 **WHEREAS**, the City Commission hereby finds the overwhelming research  
12 demonstrating that sexual orientation and gender identity change efforts can pose critical health  
13 risks to lesbian, gay, bisexual, transgender or questioning persons, and that being lesbian, gay,  
14 bisexual, transgender or questioning is not a mental disease, mental disorder, mental illness,  
15 deficiency, or shortcoming; and  
16

17 **WHEREAS**, the City Commission finds minors receiving treatment from licensed  
18 therapists in the City of Oakland Park, FL who may be subject to conversion or reparative  
19 therapy are not effectively protected by other means, including, but not limited to, other state  
20 statutes, local ordinances, or federal legislation; and  
21

22  
23 **WHEREAS**, the City Commission desires to prohibit, within the geographic boundaries  
24 of the City, the practice of sexual orientation or gender identity change efforts on minors by  
25 licensed therapists only, including reparative and/or conversion therapy, which have been  
26 demonstrated to be harmful to the physical and psychological well-being of lesbian, gay,  
27 bisexual, transgender and questioning persons.  
28

29  
30 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
31 **CITY OF OAKLAND PARK, FLORIDA THAT:**  
32

33 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
34 being true and correct and are hereby made a part of this Ordinance.  
35

36 **Section 2.** The Code of Ordinances of Oakland Park, Florida, at Chapter 8 is hereby  
37 amended by creating Article VIII to be entitled "Prohibition of Conversion Therapy on Minors"  
38 and creating sections 8-126 through 8-129 which such sections shall read as follows:  
39

1 ARTICLE VIII: PROHIBITION OF CONVERSION THERAPY ON MINORS

2  
3 Sec. 8-126. - Intent. The Intent of this Ordinance is to protect the physical and psychological  
4 well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or  
5 questioning youth, from exposure to the serious harms and risks caused by conversion therapy or  
6 reparative therapy by licensed providers, including but not limited to licensed therapists. These  
7 provisions are lawful exercises of police power of the City for the public safety, health, and  
8 welfare; and its provisions shall be liberally construed to accomplish that purpose.

9  
10 Sec. 8-127. - Definitions.

11  
12 (a) Conversion therapy or reparative therapy means, interchangeably, any counseling, practice or  
13 treatment performed with the goal of changing an individual's sexual orientation or gender  
14 identity, including, but not limited to, efforts to change behaviors, gender identity, or gender  
15 expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals  
16 of the same gender or sex. Conversion therapy does not include counseling that provides support  
17 and assistance to a person undergoing gender transition or counseling that provides acceptance,  
18 support, and understanding of a person or facilitates a person's coping, social support, and  
19 development, including sexual orientation-neutral interventions to prevent or address unlawful  
20 conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual  
21 orientation or gender identity.

22  
23 (b) Minor means any person less than 18 years of age.

24  
25 (c) Provider means any person who is licensed by the State of Florida to provide professional  
26 counseling, or who performs counseling as part of his or her professional training under chapters  
27 456, 458, 459, 490 or 491 of the Florida Statutes, as such chapters may be amended, including  
28 but not limited to, medical practitioners, osteopathic practitioners, psychologists,  
29 psychotherapists, social workers, marriage and family therapists, and licensed counselors. A  
30 Provider does not include members of the clergy who are acting in their roles as clergy or  
31 pastoral counselors and providing religious counseling to congregants, as long as they do not  
32 hold themselves out as operating pursuant to any of the aforementioned Florida Statutes licenses.

33  
34 Sec. 8-128. - Conversion therapy prohibited. It shall be unlawful for any Provider to practice  
35 conversion therapy efforts on any individual who is a minor regardless of whether the Provider  
36 receives monetary compensation in exchange for such services.

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

Sec. 8-129. - Enforcement and civil penalties.

(a) Enforcement of this article may be done pursuant to Section 24-234 of the Code of Ordinances, special master procedure.

(b) The violation of any provision of this article shall be punished by a fine of \$250.00 for the first violation and \$500.00 for each repeat violation. Each day any violation of Section 8-128 occurs shall constitute a separate offense. These penalties shall not preclude any other remedies available at law or in equity, including, injunctive relief in the circuit court.

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

**Section 4.** That all Ordinances or parts of Ordinances and all resolutions or parts of Resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5.** It is the intention of the City Commission of the City of Oakland Park, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Oakland Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

**Section 6.** This Ordinance shall be effective upon its passage and adoption by the City Commission of the City of Oakland Park.

PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA,  
ON FIRST READING, THIS 4<sup>th</sup> DAY OF OCTOBER, 2017.

T. LONERGAN	<u>YES</u>
S. GUEVREKIAN	<u>YES</u>
M. SPARKS	<u>YES</u>
M. CARN	<u>YES</u>
J. ADORNATO III	<u>YES</u>

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

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND  
PARK, FLORIDA, ON SECOND READING, THIS 18<sup>TH</sup>, DAY OF OCTOBER, 2017.

\_\_\_\_\_  
MAYOR JOHN ADORNATO III

T. LONERGAN \_\_\_\_\_  
S. GUEVREKIAN \_\_\_\_\_  
M. SPARKS \_\_\_\_\_  
M. CARN \_\_\_\_\_  
J. ADORNATO III \_\_\_\_\_

\_\_\_\_\_  
RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:  
I hereby certify that I have approved the form of this Ordinance (O-2017-XXX):

\_\_\_\_\_  
DONALD J. DOODY, CITY ATTORNEY