ORDINANCE NO. C-22-50

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING ARTICLE IX. – PROHIBITION OF CONVERSION THERAPY ON MINORS OF CHAPTER 29 – HUMAN RIGHTS OF THE CITY OF FORT LAUDERDALE, FLORIDA CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND REPEAL; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 29, Article IX of the Code of Ordinances of the City of Fort Lauderdale, Florida, prohibiting conversion therapy on minors, was intended to protect the physical and psychological well-being of minors, including, but not limited to, lesbian, gay, bisexual, transgender, gender nonconforming, and gender-questioning youth from exposure to the serious harms and risks caused by conversion therapy or reparative therapy; and

WHEREAS, the United States Eleventh Circuit Court of Appeals has found a similar local ordinance unconstitutional and recently denied rehearing en banc; and

WHEREAS, the City Commission desires to repeal Article IX of Chapter 29 of the Code of Ordinances entitled "Prohibition of Conversion Therapy on Minors" consistent with recent case law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article XI of Chapter 5 of the City of Fort Lauderdale, Florida, Code of Ordinances is hereby repealed in its entirety as follows:

~~ARTICLE IX. - PROHIBITION OF CONVERSION THERAPY ON MINORS~~

~~Sec. 29-65. - Intent.~~
~~It is the intent of this article to protect the physical and psychological well-being of minors, including, but not limited to, lesbian, gay, bisexual, transgender, gender nonconforming, and gender-questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy.~~

~~Sec. 29-66. - Definitions.~~
~~Conversion therapy or reparative therapy means, interchangeably, any counseling, practice, or~~

~~treatment that seeks to change an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender or sex. Conversion therapy or reparative therapy does not include:~~

~~(1)Counseling that provides support to an individual undergoing gender transition;(2)Counseling that provides acceptance, support, or understanding of an individual's sexual orientation, gender identity, or gender expression; or(3)Facilitating an individual's coping, social support, identity exploration, or development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling does not seek to change sexual orientation, gender identity, or gender expression.~~
~~Minor means a person less than 18 years of age.~~

~~Provider means 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 F.S. ch. 456, 458, 459, 490, or 491, as may be amended, including, but not limited to, medical practitioners, osteopathic practitioners, psychologists, psychiatrists, psychotherapists, social workers, marriage and family therapists, and licensed counselors, excluding providers acting in their pastoral or religious capacity as members of the clergy or as religious counselors as long as they do not hold themselves out as operating pursuant to any of the aforementioned Florida Statutes when acting in their pastoral or religious capacity.~~

~~Sec. 29-67. - Conversion therapy prohibited.~~
~~A provider shall not engage in conversion therapy or reparative therapy with a minor, regardless of whether the provider receives monetary compensation in exchange for such services.~~

~~Sec. 29-68. - Enforcement and civil penalties.~~
~~(1)Any provider who violates this article shall be required to pay city a civil penalty of two hundred fifty dollars ($250.00) for the first violation and five hundred dollars ($500.00) for each repeat violation. Each conversion therapy session with a minor shall constitute a separate offense, and any session that purports to extend from one day to another shall constitute separate offenses for each day in which a session takes place.(2)These penalties shall not preclude any other remedies available at law or in equity, including injunctive relief in the circuit court.(3)This article shall be enforced according to the alternate code enforcement procedure provided for in Chapter 11, Article II, Code of Ordinances of the City of Fort Lauderdale, Florida, as may be amended from time to time.~~

SECTION 2. CODIFICATION AND SCRIVENER'S ERRORS. The City intends that this Ordinance will be made part of the Code of Ordinance; that sections of this Ordinance can be

re-numbered or re-lettered to accomplish codification and, regardless of whether this Ordinance is ever codified, the Ordinance can be re-numbered or re-lettered, and typographical errors that do not affect the intent can be corrected with the authorization of the City Manager, or his designee, without the need for a public hearing.

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 18th day of October, 2022.
PASSED SECOND READING this 1st day of November, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.