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Sent: Thursday, February 9, 2023 2:59 PM
To: Strickland, Katie [REDACTED]@eog.myflorida.com]
CC: Glock [REDACTED]@ciceroinstitute.org]; [REDACTED]@ciceroinstitute.org
Subject: Cicero Institute
Attachments: foreign-licensed physicians-CS.docx; Florida Homelessness Bill Draft[1].docx

Thank you again for the time earlier today. I have attached the bill language we discussed. I also cc'd Judge and Jonathan with Cicero.

Homelessness articles you may find interesting:
<https://www.city-journal.org/subsidizing-addiction>

<https://ciceroinstitute.org/missouri-hb-1606-explaining-the-states-homelessness-reform/>

Additionally, here is a link to a memo on reference based pricing: <https://ciceroinstitute.org/research/leading-by-example-state-employee-health-plan-reform/>

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1 A bill to be entitled
2 An act relating to foreign-licensed physicians;
3 creating s. 458.3131, F.S.; providing for provisional
4 licenses by endorsement for certain foreign-licensed
5 physicians; requiring the Department of Health to
6 issue a provisional license by endorsement to any
7 applicant whom the Board of Medicine certifies as
8 having met specified criteria; defining the term
9 "active licensed practice of medicine"; authorizing
10 the board to require the applicant to take and pass
11 the appropriate licensure examination before
12 certifying him or her for provisional licensure by
13 endorsement; requiring the department and the board to
14 use an investigative process to ensure that applicants
15 meet the criteria for provisional licensure by
16 endorsement; authorizing the State Surgeon General or
17 his or her designee to issue a 90-day licensure delay
18 if the investigative process is not completed within
19 specified timeframes; providing requirements for
20 notice of such delay; providing construction;
21 requiring the department to impose conditions,
22 limitations, or restrictions on a provisional license
23 by endorsement under certain circumstances; specifying
24 circumstances under which the department may not issue
25 a provisional license by endorsement or an
26 unrestricted provisional license; authorizing the
27 board to enter an order imposing certain conditions on
28 a provisional license by endorsement under certain
29 circumstances; authorizing the board to take specified

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30 actions if it determines that an applicant has failed
31 to meet all of the requirements for provisional
32 licensure by endorsement; authorizing the board to
33 revoke a provisional license by endorsement under
34 certain circumstances; providing for the appeal of
35 such revocation and reinstatement of the license under
36 certain circumstances; providing that a provisional
37 license by endorsement is valid for 2 years unless
38 revoked or suspended and is subject to specified
39 provisions; upon expiration of a provisional license
40 by endorsement, requiring the department to issue a
41 full license if the licensee meets specified criteria;
42 requiring the department to renew a provisional
43 license by endorsement under certain circumstances;
44 providing that such licensee is eligible for full
45 licensure after a specified time period; providing
46 that certain physicians are not required to maintain
47 employment with a certain entity as a condition of
48 licensure; authorizing the board to adopt rules;
49 providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Section 458.3131, Florida Statutes, is created
54 to read:

55 458.3131 Provisional licensure by endorsement for certain
56 foreign-licensed physicians.—

57 (1) The department shall issue a provisional license by
58 endorsement to any foreign-licensed physician applicant who,

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59 upon applying to the department on forms furnished by the
60 department and remitting a fee set by the board, the board
61 certifies meets all of the following criteria:

62 (a) Is at least 21 years of age.

63 (b) Is of good moral character.

64 (c) Has not committed any act or offense in this or any
65 other jurisdiction which would constitute the basis for
66 disciplining a physician pursuant to s. 458.331.

67 (d) Has obtained a passing score, as established by rule of
68 the board, on the licensure examination of the United States
69 Medical Licensing Examination.

70 (e) Has submitted evidence of the active licensed practice
71 of medicine in another jurisdiction within the immediately
72 preceding 4 years. For purposes of this paragraph, "active
73 licensed practice of medicine" means the practice of medicine,
74 as defined in s. 458.305(3), by a physician, including a
75 physician employed by a governmental entity in the fields of
76 community or public health, a medical director of a health
77 maintenance organization under s. 641.495(11) who is practicing
78 medicine, and a physician on the active teaching faculty of an
79 accredited medical school.

80 (f) Has submitted evidence of completion of a residency in
81 a country recognized by the licensing jurisdiction or
82 substantially similar postgraduate medical training or has
83 practiced as a medical professional performing the duties of a
84 physician in his or her licensing jurisdiction for at least 5
85 years.

86 (g) Has submitted evidence of good standing with the
87 medical licensing or regulatory institution of his or her

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88 licensing jurisdiction within the immediately preceding 4 years.

89 (h) Has demonstrated competency in English through
90 presentation of the Educational Commission for Foreign Medical
91 Graduates English proficiency certificate or by a satisfactory
92 grade on the Test of Spoken English of the Educational Testing
93 Service or a similar test approved by rule of the board.

94 (i) Has submitted evidence of being legally authorized to
95 work in the United States.

96 (j) Has submitted evidence of either:

97 1. An offer for employment as a physician for a health care
98 provider that operates in this state; or

99 2. A license to practice medicine in any of the following
100 countries:

101 a. Australia.

102 b. Canada.

103 c. Ireland.

104 d. New Zealand.

105 e. Singapore.

106 f. South Africa.

107 g. Switzerland.

108 h. The United Kingdom.

109 i. Additional countries as adopted by board rule or by
110 nomination of the Governor or the Legislature.

111 (2) The board may require an applicant for provisional
112 licensure by endorsement to take and pass the appropriate
113 licensure examination before certifying the applicant as
114 eligible for licensure.

115 (3) The department and the board shall ensure that
116 applicants for provisional licensure by endorsement meet

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117 applicable criteria in this chapter through an investigative
118 process. If the investigative process is not completed within
119 the timeframes specified in s. 120.60(1) and the department or
120 board has reason to believe that the applicant does not meet the
121 criteria, the State Surgeon General or his or her designee may
122 issue a 90-day licensure delay, notification of which must be in
123 writing and sufficient to inform the applicant of the reason for
124 the delay. The provisions of this subsection control over any
125 conflicting provisions of s. 120.60(1).

126 (4) Upon certification by the board, the department must
127 impose conditions, limitations, or restrictions on a provisional
128 license by endorsement if the applicant is on probation in
129 another jurisdiction for an act that would constitute a
130 violation of this chapter or chapter 456.

131 (5) The department may not issue a provisional license by
132 endorsement to any applicant who is under investigation in any
133 jurisdiction for an act or offense that would constitute a
134 violation of this chapter until such time as the investigation
135 is complete, at which time s. 458.331 applies. Furthermore, the
136 department may not issue an unrestricted provisional license by
137 endorsement to any individual who has committed any act or
138 offense in any jurisdiction which would constitute the basis for
139 disciplining a physician pursuant to s. 458.331. If the board
140 finds that an individual has committed an act or offense in any
141 jurisdiction which would constitute the basis for disciplining a
142 physician pursuant to s. 458.331, the board may enter an order
143 imposing one or more of the terms specified in subsection (6).

144 (6) If the board determines that any applicant for
145 provisional licensure by endorsement has failed to meet, to the

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146 board's satisfaction, each of the appropriate requirements
147 specified in this section, it may enter an order taking one or
148 more of the following actions:

149 (a) Refusal to certify to the department an application for
150 licensure.

151 (b) Certification to the department of an application for
152 licensure with restrictions on the scope of practice of the
153 licensee.

154 (c) Certification to the department of an application for
155 licensure with placement of the physician on probation for a
156 period of time and subject to such conditions as the board may
157 specify, including, but not limited to, requiring the physician
158 to submit to treatment, attend continuing education courses,
159 submit to reexamination, or work under the supervision of
160 another physician.

161 (7) The board may revoke a provisional license by
162 endorsement granted under this section based on clear and
163 convincing evidence that medical services provided by the
164 licensee have violated medical safety, competency, or conduct
165 standards for the safe and effective practice of medicine under
166 this chapter.

167 (a) Licensees may appeal the revocation of their
168 provisional license to a court of competent jurisdiction within
169 120 days of the revocation of their provisional license.

170 (b) The court shall reinstate the provisional license if it
171 finds that the board's actions did not meet the standards as
172 required by this subsection.

173 (8) (a) A provisional license by endorsement issued by the
174 department under this section is valid for 2 years unless

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175 revoked or suspended, and a provisional license by endorsement
176 licensee is subject to the requirements of chapter 456, this
177 chapter, and any other provision of law not in conflict with
178 this section. Upon expiration of a provisional license by
179 endorsement, the licensee must be issued a full license if he or
180 she meets all of the following criteria:

181 1. Is not currently subject to any discipline,
182 investigation, or prosecution for a violation that poses a
183 substantial threat to the public health, safety, or welfare.

184 2. Pays all renewal fees required of a full licensee.

185 (b) If a provisional licensee by endorsement is subject to
186 discipline, investigation, or prosecution for a violation that
187 posed or poses a substantial threat to the public health,
188 safety, or welfare and the board has not permanently revoked the
189 license, the department must renew a provisional license by
190 endorsement under this section if the licensee pays the
191 licensure renewal fee specified in s. 458.319. A licensee who
192 renews a provisional license under this paragraph is eligible
193 for full licensure when the licensee is no longer under
194 discipline, investigation, or prosecution.

195 (9) Physicians who obtain a provisional license by
196 endorsement by qualifying under subparagraph (1)(j)1. need not
197 maintain employment with that entity as a condition of
198 licensure.

199 (10) The board may adopt rules to implement this section.

200 Section 2. This act shall take effect July 1, 2023.

A bill to be entitled

An act relating to homelessness and mental health; amending s. 420.622, F.S.; relating to certain grants related to housing and homelessness; amending s. 823.17; prohibiting unauthorized camping on public property; amending s. 394.4655; revising the criteria for involuntary outpatient services; amending s. 394.467; revising the criteria for involuntary inpatient placement; amending s. 397.6975; providing for severability and an effective date.

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

Section 1. Subsection (8) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(8) The Department of Children and Families, with input from the Council on Homelessness, may adopt rules relating to the staffing grants, challenge grants, and the homeless housing assistance, and other grants received by the Department from the federal government and not otherwise restricted, and related issues consistent with the purposes of this section.

(a) As a precondition for the receipt of grants, continuums of care must demonstrate to the Department of Children and Families that they assist in programs of transitional housing and recovery housing for the homeless and that they do not encourage the prioritization of individuals with substance use disorders or criminal backgrounds for homeless housing, unless such housing is specifically focused on recovery from substance use disorders or is provided specifically for people exiting the criminal justice system to transitional or halfway houses.

(b) Homeless grants from appropriated state funds, and homeless grants from funds provided by the federal government which are not otherwise explicitly restricted by law, regulation, or agreement, shall prioritize services in, planning for, or the purchase, lease, rehabilitation, or construction of the following:

1. Safe parking areas, at which the following are available:

- a. Access to potable water and electric outlets; and
- b. Access to bathrooms sufficient to serve all the parking areas;

2. Sanctioned camping facilities, subject to the following:

a. Only individuals experiencing homelessness may camp and store personal property at camping facilities receiving funds under this Act.

b. Such individuals may only camp and store personal property at such facilities in the areas designated to each individual by the agency providing the camping facilities; and

c. Each facility shall offer a mental health and substance use evaluation as designated by a state or local agency and individuals may complete such evaluation;

d. Such camps shall have access to potable water and bathrooms sufficient to serve the population;

e. Individuals must abide by the rules established by the operator of the camping site, or be subject to removal, and may stay at the site for no more than two years, unless the manager of the site finds extenuating circumstances

3. Individual unit shelters, provided that such shelters:

a. are suitable to house between one and three individuals;

b. provide basic sleeping accommodations and access to electricity;

c. provide adequate access to showers and bathroom facilities; and

d. are limited to occupation by each individual for a period of not more than two years, unless the operator of the site finds extenuating circumstances

4. Congregate shelters housing more than four homeless individuals in one space, provided that state funds shall be available only to the extent the shelter monitors and provides programs to improve the employment, income, and prevention of return to homelessness of individuals leaving those shelters. The Department shall provide performance payments of up to 10% of the base grant amount for such programs that meet guidelines for the improvement of such metrics as established by the Department.

5. Transitional and recovery housing directed at those who are in recovery from substance use disorders, and which contain mandatory treatment or sobriety requirements for the individuals living in this housing.

6. Operators of sites, and the owners and lessors of land for such sites, under the preceding sections 1 through 3 shall only be subject to liability to the same extent as provided for those owning or leasing recreational sites provided in 375.251.

(c) Any political subdivision with a higher per-capita rate of homelessness than the state average, as determined by the most recent United States census numbers for the overall population and the most recent federal Department of Housing and Urban Development homelessness point-in-time continuum of care, as defined by 24 C.F.R. 578.5(a), in which the political subdivision is located, shall, within one year of the passage of this Act, receive no further funding by the Department until the Department determines:

1. The political subdivision has a per-capita rate of unsheltered homeless individuals at or below the state average; or

2. The political subdivision is not currently adopting any policy that refuses to enforce laws, ordinances or orders against public camping as described in 823.17 sections 2 through 4.

Section 2. Chapter 823, Florida Statutes, is amended by adding a new section 823.17 to read:

823.17 Unauthorized camping on public property.—

(1) The existence of an unauthorized camping site of more than one individual on public land, on sidewalks, and on rights-of-way is a public nuisance for purposes of the responsibility of the political subdivision who manages or operates that public land. Any individual affected by this nuisance, as well as the state attorney general, has the right to bring a civil action in any court of competent jurisdiction against the political subdivision that refuses to abate the nuisance and courts shall issue an injunction requiring such abatement.

(a) The affected individual or the attorney general may recover reasonable expenses incurred in any civil action brought under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(2) A political subdivision shall not adopt or enforce any policy under which the political subdivision directly or indirectly prohibits or discourages the enforcement of any law, ordinance, or order prohibiting public camping, sleeping, or obstruction of public right of ways, including roads and sidewalks or that prevents the abatement of unauthorized camping sites.

(3) A political subdivision shall not directly or indirectly prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the political subdivision from enforcing any law, ordinance, or order prohibiting public camping, sleeping, or obstruction of public right of ways, including roads and sidewalks, or that prevents the abatement of unauthorized camping sites.

(4) The provisions of this section shall not prohibit a policy of any political subdivision that encourages diversion programs or offering of services in lieu of citation or arrest or that authorizes sanctioned camping sites as described in 420.66.

(5) The attorney general shall have the power to bring a civil action in any court of competent jurisdiction against any political subdivision to enforce to enjoin the subdivision from violating sections 2 through 4 of this act. The attorney general may recover reasonable expenses incurred in any civil action brought under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

Section 3. Subsection (2) and paragraph (a) of subsection (4) of section 394.4655, Florida Statutes, are amended to read:

394.4655 Involuntary outpatient services.—

(2) CRITERIA FOR INVOLUNTARY OUTPATIENT SERVICES.—A person may be ordered to involuntary outpatient services upon a finding of the court, by clear and convincing evidence, that the person meets all of the following criteria:

- (a) The person is 18 years of age or older.
- (b) The person has a mental illness.
- (c) The person is unlikely to survive safely in the community without supervision, based on a clinical determination.
- (d) The person has a history of lack of compliance with treatment for mental illness.
- (e) The person has:
 1. At least twice within the immediately preceding 36 months been involuntarily admitted to a receiving or treatment facility as defined in s. 394.455, or has received mental health services in a forensic or correctional facility. The 36-month period does not include any period during which the person was admitted or incarcerated; or
 2. Engaged in one or more acts of serious violent behavior toward self or others, or attempts at serious bodily harm to himself or herself or others, or experienced significant psychiatric deterioration within the preceding 36 months.
- (f) The person is, as a result of his or her mental illness, unlikely to voluntarily participate in the recommended treatment plan, and has refused voluntary services for treatment after sufficient and conscientious explanation and disclosure of why the services are necessary or is unable to determine for himself or herself whether services are necessary.

(4) PETITION FOR INVOLUNTARY OUTPATIENT SERVICES.—

- (a) A petition for involuntary outpatient services may be filed by:
 1. The administrator of a receiving facility; or
 2. The administrator of a treatment facility or:-
 3. Any responsible adult.

Section 4. Paragraph (a) of subsection (1) of section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary inpatient placement.—

- (a) He or she has a mental illness and because of his or her mental illness:

1.a. He or she has refused voluntary inpatient placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of inpatient placement for treatment; or

b. He or she is unable to determine for himself or herself whether inpatient placement is necessary; and

2.a. He or she is incapable of surviving alone ~~or with the help of willing and responsible family or friends~~, including with the help of available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; ~~or~~

b. There is substantial likelihood that in the near future he or she will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; or and

c. He or she has experienced significant psychiatric deterioration; and

Section 5. Subsection (2) of section 397.6975, Florida Statutes, is amended to read:

397.6975 Extension of involuntary services provided

(2) If the court finds that the petition for renewal of the involuntary services order should be granted, it may order the respondent to receive involuntary services for a period not to exceed an additional ~~90~~180 days. When the conditions justifying involuntary services no longer exist, the individual must be released as provided in s. 397.6971. When the conditions justifying involuntary services continue to exist after an additional ~~90~~180 days of service, a new petition requesting renewal of the involuntary services order may be filed pursuant to this section.

Section 6. Severability. It is the intention of the legislature that the provisions of this section shall be severable. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected, including but not limited to the applicability of this section to the provisions of future agreements subject to this section.

Section 7. Effective Date. The act shall take effect on [*January 1, 2024*].