



Life's Just Better Here

COMMISSION AGENDA REPORT

MEETING DATE: Tuesday, September 13, 2016

From: Leigh Ann Henderson, City Manager

Prepared by: Kathryn Sims, City Clerk

(a) **Subject:** Ordinance No. 2016-009: (Second Reading) (as requested by Commissioner Flippen)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA AMENDING CHAPTER 12 OF THE CODE ORDINANCES OF THE CITY OF WILTON MANORS, ENTITLED "MISCELLANEOUS OFFENSES" BY CREATING ARTICLE IV, TO BE ENTITLED "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS," TO PROHIBIT LICENSED PROFESSIONALS FROM ENGAGING IN COUNSELING EFFORTS, PRACTICES OR TREATMENT WITH THE GOAL TO CHANGE A MINOR'S SEXUAL ORIENTATION OR GENDER IDENTITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(b) **City Manager Recommendation:**

(c) **Report In Brief:** Ordinance No. 2016-009 amends Chapter 12 of the Code of Ordinances to create Article IV, "Sexual Orientation or Gender Identity Change Efforts"

(d) **Discussion:** Conversion therapy is defined as being any counseling, practice, or treatment performed with the goal of changing a person's sexual orientation or gender identity which includes efforts to change behavior, gender expression and attraction towards the same gender.

Ordinance No. 2016-009 creates Article IV, entitled "Sexual Orientation or Gender Identity Change Efforts" which states that any person who is licensed by the State of Florida to provide professional counseling, or performs it as part of his/her professional training may not engage in conversion or reparative therapy with a minor. Violation of this section of the code will result in a penalty of \$200.00. Each day that a violation occurs constitutes a separate offense.

(e) **Strategic Plan Consistency:** Priority Area 4 Innovating and Adapting for the Future, Objective 5 Advocate for the city on issues of funding, legislative and regulatory concern

(f) **Concurrences:**

(g) Fiscal Impact:

(h) Alternatives:

(i) Attachments: 1. Ordinance No. 2016-009

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
40
41
42
43
44
45

ORDINANCE NO. 2016-009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA AMENDING CHAPTER 12 OF THE CODE ORDINANCES OF THE CITY OF WILTON MANORS, ENTITLED "MISCELLANEOUS OFFENSES" BY CREATING ARTICLE IV, TO BE ENTITLED "SEXUAL ORIENTATION OR GENDER IDENTITY CHANGE EFFORTS," TO PROHIBIT LICENSED PROFESSIONALS FROM ENGAGING IN COUNSELING EFFORTS, PRACTICES OR TREATMENT WITH THE GOAL TO CHANGE A MINOR'S SEXUAL ORIENTATION OR GENDER IDENTITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the American Psychiatric Association published a position statement in December 1998 opposing any psychiatric treatment, including reparative or conversion therapy, which therapy regime is based upon the assumption that homosexuality *per se* is a mental disorder 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") concluded that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including, among other things, confusion, depression, social withdrawal, suicidality, substance abuse, self-hatred, high-risk sexual behavior, and a feeling of being dehumanized; and

WHEREAS, following the report issued by the APA Task Force, the American Psychological Association issued a resolution in 2009 on Appropriate Affirmative Responses to Sexual Orientation Distress and Change Efforts, advising parents, guardians, young people, and their families to avoid sexual orientation change efforts that portray homosexuality as a mental illness or developmental disorder and encouraging psychotherapy, social support, and educational services that provide accurate information on sexual orientation and sexuality, increased family and school support, and reduced rejection of sexual minority youth; and

WHEREAS, The American Academy of Child and Adolescent Psychiatry published a statement in 2012 in its journal that "[g]iven that there is no evidence that efforts to alter sexual orientation are effective, beneficial or necessary, and the possibility that they carry the risk of significant harm, such interventions are contraindicated"; and

WHEREAS, the American Academy of Pediatrics, the American Medical Association Council of Scientific Affairs, the National Association of Social Workers, the American Counseling Association Governing Council, The American School Counselor Association, and the American Psychoanalytic Association have each asserted in reports or

{00138139.1 2976-9201291}

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

1 position statements that sexual orientation change efforts, including reparative therapy or
2 conversion therapy, are not recommended and may be harmful; and

3
4 **WHEREAS**, the Pan American Health Organization issued a statement in 2012
5 that “[t]hese supposed conversion therapies constitute a violation of the ethical principles
6 of health care and violate human rights that are protected by international and regional
7 agreements”; and

8
9 **WHEREAS**, the Substance Abuse and Mental Health Services Administration of
10 the United States Department of Health and Human Services issued a report in 2015
11 examining the scientific literature on conversion therapy and concluded that “conversion
12 therapy – efforts to change an individual’s sexual orientation, gender identity or gender
13 expression – is a practice that is not supported by credible evidence” and that “may put
14 young people at risk of serious harm”; and

15
16 **WHEREAS**, the City of Wilton Manors (“City”) has a compelling interest in
17 protecting the physical and psychological well-being of minors, including lesbian, gay,
18 bisexual, transgender and questioning youth, and in protecting its minors against exposure
19 to serious harms caused by sexual orientation and gender identity change efforts; and

20
21 **WHEREAS**, the City Commission hereby finds that being lesbian, gay, bisexual
22 or transgender is not a disease, disorder, illness, deficiency, or shortcoming, and that
23 research has demonstrated sexual orientation and gender identity change efforts can pose
24 critical health risks to lesbian, gay bisexual, or transgender persons; and

25
26 **WHEREAS**, it is the desire of the Wilton Manors City Commission to prohibit,
27 within the geographic boundaries of the City, the use of sexual orientation or gender
28 identity change efforts with minors, including reparative and conversion therapy, which
29 have been demonstrated to be harmful to the physical psychological well-being of lesbian,
30 gay bisexual, and transgender persons.

31
32 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
33 **OF THE CITY OF WILTON MANORS, FLORIDA, THAT:**

34
35 **Section 1:** Chapter 12 of the Wilton Manors Code of Ordinances is hereby
36 amended to create Article IV as follows:

37 **CHAPTER 12**
38 **MISCELLANEOUS OFFENSES**
39 **ARTICLE IV. Sexual Orientation or Gender Identity Change Efforts**

40
41 **Sec. 12-11. Definitions.**

42
43 The following words, terms, and phrases, when used in this Article, shall have the
44 meanings ascribed to them in this Article, except when the context clearly indicates a
45 different meaning:

{00138139.1 2976-9201291}

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

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
40
41
42
43
44
45

Conversion Therapy means any counseling, practice, or treatment performed with the goal of changing a person’s sexual orientation or gender identity including, but not limited to, efforts to change behaviors, gender expression, or to reduce or eliminate sexual or romantic attraction or feelings toward a person of the same gender. Conversion therapy does not include counseling that:

- a) Provides support to a person undergoing gender transition; or
- b) Provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling is not conducted with the goal of changing the person’s sexual orientation or gender identity.

Minor means a person less than eighteen (18) years of age.

Reparative therapy has the same meaning as conversion therapy defined in this section.

Sec. 12-12. Conversion therapy prohibited.

A person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under Chapters 458, 459, 490, or 491 of the Florida Statutes, as such chapters may be amended, including, but not limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors, may not engage in conversion or reparative therapy with a minor.

Sec.12-13. Enforcement; penalties.

A violation of Section 12-12 shall be enforced pursuant to the procedures set forth in Chapter 2, Article III, Division 2 of this Code. The penalty for a violation shall \$200.00. Each day that a violation occurs constitutes a separate offense.

SECTION 2. CONFLICTS.

All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith, be and the same are hereby repealed, to the extent of such conflict.

SECTION 3. SEVERABILITY.

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

{00138139.1 2976-9201291}

CODING: Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.

1 **SECTION 4. CODIFICATION.**

2 It is the intention of the City Commission of the City of Wilton Manors, and it is
3 hereby ordained that the provision of this Ordinance shall become and be made a part of
4 the Code of Ordinances of the City of Wilton Manors, Florida. The sections of this
5 Ordinance may be renumbered or re-lettered to accomplish such intention, and the word
6 "ordinance" may be changed to "section," "article," or other appropriate word.
7

8 **SECTION 5. EFFECTIVE DATE.**

9 That this Ordinance shall become effective upon adoption.

10
11 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**
12 **WILTON MANORS, FLORIDA, THIS ____ DAY OF _____ 2016.**

13
14 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**
15 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS ____ DAY**
16 **OF _____ 2016.**

17
18 CITY OF WILTON MANORS, FLORIDA

19
20 By: _____
21 GARY RESNICK, MAYOR

22
23 ATTEST:

24 RECORD OF COMMISSION VOTE: 1ST
25 Reading

26 _____
27 KATHRYN SIMS, CMC
28 CITY CLERK

29 MAYOR RESNICK _____
30 VICE MAYOR NEWTON _____
31 COMMISSIONER CARSON _____
32 COMMISSIONER FLIPPIN _____
33 COMMISSIONER GREEN _____

34 I HEREBY CERTIFY that I have
35 approved the form of this Ordinance.

36 RECORD OF COMMISSION VOTE 2ND
37 Reading

38 
39 _____
40 KERRY L. EZROL
41 CITY ATTORNEY

42 MAYOR RESNICK _____
VICE MAYOR NEWTON _____
COMMISSIONER CARSON _____
COMMISSIONER FLIPPEN _____
COMMISSIONER GREEN _____

{00138139.1 2976-9201291}

CODING:

Words in ~~strike through~~ type are deletions from existing law;
Words in underlined type are additions.