AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 37 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "OFFENSES-MISCELLANEOUS", TO CREATE SECTION 37-13, ENTITLED "CONVERSION THERAPY", TO PROHIBIT LICENSED PROFESSIONALS FROM ENGAGING IN COUNSELING EFFORTS, PRACTICES, OR TREATMENTS WITH THE GOAL OF CHANGING A MINOR'S SEXUAL ORIENTATION OR GENDER IDENTITY; DEFINING TERMS AND PROVIDING FOR PENALTIES, ENFORCEMENT AND EXCEPTIONS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.
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WHEREAS, the American Psychiatric Association ("APA") published a position statement in December 1998 opposing any psychiatric treatment, including conversion or reparative 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 sexual orientation; and

WHEREAS, the APA's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("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, suicide, 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 APA 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 position statements that efforts to change sexual orientation, including conversion therapy or reparative therapy, are not recommended and may be harmful; and

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

WHEREAS, the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services issued a report in 2015 examining the
scientific literature on conversion therapy and concluding that "conversion therapy—efforts to change an individual's sexual orientation, gender identity or gender expression—is a practice that is not supported by credible evidence" and that "may put young people at risk of serious harm"; and

WHEREAS, the City of Miami ("City") has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, transgender and questioning youth, and in protecting its minors against exposure to serious harms caused by efforts to change sexual orientation and gender identity; and

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

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

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 37 of the Code of the City of Miami, Florida, as amended ("City Code"), is further amended in the following particulars:¹

"CHAPTER 37
OFFENSES - MISCELLANEOUS


(a) Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this Section, have the meanings indicated in this Section:

Conversion Therapy, also referred to as Reparative 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:

(1) Provides support to a person undergoing gender transition; or

(2) Provides acceptance, support, or understanding of a person, or facilitates a person's coping, social support, identity exploration, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or

¹ Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicated omitted and unchanged material.
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.

(b) 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, psychologist, psychotherapists, social workers, marriage and family therapists, and licensed counselors, may not engage in Conversion Therapy or Reparative Therapy with a Minor.

(c) Enforcement; penalties. A violation of the provisions of this Section may be cited pursuant to Chapter 2, Article X of the City Code and shall result in a fine of $500.00. Each day that a violation occurs constitutes 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, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provision of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately after final reading and adoption thereof.²

APPROVED AS TO FORM AND CORRECTNESS:

Victoria Mendez, City Attorney 10/3/2016

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² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.