

1 A bill to be entitled
2 An act relating to alcohol abuse by an expectant mother;
3 providing a short title; creating the "Fetal Alcohol
4 Syndrome Prevention Act"; providing legislative findings;
5 directing the Department of Health to develop a public
6 education program, including a telephone information
7 hotline, to provide information regarding Fetal Alcohol
8 Syndrome; directing the Department of Health in
9 conjunction with the Department of Children and Families
10 to develop and maintain a Fetal Alcohol Syndrome
11 Prevention Network consisting of service providers and
12 Fetal Alcohol Spectrum Disorders Diagnostic and
13 Intervention Centers; requiring establishment of a system
14 for assessing charges for certain services; requiring the
15 Department of Health, the Department of Children and
16 Families, and the Division of Alcoholic Beverages and
17 Tobacco of the Department of Business and Professional
18 Regulation to provide access to such information on their
19 respective Internet websites; creating s. 397.602, F.S.;
20 providing for the voluntary admission of an expectant
21 mother for alcohol abuse treatment services; providing
22 evaluation procedures; removing disability of minority
23 solely for voluntary admission; amending s. 397.675, F.S.;
24 providing criteria for involuntary admission of an
25 expectant mother, including protective custody, emergency
26 admission, and other involuntary assessment, involuntary
27 treatment, and alternative involuntary assessment for
28 minors for purposes of assessment and stabilization and

29 | for involuntary treatment; amending s. 397.6772, F.S.;
30 | providing that an expectant mother may not be detained in
31 | protective custody at any municipal or county jail for
32 | purposes of Fetal Alcohol Syndrome prevention; amending s.
33 | 397.6791, F.S.; specifying certain persons who may request
34 | emergency involuntary admission; amending s. 397.6793,
35 | F.S.; providing criteria for a physician's certificate for
36 | emergency admission; amending s. 397.681, F.S.; providing
37 | for jurisdiction over petitions for involuntary
38 | assessment, stabilization, and treatment; specifying the
39 | respondent's right to counsel; amending s. 397.6811, F.S.;
40 | specifying certain persons who may petition the court for
41 | involuntary assessment and stabilization; amending s.
42 | 397.6814, F.S.; providing for content of a petition for
43 | involuntary assessment and stabilization; amending s.
44 | 397.6815, F.S.; providing procedures for disposition of a
45 | petition for involuntary assessment and stabilization;
46 | amending s. 397.695, F.S.; specifying certain persons who
47 | may petition the court for involuntary treatment; amending
48 | s. 397.6951, F.S.; providing for content of a petition for
49 | involuntary treatment; amending s. 397.6955, F.S.;
50 | providing procedures for disposition of a petition for
51 | involuntary treatment; amending s. 397.6957, F.S.;
52 | providing for a hearing on a petition for involuntary
53 | treatment; amending s. 397.697, F.S.; providing for effect
54 | of court order for involuntary substance abuse treatment;
55 | creating s. 562.063, F.S.; requiring described health
56 | warning signs to be displayed on the premises of alcohol

HB 1239

2007

57 beverage vendors; providing penalties; requiring the
58 Division of Alcoholic Beverages and Tobacco of the
59 Department of Business and Professional Regulation to
60 produce and distribute the signs; providing for a fee and
61 collection of the fee for costs of the signs; directing
62 the Department of Health to contract with the Florida
63 Center for Child and Family Development to establish Fetal
64 Alcohol Spectrum Disorders Diagnostic and Intervention
65 Centers and to develop and provide professional training;
66 providing effective dates.

67
68 WHEREAS, the Centers for Disease Control and Prevention has
69 reported a rise of nearly 27 times in the rate of Fetal Alcohol
70 Syndrome (F.A.S.), with the current rate being 26.8 infants with
71 Fetal Alcohol Syndrome for every 10,000 births and each F.A.S.
72 infant representing a cost to society of more than \$4 million
73 over the course of the infant's lifetime, and

74 WHEREAS, Fetal Alcohol Syndrome is the leading cause of
75 mental retardation in the United States, and

76 WHEREAS, the full spectrum of birth defects caused by
77 alcohol, referred to as Fetal Alcohol Spectrum Disorders,
78 results in as many as 270 infants with Fetal Alcohol Spectrum
79 Disorders for every 10,000 births, and

80 WHEREAS, according to the National Institute of Health,
81 only 39 percent of women of childbearing age know about Fetal
82 Alcohol Syndrome, and

83 WHEREAS, according to the 1996 Report to Congress of the
84 Institute of Medicine, of all the substances of abuse, including

HB 1239

2007

85 heroin, cocaine, and marijuana, alcohol produces by far the most
 86 serious neurobehavioral effects in the fetus, resulting in
 87 permanent disorders of memory function, impulse control, and
 88 judgment, and

89 WHEREAS, there are no health warnings in television
 90 commercials and other alcohol advertising that impact the
 91 majority of young people and their parents, and

92 WHEREAS, the Legislature, in recognition of these facts,
 93 finds it necessary to require the immediate treatment of
 94 pregnant women found to be under the influence of alcohol and to
 95 further require the posting of health warning signs on the
 96 premises of package alcoholic beverage outlets in the state,
 97 NOW, THEREFORE,

98
 99 Be It Enacted by the Legislature of the State of Florida:

100
 101 Section 1. This act may be referred to as the "Fetal
 102 Alcohol Syndrome Prevention Act."

103 Section 2. Fetal Alcohol Syndrome; legislative findings.--

104 (1) The Legislature finds that Fetal Alcohol Syndrome is a
 105 serious, permanent, and life-altering condition that
 106 substantially and adversely impacts persons born with Fetal
 107 Alcohol Syndrome as well as their parents, siblings, and
 108 children.

109 (2) The Legislature also finds that Fetal Alcohol Syndrome
 110 is an extremely costly condition when the total amount of
 111 medical, psychiatric, respite, and other care is calculated over
 112 the course of an affected person's lifetime.

HB 1239

2007

113 (3) The Legislature finds that instances of Fetal Alcohol
114 Syndrome can be prevented or reduced by taking steps necessary
115 to the greatest extent possible to protect a developing fetus
116 from the detrimental effects of alcohol consumption by an
117 expectant mother.

118 Section 3. Public information on Fetal Alcohol Syndrome;
119 Fetal Alcohol Syndrome Prevention Network.--

120 (1) The Department of Health is directed to develop a
121 public education program to provide information to the public
122 regarding the detrimental effects of Fetal Alcohol Syndrome. The
123 information shall include the following information regarding
124 Fetal Alcohol Syndrome:

125 (a) That Fetal Alcohol Syndrome is the leading cause of
126 mental retardation in the United States and Florida.

127 (b) The neurological damage and symptoms of Fetal Alcohol
128 Syndrome.

129 (c) The permanency of the damage to the brain from Fetal
130 Alcohol Syndrome.

131 (d) The physiological characteristics and defects of Fetal
132 Alcohol Syndrome.

133 (e) The developmental delays of Fetal Alcohol Syndrome.

134 (f) The psychological impact of Fetal Alcohol Syndrome.

135 (g) The lifetime issues due to Fetal Alcohol Syndrome such
136 as difficulty maintaining successful independence, sustaining
137 healthy relationships, maintaining employment, and the need for
138 long-term support.

HB 1239

2007

139 (h) The economic impact to the affected person, his or her
140 family, and the people of Florida as a whole due to Fetal
141 Alcohol Syndrome.

142 (2) The Department of Health, in conjunction with the
143 Department of Children and Families, shall develop, establish,
144 and maintain a Fetal Alcohol Syndrome Prevention Network, which
145 shall consist of licensed service providers as defined in s.
146 397.311, Florida Statutes, and Fetal Alcohol Spectrum Disorders
147 Diagnostic and Intervention Centers that have agreed to
148 participate in providing counseling, education, and support to
149 pregnant women regarding the effects of prenatal exposure to
150 alcohol. The Department of Health shall also establish a
151 telephone information hotline for persons to call to obtain
152 information regarding Fetal Alcohol Syndrome, local licensed
153 service providers participating in the network, or the nearest
154 Fetal Alcohol Spectrum Disorders Diagnostic and Intervention
155 Center participating in the network.

156 (3) Licensed service providers and Fetal Alcohol Spectrum
157 Disorders Diagnostic and Intervention Centers participating in
158 the Fetal Alcohol Syndrome Prevention Network shall establish a
159 system for assessing charges for services rendered pursuant to
160 statutorily authorized involuntary or court-ordered services in
161 accordance with a client's ability to pay used by providers that
162 receive state funds.

163 (4) The Department of Health, the Department of Children
164 and Families, and the Division of Alcoholic Beverages and
165 Tobacco of the Department of Business and Professional
166 Regulation shall provide access to the public information

HB 1239

2007

167 developed pursuant to subsection (1) on their respective
168 Internet websites.

169 Section 4. Section 397.602, Florida Statutes, is created
170 to read:

171 397.602 Voluntary admission for Fetal Alcohol Syndrome
172 prevention.--

173 (1) An expectant mother who requests an evaluation for the
174 necessity of counseling or treatment services to minimize the
175 risk of alcohol exposure to her unborn child may obtain such
176 evaluation at any licensed service provider or Fetal Alcohol
177 Spectrum Disorders Diagnostic and Intervention Center
178 participating in the Fetal Alcohol Syndrome Prevention Network.
179 The service provider's evaluation must recommend the least
180 restrictive course of action, plan, or service reasonably
181 necessary to remove or minimize the risk of alcohol exposure to
182 the unborn child that is appropriate to meet the expectant
183 mother's needs.

184 (2) (a) The disability of minority for expectant mothers
185 who have not attained 18 years of age is removed solely for the
186 purpose of obtaining voluntary alcohol or substance abuse
187 treatment services from a licensed service provider, and consent
188 to such services by a minor has the same force and effect as if
189 executed by a client who has reached the age of majority. Such
190 consent is not subject to later disaffirmance based on minority.

191 (b) Except for purposes of law enforcement activities in
192 connection with protective custody, the disability of minority
193 is not removed if there is an involuntary admission for alcohol

194 or substance abuse treatment services, in which case parental
 195 participation may be required as the court finds appropriate.

196 Section 5. Section 397.675, Florida Statutes, is amended
 197 to read:

198 397.675 Criteria for involuntary admissions, including
 199 protective custody, emergency admission, and other involuntary
 200 assessment, involuntary treatment, and alternative involuntary
 201 assessment for minors, for purposes of assessment and
 202 stabilization, and for involuntary treatment.--

203 (1) A person meets the criteria for involuntary admission
 204 if there is good faith reason to believe the person is substance
 205 abuse impaired and, because of such impairment, ~~+~~

206 ~~(1)~~ has lost the power of self-control with respect to
 207 substance use; and ~~either~~

208 ~~(2)~~(a) Has inflicted, or threatened or attempted to
 209 inflict, or unless admitted is likely to inflict, physical harm
 210 on himself or herself or another; or

211 (b) Is in need of substance abuse services and, by reason
 212 of substance abuse impairment, his or her judgment has been so
 213 impaired that the person is incapable of appreciating his or her
 214 need for such services and of making a rational decision in
 215 regard thereto; however, mere refusal to receive such services
 216 does not constitute evidence of lack of judgment with respect to
 217 his or her need for such services.

218 (2) (a) A person also may meet the criteria for involuntary
 219 admission if the court finds that the person is an expectant
 220 mother who, while knowing she is pregnant, has continued to
 221 consume alcoholic beverages to such a degree that there is a

HB 1239

2007

222 reasonable possibility that the unborn child, when born, may be
223 diagnosed with Fetal Alcohol Syndrome unless the expectant
224 mother ceases the consumption of alcoholic beverages and that
225 there is good cause to believe she will continue to consume
226 alcoholic beverages if not involuntarily admitted to a treatment
227 facility. Sections 397.501 and 397.581 apply to persons meeting
228 the criteria for involuntary admission under this subsection.
229 For persons involuntarily admitted under this subsection, only
230 licensed service providers, as defined in s. 397.311, that have
231 agreed to participate in providing counseling, detoxification,
232 residential treatment, or any other licensable service component
233 listed in s. 397.311(18) to expectant mothers shall be used for
234 purposes of involuntary admission.

235 (b) In determining whether an expectant mother meets the
236 criteria for involuntary admission under paragraph (a), a court
237 may consider the following facts in support of its findings:

238 1. Whether the expectant mother was notified of the
239 effects of Fetal Alcohol Syndrome and was counseled against the
240 consumption of alcoholic beverages.

241 2. Whether after being warned against the consumption of
242 alcoholic beverages she continued to consume alcoholic
243 beverages.

244 3. Whether the expectant mother has been offered and
245 refused alcohol or substance abuse treatment or, if enrolled in
246 alcohol or substance abuse treatment, failed to make a good
247 faith effort to participate in the treatment program.

248 4. Whether the expectant mother exhibits a lack of self-
249 control in the consumption of alcoholic beverages.

HB 1239

2007

250 5. The quantity and frequency of alcoholic beverage
251 consumption by the expectant mother.

252 6. Whether the expectant mother has been recommended for
253 alcohol or substance abuse treatment prior to or during her
254 pregnancy by her physician, spouse, or any relative or friend.

255 7. Medical expert testimony concerning the estimated
256 alcohol-related risk to the health of the unborn child based on
257 the expectant mother's continued consumption of alcoholic
258 beverages.

259 8. Any other evidence the court considers relevant to
260 determining whether the expectant mother's involuntary admission
261 is necessary to prevent the continued consumption of alcoholic
262 beverages by the expectant mother and that, absent such
263 intervention, there exists a reasonable possibility that the
264 unborn child, when born, may be diagnosed with Fetal Alcohol
265 Syndrome.

266 Section 6. Subsection (1) of section 397.6772, Florida
267 Statutes, is amended to read:

268 397.6772 Protective custody without consent.--

269 (1) If a person in circumstances which justify protective
270 custody as described in s. 397.677 fails or refuses to consent
271 to assistance and a law enforcement officer has determined that
272 a hospital or a licensed detoxification or addictions receiving
273 facility is the most appropriate place for the person, the
274 officer may, after giving due consideration to the expressed
275 wishes of the person:

276 (a) Take the person to a hospital or to a licensed
 277 detoxification or addictions receiving facility against the
 278 person's will but without using unreasonable force; or

279 (b) In the case of an adult, detain the person for his or
 280 her own protection in any municipal or county jail or other
 281 appropriate detention facility, except an expectant mother may
 282 not be detained at any municipal or county jail for purposes of
 283 Fetal Alcohol Syndrome prevention.

284
 285 Such detention is not to be considered an arrest for any
 286 purpose, and no entry or other record may be made to indicate
 287 that the person has been detained or charged with any crime. The
 288 officer in charge of the detention facility must notify the
 289 nearest appropriate licensed service provider within the first 8
 290 hours after detention that the person has been detained. It is
 291 the duty of the detention facility to arrange, as necessary, for
 292 transportation of the person to an appropriate licensed service
 293 provider with an available bed. Persons taken into protective
 294 custody must be assessed by the attending physician within the
 295 72-hour period and without unnecessary delay, to determine the
 296 need for further services.

297 Section 7. Section 397.6791, Florida Statutes, is amended
 298 to read:

299 397.6791 Emergency admission; persons who may
 300 initiate.--The following persons may request an emergency
 301 admission:

302 (1) In the case of an adult, the certifying physician, the
 303 person's spouse or guardian, any relative of the person, or any

HB 1239

2007

304 other responsible adult who has personal knowledge of the
305 person's substance abuse impairment.

306 (2) In the case of an adult expectant mother consuming
307 alcoholic beverages so as to place her unborn child at risk of
308 Fetal Alcohol Syndrome, the certifying physician joined by the
309 expectant mother's spouse, parent or guardian, or sibling,
310 provided the certifying physician and other person joining in
311 the request sign an affidavit stating that such emergency
312 admission is necessary to avert a substantial alcohol-related
313 risk to the health of the unborn child and that the expectant
314 mother has been offered and refused alcohol or other substance
315 abuse treatment services.

316 (3)-(2) In the case of a minor, including any unemancipated
317 minor who is an expectant mother, the minor's parent, legal
318 guardian, or legal custodian.

319 Section 8. Section 397.6793, Florida Statutes, is amended
320 to read:

321 397.6793 Physician's certificate for emergency
322 admission.--

323 (1) The physician's certificate must include the name of
324 the person to be admitted, the relationship between the person
325 and the physician, the relationship between the applicant and
326 the physician, any relationship between the physician and the
327 licensed service provider, and a statement that the person has
328 been examined and assessed within 5 days of the application
329 date, and must include factual allegations with respect to the
330 need for emergency admission, including:

HB 1239

2007

331 (a) The reason for the physician's belief that the person
332 is substance abuse impaired; and

333 (b) The reason for the physician's belief that because of
334 such impairment the person has lost the power of self-control
335 with respect to substance abuse; and either

336 (c)1. The reason the physician believes that the person
337 has inflicted or is likely to inflict physical harm on himself
338 or herself or others unless admitted; or

339 2. The reason the physician believes that the person's
340 refusal to voluntarily receive care is based on judgment so
341 impaired by reason of substance abuse that the person is
342 incapable of appreciating his or her need for care and of making
343 a rational decision regarding his or her need for care.

344 (2) When the emergency admission is for an expectant
345 mother consuming alcoholic beverages so as to place her unborn
346 child at risk of Fetal Alcohol Syndrome, the physician's
347 certificate must include the name of the person to be admitted,
348 the relationship between the person and the physician, the
349 relationship between the applicant and the physician, any
350 relationship between the physician and the licensed service
351 provider, a statement that the person has been examined and
352 assessed within 5 days of the application date, and a statement
353 of facts based on the expectant mother's consumption of
354 alcoholic beverages that indicates the need for emergency
355 admission to avert or reduce a substantial alcohol-related risk
356 to the health of the unborn child, that the expectant mother has
357 been counseled against the consumption of alcoholic beverages

358 during pregnancy, and that she has been offered and refused
 359 alcohol or other substance abuse treatment services.

360 ~~(3)(2)~~ The physician's certificate must recommend the
 361 least restrictive type of service that is appropriate for the
 362 person. The certificate must be signed by the physician.

363 ~~(4)(3)~~ A signed copy of the physician's certificate shall
 364 accompany the person, and shall be made a part of the person's
 365 clinical record, together with a signed copy of the application.
 366 The application and physician's certificate authorize the
 367 involuntary admission of the person pursuant to, and subject to
 368 the provisions of ss. 397.679-397.6797.

369 ~~(5)(4)~~ The physician's certificate must indicate whether
 370 the person requires transportation assistance for delivery for
 371 emergency admission and specify, pursuant to s. 397.6795, the
 372 type of transportation assistance necessary.

373 Section 9. Section 397.681, Florida Statutes, is amended
 374 to read:

375 397.681 Involuntary petitions; general provisions; court
 376 jurisdiction and right to counsel.--

377 (1) JURISDICTION.--The courts have jurisdiction of
 378 involuntary assessment and stabilization petitions and
 379 involuntary treatment petitions for substance abuse impaired
 380 persons, and for expectant mothers consuming alcoholic beverages
 381 so as to place their unborn child at risk for Fetal Alcohol
 382 Syndrome. ~~such~~ Petitions must be filed with the clerk of the
 383 court in the county where the person is located. The chief judge
 384 may appoint a general or special magistrate to preside over all

HB 1239

2007

385 or part of the proceedings. The alleged impaired person is named
386 as the respondent.

387 (2) RIGHT TO COUNSEL.--A respondent has the right to
388 counsel at every stage of a proceeding relating to a petition
389 for his or her involuntary assessment and a petition for his or
390 her involuntary treatment authorized in this chapter ~~for~~
391 ~~substance abuse impairment~~. A respondent who desires counsel and
392 is unable to afford private counsel has the right to court-
393 appointed counsel and to the benefits of s. 57.081. If the court
394 believes that the respondent needs the assistance of counsel,
395 the court shall appoint such counsel for the respondent without
396 regard to the respondent's wishes. If the respondent is a minor
397 not otherwise represented in the proceeding, the court shall
398 immediately appoint a guardian ad litem to act on the minor's
399 behalf.

400 Section 10. Section 397.6811, Florida Statutes, is amended
401 to read:

402 397.6811 Involuntary assessment and stabilization.--A
403 person determined by the court to appear to meet the criteria
404 for involuntary admission under s. 397.675 may be admitted for a
405 period of 5 days to a hospital or to a licensed detoxification
406 facility or addictions receiving facility, for involuntary
407 assessment and stabilization or to a less restrictive component
408 of a licensed service provider for assessment only upon entry of
409 a court order or upon receipt by the licensed service provider
410 of a petition. Involuntary assessment and stabilization may be
411 initiated by the submission of a petition to the court.

HB 1239

2007

412 (1) If the person upon whose behalf the petition is being
413 filed is an adult, a petition for involuntary assessment and
414 stabilization may be filed by the respondent's spouse or
415 guardian, any relative, a private practitioner, the director of
416 a licensed service provider or the director's designee, or any
417 three adults who have personal knowledge of the respondent's
418 substance abuse impairment. If the person upon whose behalf the
419 petition is being filed is an adult expectant mother consuming
420 alcoholic beverages so as to place her unborn child at risk of
421 Fetal Alcohol Syndrome, a petition for involuntary assessment
422 and stabilization may be filed by the respondent's spouse,
423 parent or guardian, or sibling, and joined by a physician.

424 (2) If the person upon whose behalf the petition is being
425 filed is a minor, including any unemancipated minor who is an
426 expectant mother, a petition for involuntary assessment and
427 stabilization may be filed by a parent, legal guardian, legal
428 custodian, or licensed service provider.

429 Section 11. Section 397.6814, Florida Statutes, is amended
430 to read:

431 397.6814 Involuntary assessment and stabilization;
432 contents of petition.--

433 (1) A petition for involuntary assessment and
434 stabilization must contain the name of the respondent; the name
435 of the applicant or applicants; the relationship between the
436 respondent and the applicant; the name of the respondent's
437 attorney, if known, and a statement of the respondent's ability
438 to afford an attorney; and must state facts to support the need
439 for involuntary assessment and stabilization, including:

HB 1239

2007

440 ~~(a)(1)~~ The reason for the petitioner's belief that the
441 respondent is substance abuse impaired; and

442 ~~(b)(2)~~ The reason for the petitioner's belief that because
443 of such impairment the respondent has lost the power of self-
444 control with respect to substance abuse; and either

445 ~~(c)1.(3)(a)~~ The reason the petitioner believes that the
446 respondent has inflicted or is likely to inflict physical harm
447 on himself or herself or others unless admitted; or

448 ~~2.(b)~~ The reason the petitioner believes that the
449 respondent's refusal to voluntarily receive care is based on
450 judgment so impaired by reason of substance abuse that the
451 respondent is incapable of appreciating his or her need for care
452 and of making a rational decision regarding that need for care.
453 If the respondent has refused to submit to an assessment, such
454 refusal must be alleged in the petition.

455 (2) When a petition for involuntary assessment and
456 stabilization is for an expectant mother consuming alcoholic
457 beverages so as to place her unborn child at risk of Fetal
458 Alcohol Syndrome, the petition must contain the name of the
459 person to be assessed, the relationship between the person and
460 the physician, the relationship between the applicant and the
461 physician, any relationship between the physician and the
462 licensed service provider, and a statement of facts based on the
463 expectant mother's consumption of alcoholic beverages that
464 indicates the need for involuntary assessment and stabilization
465 to avert or reduce a substantial alcohol related risk to the
466 health of her unborn child, that the expectant mother has been
467 counseled against the consumption of alcoholic beverages during

HB 1239

2007

468 pregnancy, and that she has been offered and refused alcohol or
469 other substance abuse treatment services.

470 Section 12. Section 397.6815, Florida Statutes, is amended
471 to read:

472 397.6815 Involuntary assessment and stabilization;
473 procedure.--Upon receipt and filing of the petition for the
474 involuntary assessment and stabilization of a substance abuse
475 impaired person or an expectant mother consuming alcoholic
476 beverages so as to place her unborn child at risk for Fetal
477 Alcohol Syndrome by the clerk of the court, the court shall
478 ascertain whether the respondent is represented by an attorney,
479 and if not, whether, on the basis of the petition, an attorney
480 should be appointed; and shall:

481 (1) Provide a copy of the petition and notice of hearing
482 to the respondent; the respondent's parent, guardian, or legal
483 custodian, in the case of a minor; the respondent's attorney, if
484 known; the petitioner; the respondent's spouse or guardian, if
485 applicable; and such other persons as the court may direct, and
486 have such petition and notice personally delivered to the
487 respondent if he or she is a minor. The court shall also issue a
488 summons to the person whose admission is sought and conduct a
489 hearing within 10 days; or

490 (2) Without the appointment of an attorney and, relying
491 solely on the contents of the petition, enter an ex parte order
492 authorizing the involuntary assessment and stabilization of the
493 respondent. The court may order a law enforcement officer or
494 other designated agent of the court to take the respondent into

495 custody and deliver him or her to the nearest appropriate
 496 licensed service provider.

497 Section 13. Section 397.695, Florida Statutes, is amended
 498 to read:

499 397.695 Involuntary treatment; persons who may petition.--

500 (1) If the respondent is an adult, a petition for
 501 involuntary treatment may be filed by the respondent's spouse or
 502 guardian, any relative, a service provider, or any three adults
 503 who have personal knowledge of the respondent's substance abuse
 504 impairment and his or her prior course of assessment and
 505 treatment. If the respondent on whose behalf the petition is
 506 being filed is an adult expectant mother consuming alcoholic
 507 beverages so as to place her unborn child at risk of Fetal
 508 Alcohol Syndrome, a petition for involuntary treatment may be
 509 filed by the respondent's spouse, parent or guardian, or
 510 sibling, and joined by a physician.

511 (2) If the respondent is a minor, including any
 512 unemancipated minor who is an expectant mother, a petition for
 513 involuntary treatment may be filed by a parent, legal guardian,
 514 or service provider.

515 Section 14. Section 397.6951, Florida Statutes, is amended
 516 to read:

517 397.6951 Contents of petition for involuntary treatment.--

518 (1) A petition for involuntary treatment must contain the
 519 name of the respondent to be admitted; the name of the
 520 petitioner or petitioners; the relationship between the
 521 respondent and the petitioner; the name of the respondent's
 522 attorney, if known, and a statement of the petitioner's

HB 1239

2007

523 knowledge of the respondent's ability to afford an attorney; the
524 findings and recommendations of the assessment performed by the
525 qualified professional; and the factual allegations presented by
526 the petitioner establishing the need for involuntary treatment,
527 including:

528 ~~(a)(1)~~ The reason for the petitioner's belief that the
529 respondent is substance abuse impaired; and

530 ~~(b)(2)~~ The reason for the petitioner's belief that because
531 of such impairment the respondent has lost the power of self-
532 control with respect to substance abuse; and ~~either~~

533 ~~(c)1.(3)(a)~~ The reason the petitioner believes that the
534 respondent has inflicted or is likely to inflict physical harm
535 on himself or herself or others unless admitted; or

536 ~~2.(b)~~ The reason the petitioner believes that the
537 respondent's refusal to voluntarily receive care is based on
538 judgment so impaired by reason of substance abuse that the
539 respondent is incapable of appreciating his or her need for care
540 and of making a rational decision regarding that need for care.

541 (2) When a petition for involuntary treatment is for an
542 expectant mother consuming alcoholic beverages so as to place
543 her unborn child at risk of Fetal Alcohol Syndrome, the petition
544 must contain the name of the person to be assessed, the
545 relationship between the person and the physician, the
546 relationship between the applicant and the physician, any
547 relationship between the physician and the licensed service
548 provider, and a statement of facts based on the expectant
549 mother's consumption of alcoholic beverages that indicate the
550 need for involuntary treatment to avert or reduce a substantial

HB 1239

2007

551 alcohol-related risk to the health of her unborn child, that the
 552 expectant mother has been counseled against the consumption of
 553 alcoholic beverages during pregnancy, and that she has been
 554 offered and refused alcohol or other substance abuse treatment
 555 services.

556 Section 15. Section 397.6955, Florida Statutes, is amended
 557 to read:

558 397.6955 Duties of court upon filing of petition for
 559 involuntary treatment.--Upon the filing of a petition for the
 560 involuntary treatment of a substance abuse impaired person or an
 561 expectant mother consuming alcoholic beverages so as to place
 562 her unborn child at risk for Fetal Alcohol Syndrome with the
 563 clerk of the court, the court shall immediately determine
 564 whether the respondent is represented by an attorney or whether
 565 the appointment of counsel for the respondent is appropriate.
 566 The court shall schedule a hearing to be held on the petition
 567 within 10 days. A copy of the petition and notice of the hearing
 568 must be provided to the respondent; the respondent's parent,
 569 guardian, or legal custodian, in the case of a minor; the
 570 respondent's attorney, if known; the petitioner; the
 571 respondent's spouse or guardian, if applicable; and such other
 572 persons as the court may direct, and have such petition and
 573 order personally delivered to the respondent if he or she is a
 574 minor. The court shall also issue a summons to the person whose
 575 admission is sought.

576 Section 16. Section 397.6957, Florida Statutes, is amended
 577 to read:

578 397.6957 Hearing on petition for involuntary treatment.--

HB 1239

2007

579 (1) At a hearing on a petition for involuntary treatment,
580 the court shall hear and review all relevant evidence, including
581 the review of results of the assessment completed by the
582 qualified professional in connection with the respondent's
583 protective custody, emergency admission, involuntary assessment,
584 or alternative involuntary admission. The respondent must be
585 present unless the court finds that his or her presence is
586 likely to be injurious to himself or herself or others, in which
587 event the court must appoint a guardian advocate to act in
588 behalf of the respondent throughout the proceedings.

589 (2) For a petition seeking treatment based on substance
590 abuse impairment, the petitioner has the burden of proving by
591 clear and convincing evidence:

592 (a) The respondent is substance abuse impaired, and

593 (b) Because of such impairment the respondent has lost the
594 power of self-control with respect to substance abuse; and
595 either

596 1. The respondent has inflicted or is likely to inflict
597 physical harm on himself or herself or others unless admitted;
598 or

599 2. The respondent's refusal to voluntarily receive care is
600 based on judgment so impaired by reason of substance abuse that
601 the respondent is incapable of appreciating his or her need for
602 care and of making a rational decision regarding that need for
603 care.

604 (3) For a petition seeking treatment of an expectant
605 mother consuming alcoholic beverages so as to place her unborn
606 child at risk for Fetal Alcohol Syndrome, the petitioner has the

HB 1239

2007

607 burden of proving by clear and convincing evidence that the
608 expectant mother, while knowing she is pregnant, has continued
609 to consume alcoholic beverages to such a degree that there is a
610 reasonable possibility that the unborn child, when born, may be
611 diagnosed with Fetal Alcohol Syndrome unless the expectant
612 mother ceases the consumption of alcoholic beverages and that
613 there is good cause to believe she will continue to consume
614 alcoholic beverages if not involuntarily admitted to a treatment
615 facility.

616 ~~(4)(3)~~ At the conclusion of the hearing the court shall
617 either dismiss the petition or order the respondent to undergo
618 involuntary substance abuse treatment, with the respondent's
619 chosen licensed service provider to deliver the involuntary
620 substance abuse treatment where possible and appropriate.

621 Section 17. Section 397.697, Florida Statutes, is amended
622 to read:

623 397.697 Court determination; effect of court order for
624 involuntary substance abuse treatment.--

625 (1) When the court finds that the conditions for
626 involuntary ~~substance abuse~~ treatment have been proved by clear
627 and convincing evidence, it may order the respondent to undergo
628 involuntary treatment by a licensed service provider for a
629 period not to exceed 60 days. If the court finds it necessary,
630 it may direct the sheriff to take the respondent into custody
631 and deliver him or her to the licensed service provider
632 specified in the court order, or to the nearest appropriate
633 licensed service provider, for involuntary treatment. When the
634 conditions justifying involuntary treatment no longer exist, the

635 client must be released as provided in s. 397.6971. When the
 636 conditions justifying involuntary treatment are expected to
 637 exist after 60 days of treatment, a renewal of the involuntary
 638 treatment order may be requested pursuant to s. 397.6975 prior
 639 to the end of the 60-day period.

640 (2) In all cases resulting in an order for involuntary
 641 ~~substance abuse~~ treatment, the court shall retain jurisdiction
 642 over the case and the parties for the entry of such further
 643 orders as the circumstances may require. The court's
 644 requirements for notification of proposed release must be
 645 included in the original treatment order.

646 (3) An involuntary treatment order authorizes the licensed
 647 service provider to require the client to undergo such treatment
 648 as will benefit him or her, including treatment at any
 649 licensable service component of a licensed service provider.

650 Section 18. Effective October 1, 2007, section 562.063,
 651 Florida Statutes, is created to read:

652 562.063 Health warning signs; posting requirement;
 653 penalty.--

654 (1) (a) Each vendor licensed to sell alcoholic beverages
 655 for consumption on or off the vendor's premises shall cause a
 656 health warning sign that complies with the provisions of
 657 paragraph (b) to be posted on the licensed premises where
 658 alcoholic beverages are sold, at a location in each room where
 659 the alcoholic beverages are available for sale, and in such a
 660 fashion as to be clearly visible to the patrons of the licensed
 661 vendor.

HB 1239

2007

689 second degree, punishable as provided in s. 775.082 and s.
690 775.083.

691 Section 19. The Division of Alcoholic Beverages and
692 Tobacco of the Department of Business and Professional
693 Regulation shall produce and distribute health warning signs in
694 compliance with s. 562.063, Florida Statutes, as created by this
695 act.

696 Section 20. Establishment of Fetal Alcohol Spectrum
697 Disorders Diagnostic and Intervention Centers; professional
698 training.--The Department of Health shall contract with the
699 Florida Center for Child and Family Development to establish
700 Fetal Alcohol Spectrum Disorders Diagnostic and Intervention
701 Centers and develop and provide professional training for
702 Healthy Families, Healthy Start, child protection, child care,
703 domestic violence, behavioral health care, education, and
704 physical health care professionals as well as any other groups
705 working with children or pregnant women. The Fetal Alcohol
706 Spectrum Disorders Diagnostic and Intervention Centers shall be
707 located in Sarasota, Hillsborough, Duval, and Miami-Dade
708 Counties and other counties to be added as need arises and funds
709 are sufficient for staffing.

710 Section 21. Except as otherwise expressly provided in this
711 act, this act shall take effect July 1, 2007.