

By Senator Polsky

29-00594B-21

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1 A bill to be entitled
2 An act relating to prohibited counseling services;
3 creating s. 456.064, F.S.; defining the term
4 "professional counselor"; prohibiting professional
5 counselors from providing certain counseling services
6 to individuals younger than 18 years of age; providing
7 that violators are subject to disciplinary action;
8 creating s. 817.0346, F.S.; prohibiting any person
9 from advertising or offering to provide certain
10 counseling services to individuals younger than 18
11 years of age; providing applicability; providing
12 criminal penalties; providing severability; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 456.064, Florida Statutes, is created to
18 read:

19 456.064 Certain counseling services prohibited.-

20 (1) As used in this section, the term "professional
21 counselor" means a person who is licensed to provide
22 professional counseling or who provides counseling as part of
23 his or her professional practice under chapter 458, chapter 459,
24 chapter 490, or chapter 491, including, but not limited to, a
25 medical practitioner, an osteopathic physician, a psychologist,
26 a psychotherapist, a clinical social worker, a marriage and
27 family therapist, and a mental health counselor.

28 (2) A professional counselor may not provide counseling
29 services to an individual younger than 18 years of age which

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30 include treatment involving reprimand, punishment, shame, or any
31 other aversive technique intended to change an individual's
32 gender identity or gender expression or reduce or eliminate an
33 individual's sexual or romantic attraction or feelings toward a
34 person of the same gender.

35 (3) A professional counselor who violates this section
36 engages in unprofessional conduct and is subject to disciplinary
37 action by the department or the appropriate board.

38 Section 2. Section 817.0346, Florida Statutes, is created
39 to read:

40 817.0346 Prohibition against marketing of fraudulent
41 counseling services.—

42 (1) It is unlawful for any person to advertise or offer to
43 provide counseling services to an individual younger than 18
44 years of age which include efforts to change an individual's
45 gender identity or gender expression or reduce or eliminate an
46 individual's sexual or romantic attraction or feelings toward a
47 person of the same gender.

48 (2) This prohibition does not apply to counseling services
49 that provide:

50 (a) Support to an individual actively undergoing gender
51 transition; or

52 (b) Acceptance, support, and understanding of an individual
53 or that facilitate an individual's coping, social support, and
54 identity exploration and development, including sexual
55 orientation-neutral interventions to prevent or address unlawful
56 conduct or unsafe sexual practices, provided that the goal of
57 such counseling is not to change the individual's gender
58 identity or sexual orientation.

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59 (3) A person who violates this section commits a felony of
60 the third degree, punishable as provided in s. 775.082, s.
61 775.083, or s. 775.084.

62 Section 3. If any provision of this act or its application
63 to any person or circumstance is held invalid, the invalidity
64 does not affect other provisions or applications of the act
65 which can be given effect without the invalid provision or
66 application, and to this end the provisions of this act are
67 severable.

68 Section 4. This act shall take effect July 1, 2021.