



“Conversion Therapy Ban”

OPPOSE: SB 180 by Sen. Rodriguez (D) and HB 41 by Rep Grieco (D)

BACKGROUND: Florida currently does not ban counselors, therapists, or other practitioners from helping their patients achieve whatever goals they have when seeing a counselor. This bill bans so-called “conversion therapy,” defined by the bill as, “any practice or treatment performed on an individual with the goal of changing the individual's sexual orientation, including, but not limited to, efforts to change behavior, gender identity, or gender expression, or efforts to reduce or eliminate sexual or romantic attraction or feelings toward an individual of the same gender.” Current law respects the individual practitioner’s judgment and conscience rights and the right of the patient to access all available information.

BILL PROVISIONS: This bill would prohibit any counselor/therapist from practicing “conversion therapy” with any minor person under the age of 18. Any practitioner found to be in violation of the provision would be subject to disciplinary action.

WHY WE OPPOSE THIS BILL:

- So called “conversion therapy” is an ideological term used to try and characterize ordinary therapeutic care in with abusive practices.
- This bill would have a chilling effect on the speech and practice of counselors and therapists in Florida. Practitioners could be subject to disciplinary action based on subjective perceptions of the “use” of conversion therapy in counseling sessions with minors.
- The bill would violate the right of counselors and therapists to adhere to sincerely held religious views or conscience objections. There is no religious exception in the bill.
- A patient, whether a minor or an adult, is always in control of defining the problem they want solved when seeing a counselor. For example, if a young man with unwanted same-sex attraction seeks counsel with a pastor therapist or a psychotherapist he should not be turned away or banned from getting the help he desires.
- Conversion therapy bans disguise themselves as bans on “abuse.” Rather, such bans place unconstitutional limits on freedom of speech because they do not consider the patient’s (or minor patient’s parents) right to pursue avenues of therapy consistent with their beliefs and choices.
- One Florida court has already struck down one of these so-called bans enacted by Hillsborough County on the limited basis that local governments have no jurisdiction to regulate professional counselors which is reserved to state regulatory bodies.
- The US Supreme Court in the NIFLA case also recently issued a footnote setting forth that speech in professional settings (like a counselor) is not less protected under the First Amendment.
- Of interest, the bill does not prohibit a counselor from a minor’s request to affirm a perceived same-sex attraction. It only prohibits the opposite. In other words, the bill allows counselors to help children explore becoming gay-identified, but not to walk away from these unwanted feelings.

For more information please contact John Stemberger
407-251-5130 or info@floridafamilyaction.org