

From: Ernest Mueller <Ernest.Mueller@tampagov.net>
Sent time: 02/24/2017 03:50:07 PM
To: Tatiana Henao <thenao@law.stetson.edu>
Subject: Assignment

Tatiana,

Could you please research whether including enforcement of the conversion therapy ordinance against religious organizations would violate the religious freedoms act? Would like Monday or Tuesday.

Ernest Mueller

Sr. Assistant City Attorney



City of Tampa
315 E. Kennedy Boulevard, 7th Floor
Tampa, Florida 33602
Office: 274-8790
Fax: 274-8777
Ernest.Mueller@tampagov.net



From: Jerrod Simpson <Jerrod.Simpson@tampagov.net>
Sent time: 02/27/2017 12:09:21 PM
To: Ernest Mueller <Ernest.Mueller@tampagov.net>
Subject: conversion therapy

Hey Ernie,

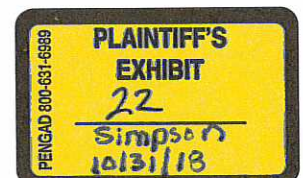
Looking at the literature from the professional communities, it seems that "conversion therapy" is a layman term, and that the proper term would be Sexual Orientation Change Efforts (SOCE), which is also referred to as "reparation therapy" or "conversion therapy". I don't know if you want to change that or not.

Also, I'm creating a K:drive folder where I'm saving all of the resolutions from the various professional organizations that have formally opposed the practice. I should have most of them within the hour.

Sincerely,

Jerrod D. Simpson
Assistant City Attorney
Old City Hall
315 E. Kennedy Blvd., Fourth Floor
Tampa, FL 33602
813-274-8796
Jerrod.simpson@Tampagov.net

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From: Jerrod Simpson <Jerrod.Simpson@tampagov.net>
Sent time: 02/27/2017 03:02:40 PM
To: Ernest Mueller <Ernest.Mueller@tampagov.net>
Subject: conversion therapy

Hey Ernie, I have compiled all of the policy statements from the various medical and professional organizations on conversion therapy, and placed them my k:drive folder labeled "conversion therapy". I can draft a much more robust set of whereas clauses with these than the other cities. Let me know if you would like me to do that.-J

Jerrod D. Simpson
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Ernest Mueller

From: Helene Hvizd <HHvizd@pbcgov.org>
Sent: Thursday, March 16, 2017 11:55 AM
To: Ernest Mueller
Cc: Jerrod Simpson
Subject: RE: Conversion therapy Ordinance

Thank you so much, Ernie! I look forward to reading your ordinance and examining your unique take on the enforcement concerns.

Helene

From: Ernest Mueller [mailto:Ernest.Mueller@tampagov.net]
Sent: Thursday, March 16, 2017 11:47 AM
To: Helene Hvizd <HHvizd@pbcgov.org>
Cc: Jerrod Simpson <Jerrod.Simpson@tampagov.net>
Subject: Conversion therapy Ordinance

Ms. Hvizd,

At long last, I am sending you a copy of our proposed Conversion Therapy Ordinance. It passed 1st Reading today and is scheduled for 2nd Reading on April 6, 2017.

It was a pleasure speaking with you a few weeks ago, and if you have any questions, please give me (813-274-8790) or Jerrod Simpson (813-274-8996) a call. Either one of us will be happy to discuss.

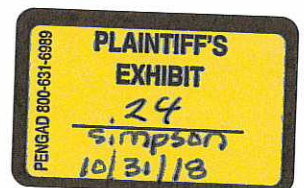
Best Regards,

Ernest Mueller

Sr. Assistant City Attorney



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From: Jerrod Simpson <Jerrod.Simpson@tampagov.net>
Sent: Thursday, March 9, 2017 10:29 AM
To: Erin Bradley <Erin.Bradley@tampagov.net>; Ernest Mueller <Ernest.Mueller@tampagov.net>
Subject: RE: conversion therapy

Can I share this with Carrie?

From: Erin Bradley
Sent: Thursday, March 09, 2017 11:29 AM
To: Jerrod Simpson; Ernest Mueller
Subject: RE: conversion therapy

Jerrod,

FYI.. Ernie is in court, however, I am attaching the version that was uploaded into SIRE without the footnotes.

From: Jerrod Simpson
Sent: Thursday, March 09, 2017 11:17 AM
To: Ernest Mueller
Cc: Erin Bradley
Subject: conversion therapy

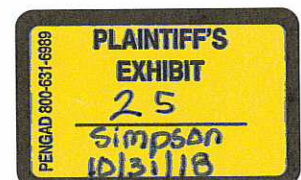
Do you have the draft done yet? I spoke with Carrie, and some of the advocates are asking for a draft prior to the council hearing.

Thanks,

Jerrod D. Simpson
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813-274-8796

Jerrod.simpson@Tampagov.net

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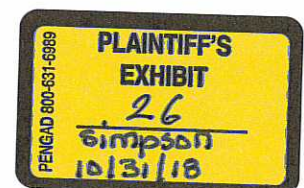
Considerations for Conversion Therapy Ordinance

Total Ban v. Exclusion of Churches/Religious Groups

- Constitutional Issues

Miami/Miami Beach/West Palm Beach enforce via Code Enforcement Board/Special Magistrates

- Fines range from \$200 - \$500 (Each day a violation occurs constitutes separate offense).
- Enforcement issues
 - o What department enforces
- Venue
 - o Code Enforcement Special Magistrate v. County Court
 - Burden of Proof higher in court
- Evidentiary issues
 - o How does City establish a violation occurred
 - o How does City confirm violations have stopped
 - o This sounds like an irreparable/irreversible violation
 - Up to \$15,000 fine per violation



Good Morning Council,

Ernest Mueller with the Legal Department.

I am here with Jerrod Simpson on Item 80 where the Council asked the Legal Department to appear and present a draft ordinance regarding conversion therapy to minors.

The draft ordinance is being passed out to you.

Similar ordinances have been enacted in South Florida communities.

We are using the ordinance enacted by West Palm Beach as the model for this draft.

Here are the highlights:

There are several Whereas clauses that will contain your legislative findings

Enforcement starts on page 5

We will be placing this ordinance into Chapter 14 of the Code which deals with Offenses

We are creating a new article, Article X

Definitions are significant

The bottom of page 5 is the definition of conversion therapy

The top of page 6 has the definition of Provider

A violation of this ordinance will be enforced through the Code Enforcement Special Magistrates



An important change from the ordinances in South Florida is that this ordinance is making a violation an irreversible and irreparable violation

This means that upon determining a violation occurred, the violator will be cited with be no opportunity to correct

If a violation occurs, the harm sought to be prevented by the ordinance has been done. The case will go forward with the violation that occurred

Each incident will constitute a separate violation

And finally, Chapter 19 is amended to authorize the Neighborhood Enhancement Department to enforce our new Article X of Chapter 14

\$1,000 First violation

\$5,000 2nd & subsequent violations