

By Senator Bennett

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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           providing a definition; directing the Department of Health  
6           to develop a public education program, including a  
7           telephone information hotline, to provide information  
8           regarding fetal alcohol spectrum disorders; directing the  
9           Department of Health in conjunction with the Department of  
10          Children and Family Services to develop and maintain a  
11          Fetal Alcohol Spectrum Disorders Prevention Network  
12          consisting of service providers and Fetal Alcohol Spectrum  
13          Disorders Diagnostic and Intervention Centers; requiring  
14          establishment of a system for assessing charges for  
15          certain services; requiring the Department of Health, the  
16          Department of Children and Family Services, and the  
17          Division of Alcoholic Beverages and Tobacco of the  
18          Department of Business and Professional Regulation to  
19          provide access to certain information on their respective  
20          Internet websites; creating s. 397.602, F.S.; providing  
21          for the voluntary admission of an expectant mother for  
22          alcohol abuse treatment services; providing evaluation  
23          procedures; removing disability of minority solely for  
24          voluntary admission; providing an exception; amending s.  
25          397.675, F.S.; providing criteria for involuntary  
26          admission of an expectant mother under certain  
27          circumstances; amending s. 397.6772, F.S.; providing that  
28          an expectant mother may not be detained in protective  
29          custody at any municipal or county jail for purposes of

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30 fetal alcohol spectrum disorders prevention; amending s.  
31 397.6791, F.S.; specifying who may request emergency  
32 admission; amending s. 397.6793, F.S.; providing criteria  
33 for a physician's certificate for emergency admission;  
34 amending s. 397.681, F.S.; providing for jurisdiction over  
35 petitions for involuntary assessment, stabilization, and  
36 treatment; specifying the respondent's right to counsel;  
37 amending s. 397.6811, F.S.; specifying who may petition  
38 the court for involuntary assessment and stabilization;  
39 amending s. 397.6814, F.S.; providing for content of a  
40 petition for involuntary assessment and stabilization;  
41 amending s. 397.6815, F.S.; providing procedures for  
42 disposition of a petition for involuntary assessment and  
43 stabilization; amending s. 397.695, F.S.; specifying who  
44 may petition the court for involuntary treatment; amending  
45 s. 397.6951, F.S.; providing for content of a petition for  
46 involuntary treatment; amending s. 397.6955, F.S.;  
47 providing procedures for disposition of a petition for  
48 involuntary treatment; amending s. 397.6957, F.S.;  
49 providing for a hearing on a petition for involuntary  
50 treatment of an expectant mother under certain  
51 circumstances; assigning the burden of proof in cases of  
52 involuntary treatment; amending s. 397.697, F.S.;  
53 providing for effect of court order for involuntary  
54 treatment; creating s. 562.063, F.S.; requiring described  
55 health warning signs to be displayed on the premises of  
56 alcoholic beverage vendors; providing penalties; requiring  
57 the Division of Alcoholic Beverages and Tobacco of the  
58 Department of Business and Professional Regulation to

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59 produce and distribute the signs; providing for a fee and  
60 collection of the fee for costs of the signs; reenacting  
61 s. 397.6773(1), F.S., relating to dispositional  
62 alternatives after protective custody, to incorporate the  
63 amendment to s. 397.675, F.S., in a reference thereto;  
64 directing the Department of Health to establish Fetal  
65 Alcohol Spectrum Disorders Diagnostic and Intervention  
66 Centers and develop and provide professional training;  
67 specifying center locations; providing appropriations;  
68 providing effective dates.

69  
70 WHEREAS, the Centers for Disease Control and Prevention has  
71 reported a rise of nearly 27 times in the rate of Fetal Alcohol  
72 Syndrome and other fetal alcohol spectrum disorders, resulting in  
73 a current rate of 26.8 infants with Fetal Alcohol Syndrome for  
74 every 10,000 births, and each of these infants represents a cost  
75 to society of more than \$4 million over the course of the  
76 infant's lifetime, and

77 WHEREAS, the estimated annual cost to the state as a result  
78 of fetal alcohol spectrum disorders, including the costs to the  
79 juvenile justice system and the costs related to special  
80 education, is \$432,045,575, and

81 WHEREAS, fetal alcohol spectrum disorders are the leading  
82 cause of mental retardation in the United States, and

83 WHEREAS, the full spectrum of birth defects caused by  
84 alcohol, referred to as fetal alcohol spectrum disorders, results  
85 in as many as 270 infants with fetal alcohol spectrum disorders  
86 for every 10,000 births, and

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87 WHEREAS, according to the National Institute of Health, only  
88 39 percent of women of childbearing age know about fetal alcohol  
89 spectrum disorders, and

90 WHEREAS, according to the 1996 Report to Congress of the  
91 Institute of Medicine, of all the substances of abuse, including  
92 heroin, cocaine, and marijuana, alcohol produces by far the most  
93 serious neurobehavioral effects in the fetus, resulting in  
94 permanent disorders of memory function, impulse control, and  
95 judgment, and

96 WHEREAS, there are no health warnings about fetal alcohol  
97 spectrum disorders in television commercials and other alcohol  
98 advertising that impact the majority of young people and their  
99 parents, and

100 WHEREAS, the Legislature, in recognition of these facts,  
101 finds it necessary to require the immediate treatment of pregnant  
102 women found to be under the influence of alcohol and to further  
103 require the posting of health warning signs about fetal alcohol  
104 spectrum disorders on the premises of package alcoholic beverage  
105 outlets in the state, NOW, THEREFORE,

106

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

108

109 Section 1. This act may be cited as the "Fetal Alcohol  
110 Syndrome Prevention Act."

111 Section 2. Fetal Alcohol Syndrome and other fetal alcohol  
112 spectrum disorders; legislative findings; definition.--

113 (1) The Legislature finds that Fetal Alcohol Syndrome and  
114 other fetal alcohol spectrum disorders are serious, permanent,  
115 and life-altering conditions that substantially and adversely

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116 impact persons born with fetal alcohol spectrum disorders as well  
117 as their parents, siblings, and children.

118 (2) The Legislature also finds that Fetal Alcohol Syndrome  
119 and other fetal alcohol spectrum disorders are extremely costly  
120 conditions when the total amount of medical, psychiatric,  
121 respite, and other care is calculated over the course of an  
122 affected person's lifetime.

123 (3) The Legislature further finds that fetal alcohol  
124 spectrum disorders can be prevented or reduced by taking steps  
125 necessary to protect to the greatest extent possible a developing  
126 fetus from the detrimental effects of alcohol consumption by an  
127 expectant mother.

128 (4) The term "fetal alcohol spectrum disorder" means a  
129 continuum of permanent birth defects caused by maternal  
130 consumption of alcohol during pregnancy and includes Fetal  
131 Alcohol Syndrome.

132 Section 3. Public information on fetal alcohol spectrum  
133 disorders; Fetal Alcohol Spectrum Disorders Network.--

134 (1) The Department of Health is directed to develop a  
135 public education program to provide information to the public  
136 regarding the detrimental effects of fetal alcohol spectrum  
137 disorders. The program shall include the following information:

138 (a) That fetal alcohol spectrum disorders are the leading  
139 cause of mental retardation in the United States and Florida.

140 (b) The neurological damage caused by and the symptoms of  
141 fetal alcohol spectrum disorders.

142 (c) The permanency of the damage to the brain from fetal  
143 alcohol spectrum disorders.

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144       (d) The physiological characteristics and defects of fetal  
145 alcohol spectrum disorders.

146       (e) The developmental delays resulting from fetal alcohol  
147 spectrum disorders.

148       (f) The psychological impact of fetal alcohol spectrum  
149 disorders.

150       (g) The lasting effects of fetal alcohol spectrum  
151 disorders, which include difficulty maintaining successful  
152 independence, sustaining healthy relationships, and maintaining  
153 employment and the need for long-term support.

154       (h) The economic impact of fetal alcohol spectrum disorders  
155 on the affected person, his or her family, and the citizens of  
156 the state.

157       (2) The Department of Health, in conjunction with the  
158 Department of Children and Family Services, shall develop,  
159 establish, and maintain a Fetal Alcohol Spectrum Disorders  
160 Prevention Network, which shall consist of licensed service  
161 providers as defined in s. 397.311, Florida Statutes, and Fetal  
162 Alcohol Spectrum Disorders Diagnostic and Intervention Centers  
163 that have agreed to participate in providing counseling,  
164 education, and support to pregnant women regarding the effects of  
165 prenatal exposure to alcohol. The Department of Health shall also  
166 establish a telephone information hotline for persons to call to  
167 obtain information regarding fetal alcohol spectrum disorders,  
168 local licensed service providers participating in the network, or  
169 the nearest Fetal Alcohol Spectrum Disorders Diagnostic and  
170 Intervention Center participating in the network.

171       (3) Licensed service providers and Fetal Alcohol Spectrum  
172 Disorders Diagnostic and Intervention Centers participating in

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173 the Fetal Alcohol Spectrum Disorders Prevention Network shall  
174 establish a system, to be used by providers that receive state  
175 funds, for assessing charges for services rendered pursuant to  
176 statutorily authorized involuntary or court-ordered services in  
177 accordance with a client's ability to pay.

178 (4) The Department of Health, the Department of Children  
179 and Family Services, and the Division of Alcoholic Beverages and  
180 Tobacco of the Department of Business and Professional Regulation  
181 shall provide access to the public information developed pursuant  
182 to subsection (1) on their respective Internet websites.

183 Section 4. Section 397.602, Florida Statutes, is created to  
184 read:

185 397.602 Voluntary admission for fetal alcohol spectrum  
186 disorders prevention.--

187 (1) An expectant mother who requests an evaluation for the  
188 necessity of counseling or treatment services to minimize the  
189 risk for alcohol exposure to her unborn child may obtain that  
190 evaluation at any licensed service provider or Fetal Alcohol  
191 Spectrum Disorders Diagnostic and Intervention Center  
192 participating in the Fetal Alcohol Spectrum Disorders Prevention  
193 Network. The evaluation of the service provider must recommend  
194 the least restrictive course of action, plan, or service  
195 reasonably necessary to remove or minimize the risk for alcohol  
196 exposure to the unborn child that is appropriate to meet the  
197 needs of the expectant mother.

198 (2) (a) The disability of minority for expectant mothers who  
199 have not attained 18 years of age is removed solely for the  
200 purpose of obtaining voluntary alcohol or substance abuse  
201 treatment services from a licensed service provider, and consent

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202 to such services by a minor has the same force and effect as if  
203 executed by a client who has reached the age of majority. Such  
204 consent is not subject to later disaffirmance based on minority.

205 (b) Except for purposes of law enforcement activities in  
206 connection with protective custody, the disability of minority is  
207 not removed if there is an involuntary admission for alcohol or  
208 substance abuse treatment services, in which case parental  
209 participation may be required as the court finds appropriate.

210 Section 5. Section 397.675, Florida Statutes, is amended to  
211 read:

212 397.675 Criteria for involuntary admissions, ~~including~~  
213 ~~protective custody, emergency admission, and other involuntary~~  
214 ~~assessment, involuntary treatment, and alternative involuntary~~  
215 ~~assessment for minors, for purposes of assessment and~~  
216 ~~stabilization, and for involuntary treatment.--~~

217 (1) A person meets the criteria for involuntary admission  
218 if there is good faith reason to believe the person is substance  
219 abuse impaired and, because of such impairment:

220 (a)~~(1)~~ Has lost the power of self-control with respect to  
221 substance use; and ~~either~~

222 (b)~~1.~~~~(2)~~~~(a)~~ Has inflicted, or threatened or attempted to  
223 inflict, or unless admitted is likely to inflict, physical harm  
224 on himself or herself or another; or

225 2.~~(b)~~ Is in need of substance abuse services and, by reason  
226 of substance abuse impairment, his or her judgment has been so  
227 impaired that the person is incapable of appreciating his or her  
228 need for such services and of making a rational decision in  
229 regard thereto; however, mere refusal to receive such services



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230 does not constitute evidence of lack of judgment with respect to  
231 his or her need for such services.

232 (2) (a) A person may also meet the criteria for involuntary  
233 admission if the court finds that the person is an expectant  
234 mother who, while knowing she is pregnant, has continued to  
235 consume alcoholic beverages to such a degree that there is a  
236 reasonable possibility that the unborn child, when born, may be  
237 diagnosed with a fetal alcohol spectrum disorder unless the  
238 expectant mother ceases the consumption of alcoholic beverages  
239 and that there is good cause to believe she will continue to  
240 consume alcoholic beverages if not involuntarily admitted to a  
241 treatment facility. Sections 397.501 and 397.581 apply to persons  
242 meeting the criteria for involuntary admission under this  
243 subsection. Only licensed service providers, as defined in s.  
244 397.311, that have agreed to participate in providing counseling,  
245 detoxification, residential treatment, or any other licensable  
246 service component listed in s. 397.311(18) to expectant mothers  
247 shall be used for purposes of involuntary admission under this  
248 subsection.

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

252 1. Whether the expectant mother was notified of the effects  
253 of fetal alcohol spectrum disorders and was counseled against the  
254 consumption of alcoholic beverages.

255 2. Whether, after being warned against the consumption of  
256 alcoholic beverages, the expectant mother continued to consume  
257 alcoholic beverages.

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258       3. Whether the expectant mother has been offered and  
259 refused alcohol or substance abuse treatment or, if enrolled in  
260 alcohol or substance abuse treatment, failed to make a good faith  
261 effort to participate in the treatment program.

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

264       5. The quantity and frequency of alcoholic beverage  
265 consumption by the expectant mother.

266       6. Whether the expectant mother was recommended for alcohol  
267 or substance abuse treatment prior to or during her pregnancy by  
268 her physician, her spouse, or any relative or friend.

269       7. Expert medical testimony concerning the estimated  
270 alcohol-related risk to the health of the unborn child based on  
271 the continued consumption of alcoholic beverages by the expectant  
272 mother.

273       8. Any other evidence the court considers relevant to  
274 determining whether the involuntary admission of the expectant  
275 mother is necessary to prevent her from continuing to consume  
276 alcoholic beverages and whether, absent such intervention, there  
277 exists a reasonable possibility that the unborn child, when born,  
278 may be diagnosed with a fetal alcohol spectrum disorder.

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

281       397.6772 Protective custody without consent.--

282       (1) If a person in circumstances which justify protective  
283 custody as described in s. 397.677 fails or refuses to consent to  
284 assistance and a law enforcement officer has determined that a  
285 hospital or a licensed detoxification or addictions receiving  
286 facility is the most appropriate place for the person, the

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287 officer may, after giving due consideration to the expressed  
288 wishes of the person:

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

292 (b) In the case of an adult, detain the person for his or  
293 her own protection in any municipal or county jail or other  
294 appropriate detention facility, except that an expectant mother  
295 may not be detained at any municipal or county jail for purposes  
296 of fetal alcohol spectrum disorders prevention.

297  
298 Such detention is not to be considered an arrest for any purpose,  
299 and no entry or other record may be made to indicate that the  
300 person has been detained or charged with any crime. The officer  
301 in charge of the detention facility must notify the nearest  
302 appropriate licensed service provider within the first 8 hours  
303 after detention that the person has been detained. It is the duty  
304 of the detention facility to arrange, as necessary, for  
305 transportation of the person to an appropriate licensed service  
306 provider with an available bed. Persons taken into protective  
307 custody must be assessed by the attending physician within the  
308 72-hour period and without unnecessary delay, to determine the  
309 need for further services.

310 Section 7. Section 397.6791, Florida Statutes, is amended  
311 to read:

312 397.6791 Emergency admission; persons who may  
313 initiate.--The following persons may request an emergency  
314 admission:

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315 (1) In the case of an adult, the certifying physician, the  
316 person's spouse or guardian, any relative of the person, or any  
317 other responsible adult who has personal knowledge of the  
318 person's substance abuse impairment.

319 (2) In the case of an adult expectant mother consuming  
320 alcoholic beverages so as to place her unborn child at risk for a  
321 fetal alcohol spectrum disorder, the certifying physician joined  
322 by the expectant mother's spouse, parent or guardian, or sibling,  
323 provided that the certifying physician and any other person  
324 joining in the request sign an affidavit stating that such  
325 emergency admission is necessary to avert a substantial alcohol-  
326 related risk to the health of the unborn child and that the  
327 expectant mother has been offered and has refused alcohol or  
328 other substance abuse treatment services.

329 (3)~~(2)~~ In the case of a minor, including any unemancipated  
330 minor who is an expectant mother, the minor's parent, legal  
331 guardian, or legal custodian.

332 Section 8. Section 397.6793, Florida Statutes, is amended  
333 to read:

334 397.6793 Physician's certificate for emergency admission.--

335 (1) The physician's certificate must include the name of  
336 the person to be admitted, the relationship between the person  
337 and the physician, the relationship between the applicant and the  
338 physician, any relationship between the physician and the  
339 licensed service provider, and a statement that the person has  
340 been examined and assessed within 5 days before ~~of~~ the  
341 application date, and must include factual allegations with  
342 respect to the need for emergency admission, including:

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343 (a) The reason for the physician's belief that the person  
344 is substance abuse impaired; ~~and~~

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

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

351 2. The reason the physician believes that the person's  
352 refusal to voluntarily receive care is based on judgment so  
353 impaired by reason of substance abuse that the person is  
354 incapable of appreciating his or her need for care and of making  
355 a rational decision regarding his or her need for care.

356 (2) When the emergency admission is for an expectant mother  
357 consuming alcoholic beverages so as to place her unborn child at  
358 risk for a fetal alcohol spectrum disorder, the physician's  
359 certificate must include the name of the person to be admitted,  
360 the relationship between the person and the physician, the  
361 relationship between the applicant and the physician, any  
362 relationship between the physician and the licensed service  
363 provider, a statement that the person has been examined and  
364 assessed within 5 days before the application date, and a  
365 statement of facts based on the expectant mother's consumption of  
366 alcoholic beverages that indicates the need for emergency  
367 admission to avert or reduce a substantial alcohol-related risk  
368 to the health of the unborn child, that the expectant mother has  
369 been counseled against the consumption of alcoholic beverages  
370 during pregnancy, and that she has been offered and has refused  
371 alcohol or other substance abuse treatment services.

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372        ~~(3)~~(2) The physician's certificate must recommend the least  
373 restrictive type of service that is appropriate for the person.  
374 The certificate must be signed by the physician.

375        ~~(4)~~(3) A signed copy of the physician's certificate shall  
376 accompany the person, and shall be made a part of the person's  
377 clinical record, together with a signed copy of the application.  
378 The application and physician's certificate authorize the  
379 involuntary admission of the person pursuant to, and subject to  
380 the provisions of ss. 397.679-397.6797.

381        ~~(5)~~(4) The physician's certificate must indicate whether  
382 the person requires transportation assistance for delivery for  
383 emergency admission and specify, pursuant to s. 397.6795, the  
384 type of transportation assistance necessary.

385        Section 9. Section 397.681, Florida Statutes, is amended to  
386 read:

387        397.681 Involuntary petitions; general provisions; court  
388 jurisdiction and right to counsel.--

389        (1) JURISDICTION.--The courts have jurisdiction of  
390 involuntary assessment and stabilization petitions and  
391 involuntary treatment petitions for substance abuse impaired  
392 persons, and for expectant mothers consuming alcoholic beverages  
393 so as to place their unborn children at risk for fetal alcohol  
394 spectrum disorders. ~~such~~ Petitions must be filed with the clerk  
395 of the court in the county where the person is located. The chief  
396 judge may appoint a general or special magistrate to preside over  
397 all or part of the proceedings. The alleged impaired person is  
398 named as the respondent.

399        (2) RIGHT TO COUNSEL.--A respondent has the right to  
400 counsel at every stage of a proceeding relating to a petition for

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401 his or her involuntary assessment and a petition for his or her  
402 involuntary treatment authorized in this chapter ~~for substance~~  
403 ~~abuse impairment~~. A respondent who desires counsel and is unable  
404 to afford private counsel has the right to court-appointed  
405 counsel and to the benefits of s. 57.081. If the court believes  
406 that the respondent needs the assistance of counsel, the court  
407 shall appoint such counsel for the respondent without regard to  
408 the respondent's wishes. If the respondent is a minor not  
409 otherwise represented in the proceeding, the court shall  
410 immediately appoint a guardian ad litem to act on the minor's  
411 behalf.

412 Section 10. Section 397.6811, Florida Statutes, is amended  
413 to read:

414 397.6811 Involuntary assessment and stabilization.--A  
415 person determined by the court to appear to meet the criteria for  
416 involuntary admission under s. 397.675 may be admitted for a  
417 period of 5 days to a hospital or to a licensed detoxification  
418 facility or addictions receiving facility, for involuntary  
419 assessment and stabilization or to a less restrictive component  
420 of a licensed service provider for assessment only upon entry of  
421 a court order or upon receipt by the licensed service provider of  
422 a petition. Involuntary assessment and stabilization may be  
423 initiated by the submission of a petition to the court.

424 (1) If the person upon whose behalf the petition is being  
425 filed is an adult, a petition for involuntary assessment and  
426 stabilization may be filed by the respondent's spouse or  
427 guardian, any relative, a private practitioner, the director of a  
428 licensed service provider or the director's designee, or any  
429 three adults who have personal knowledge of the respondent's

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430 substance abuse impairment. If the person upon whose behalf the  
431 petition is being filed is an adult expectant mother consuming  
432 alcoholic beverages so as to place her unborn child at risk for a  
433 fetal alcohol spectrum disorder, a petition for involuntary  
434 assessment and stabilization may be filed by the respondent's  
435 spouse, parent or guardian, or sibling and joined by a physician.

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

441 Section 11. Section 397.6814, Florida Statutes, is amended  
442 to read:

443 397.6814 Involuntary assessment and stabilization; contents  
444 of petition.--

445 (1) A petition for involuntary assessment and stabilization  
446 must contain the name of the respondent; the name of the  
447 applicant or applicants; the relationship between the respondent  
448 and the applicant; the name of the respondent's attorney, if  
449 known, and a statement of the respondent's ability to afford an  
450 attorney; and must state facts to support the need for  
451 involuntary assessment and stabilization, including:

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

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



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

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

467        (2) When a petition for involuntary assessment and  
468 stabilization is for an expectant mother consuming alcoholic  
469 beverages so as to place her unborn child at risk for a fetal  
470 alcohol spectrum disorder, the petition must contain the name of  
471 the person to be assessed, the relationship between the person  
472 and the physician, the relationship between the applicant and the  
473 physician, any relationship between the physician and the  
474 licensed service provider, and a statement of facts based on the  
475 expectant mother's consumption of alcoholic beverages that  
476 indicates the need for involuntary assessment and stabilization  
477 to avert or reduce a substantial alcohol-related risk to the  
478 health of her unborn child, that the expectant mother has been  
479 counseled against the consumption of alcoholic beverages during  
480 pregnancy, and that she has been offered and has refused alcohol  
481 or other substance abuse treatment services.

482        Section 12. Section 397.6815, Florida Statutes, is amended  
483 to read:

484        397.6815 Involuntary assessment and stabilization;  
485 procedure.--Upon receipt and filing by the clerk of the court of

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486 the petition for the involuntary assessment and stabilization of  
487 a substance abuse impaired person or an expectant mother  
488 consuming alcoholic beverages so as to place her unborn child at  
489 risk for a fetal alcohol spectrum disorder ~~by the clerk of the~~  
490 ~~court~~, the court shall ascertain whether the respondent is  
491 represented by an attorney, and if not, whether, on the basis of  
492 the petition, an attorney should be appointed; and shall:

493 (1) Provide a copy of the petition and notice of hearing to  
494 the respondent; the respondent's parent, guardian, or legal  
495 custodian, in the case of a minor; the respondent's attorney, if  
496 known; the petitioner; the respondent's spouse or guardian, if  
497 applicable; and such other persons as the court may direct, and  
498 have such petition and notice personally delivered to the  
499 respondent if he or she is a minor. The court shall also issue a  
500 summons to the person whose admission is sought and conduct a  
501 hearing within 10 days; or

502 (2) Without the appointment of an attorney and, relying  
503 solely on the contents of the petition, enter an ex parte order  
504 authorizing the involuntary assessment and stabilization of the  
505 respondent. The court may order a law enforcement officer or  
506 other designated agent of the court to take the respondent into  
507 custody and deliver him or her to the nearest appropriate  
508 licensed service provider.

509 Section 13. Section 397.695, Florida Statutes, is amended  
510 to read:

511 397.695 Involuntary treatment; persons who may petition.--

512 (1) If the respondent is an adult, a petition for  
513 involuntary treatment may be filed by the respondent's spouse or  
514 guardian, any relative, a service provider, or any three adults

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515 | who have personal knowledge of the respondent's substance abuse  
516 | impairment and his or her prior course of assessment and  
517 | treatment. If the respondent on whose behalf the petition is  
518 | being filed is an adult expectant mother consuming alcoholic  
519 | beverages so as to place her unborn child at risk for a fetal  
520 | alcohol spectrum disorder, a petition for involuntary treatment  
521 | may be filed by the respondent's spouse, parent or guardian, or  
522 | sibling and joined by a physician.

523 |         (2) If the respondent is a minor, including any  
524 | unemancipated minor who is an expectant mother, a petition for  
525 | involuntary treatment may be filed by a parent, legal guardian,  
526 | or service provider.

527 |         Section 14. Section 397.6951, Florida Statutes, is amended  
528 | to read:

529 |         397.6951 Contents of petition for involuntary treatment.--

530 |         (1) A petition for involuntary treatment must contain the  
531 | name of the respondent to be admitted; the name of the petitioner  
532 | or petitioners; the relationship between the respondent and the  
533 | petitioner; the name of the respondent's attorney, if known, and  
534 | a statement of the petitioner's knowledge of the respondent's  
535 | ability to afford an attorney; the findings and recommendations  
536 | of the assessment performed by the qualified professional; and  
537 | the factual allegations presented by the petitioner establishing  
538 | the need for involuntary treatment, including:

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

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

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

547 2.(b) The reason the petitioner believes that the  
548 respondent's refusal to voluntarily receive care is based on  
549 judgment so impaired by reason of substance abuse that the  
550 respondent is incapable of appreciating his or her need for care  
551 and of making a rational decision regarding that need for care.

552 (2) When a petition for involuntary treatment is for an  
553 expectant mother consuming alcoholic beverages so as to place her  
554 unborn child at risk for a fetal alcohol spectrum disorder, the  
555 petition must contain the name of the person to be assessed, the  
556 relationship between the person and the physician, the  
557 relationship between the applicant and the physician, any  
558 relationship between the physician and the licensed service  
559 provider, and a statement of facts based on the expectant  
560 mother's consumption of alcoholic beverages that indicate the  
561 need for involuntary treatment to avert or reduce a substantial  
562 alcohol-related risk to the health of her unborn child, that the  
563 expectant mother has been counseled against the consumption of  
564 alcoholic beverages during pregnancy, and that she has been  
565 offered and has refused alcohol or other substance abuse  
566 treatment services.

567 Section 15. Section 397.6955, Florida Statutes, is amended  
568 to read:

569 397.6955 Duties of court upon filing of petition for  
570 involuntary treatment.--Upon the filing with the clerk of the  
571 court of a petition for the involuntary treatment of a substance  
572 abuse impaired person or an expectant mother consuming alcoholic

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573 beverages so as to place her unborn child at risk for a fetal  
574 alcohol spectrum disorder ~~with the clerk of the court~~, the court  
575 shall immediately determine whether the respondent is represented  
576 by an attorney or whether the appointment of counsel for the  
577 respondent is appropriate. The court shall schedule a hearing to  
578 be held on the petition within 10 days. A copy of the petition  
579 and notice of the hearing must be provided to the respondent; the  
580 respondent's parent, guardian, or legal custodian, in the case of  
581 a minor; the respondent's attorney, if known; the petitioner; the  
582 respondent's spouse or guardian, if applicable; and such other  
583 persons as the court may direct, and have such petition and order  
584 personally delivered to the respondent if he or she is a minor.  
585 The court shall also issue a summons to the person whose  
586 admission is sought.

587 Section 16. Section 397.6957, Florida Statutes, is amended  
588 to read:

589 397.6957 Hearing on petition for involuntary treatment.--

590 (1) At a hearing on a petition for involuntary treatment,  
591 the court shall hear and review all relevant evidence, including  
592 the review of results of the assessment completed by the  
593 qualified professional in connection with the respondent's  
594 protective custody, emergency admission, involuntary assessment,  
595 or alternative involuntary admission. The respondent must be  
596 present unless the court finds that his or her presence is likely  
597 to be injurious to himself or herself or others, in which event  
598 the court must appoint a guardian advocate to act in behalf of  
599 the respondent throughout the proceedings.

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

603           (a) The respondent is substance abuse impaired; ~~and~~

604           (b) Because of such impairment, the respondent has lost the  
605 power of self-control with respect to substance abuse; and ~~either~~

606           (c)1. The respondent has inflicted or is likely to inflict  
607 physical harm on himself or herself or others unless admitted; or

608           2. The respondent's refusal to voluntarily receive care is  
609 based on judgment so impaired by reason of substance abuse that  
610 the respondent is incapable of appreciating his or her need for  
611 care and of making a rational decision regarding that need for  
612 care.

613           (3) For a petition seeking treatment of an expectant mother  
614 consuming alcoholic beverages so as to place her unborn child at  
615 risk for a fetal alcohol spectrum disorder, the petitioner has  
616 the burden of proving by clear and convincing evidence that the  
617 expectant mother, while knowing she is pregnant, has continued to  
618 consume alcoholic beverages to such a degree that there is a  
619 reasonable possibility that the unborn child, when born, may be  
620 diagnosed with a fetal alcohol spectrum disorder unless the  
621 expectant mother ceases the consumption of alcoholic beverages  
622 and there is good cause to believe she will continue to consume  
623 alcoholic beverages if not involuntarily admitted to a treatment  
624 facility.

625           (4)~~(3)~~ At the conclusion of the hearing the court shall  
626 either dismiss the petition or order the respondent to undergo  
627 involuntary substance abuse treatment, with the respondent's

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628 | chosen licensed service provider to deliver the involuntary  
629 | substance abuse treatment where possible and appropriate.

630 |       Section 17. Section 397.697, Florida Statutes, is amended  
631 | to read:

632 |       397.697 Court determination; effect of court order for  
633 | involuntary ~~substance abuse~~ treatment.--

634 |       (1) When the court finds that the conditions for  
635 | involuntary ~~substance abuse~~ treatment have been proved by clear  
636 | and convincing evidence, it may order the respondent to undergo  
637 | involuntary treatment by a licensed service provider for a period  
638 | not to exceed 60 days. If the court finds it necessary, it may  
639 | direct the sheriff to take the respondent into custody and  
640 | deliver him or her to the licensed service provider specified in  
641 | the court order, or to the nearest appropriate licensed service  
642 | provider, for involuntary treatment. When the conditions  
643 | justifying involuntary treatment no longer exist, the client must  
644 | be released as provided in s. 397.6971. When the conditions  
645 | justifying involuntary treatment are expected to exist after 60  
646 | days of treatment, a renewal of the involuntary treatment order  
647 | may be requested pursuant to s. 397.6975 prior to the end of the  
648 | 60-day period.

649 |       (2) In all cases resulting in an order for involuntary  
650 | ~~substance abuse~~ treatment, the court shall retain jurisdiction  
651 | over the case and the parties for the entry of such further  
652 | orders as the circumstances may require. The court's requirements  
653 | for notification of proposed release must be included in the  
654 | original treatment order.

655 |       (3) An involuntary treatment order authorizes the licensed  
656 | service provider to require the client to undergo such treatment

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657 as will benefit him or her, including treatment at any licensable  
658 service component of a licensed service provider.

659 Section 18. Effective October 1, 2008, section 562.063,  
660 Florida Statutes, is created to read:

661 562.063 Health warning signs; posting requirement;  
662 penalty.--

663 (1) (a) Each vendor licensed to sell alcoholic beverages for  
664 consumption on or off the vendor's premises shall cause a health  
665 warning sign that complies with the provisions of paragraph (b)  
666 to be posted on the licensed premises where alcoholic beverages  
667 are sold, at a location in each room where alcoholic beverages  
668 are available for sale, and in such a fashion as to be clearly  
669 visible to the patrons of the licensed vendor.

670 (b) Each sign required to be posted pursuant to paragraph  
671 (a) must be posted in English, Spanish, and other languages, as  
672 appropriate to the area; must be at least 12 inches by 18 inches  
673 in size; must be laminated for durability and neatness; and must  
674 read as follows:

675  
676 HEALTH WARNING

677 ALCOHOL IN BEER, COOLERS, WINE, AND LIQUOR CAN CAUSE:

678 1. FETAL ALCOHOL SYNDROME AND BIRTH DEFECTS. DO NOT DRINK  
679 DURING PREGNANCY.

680 2. DRUNK DRIVING. DO NOT DRINK BEFORE DRIVING A CAR,  
681 OPERATING A BOAT, OR OPERATING MACHINERY.

682 3. ADDICTION.

683 4. DEATH. DO NOT MIX ALCOHOL WITH OTHER DRUGS, INCLUDING  
684 PRESCRIPTION OR ILLEGAL DRUGS. THE COMBINATION CAN BE FATAL.

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686        (c) The division shall produce health warning signs that  
687 comply with paragraph (b) and distribute the signs to the  
688 licensed vendors operating establishments that sell alcoholic  
689 beverages for consumption on or off the premises. The division  
690 shall impose a fee and collect from each vendor an amount  
691 sufficient to cover the costs of printing and delivering the  
692 signs.

693        (2) A vendor of alcoholic beverages may not sell any  
694 alcoholic beverage unless the vendor has properly posted the  
695 health warning signs required under subsection (1). Any vendor  
696 who violates this subsection commits a misdemeanor of the second  
697 degree, punishable as provided in s. 775.082 or s. 775.083.

698        Section 19. The Division of Alcoholic Beverages and Tobacco  
699 of the Department of Business and Professional Regulation shall  
700 produce and distribute health warning signs in compliance with s.  
701 562.063, Florida Statutes, as created by this act.

702        Section 20. For the purpose of incorporating the amendment  
703 made by this act to section 397.675, Florida Statutes, in a  
704 reference thereto, subsection (1) of section 397.6773, Florida  
705 Statutes, is reenacted to read:

706        397.6773 Dispositional alternatives after protective  
707 custody.--

708        (1) A client who is in protective custody must be released  
709 by a qualified professional when:

710        (a) The client no longer meets the involuntary admission  
711 criteria in s. 397.675(1);

712        (b) The 72-hour period has elapsed; or

713        (c) The client has consented to remain voluntarily at the  
714 licensed service provider.

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715           Section 21. Establishment of Fetal Alcohol Spectrum  
716 Disorders Diagnostic and Intervention Centers; professional  
717 training.--The Department of Health shall establish Fetal Alcohol  
718 Spectrum Disorders Diagnostic and Intervention Centers and  
719 develop and provide professional training for Healthy Families,  
720 Healthy Start, child protection, child care, domestic violence  
721 prevention, behavioral health care, education, and physical  
722 health care professionals as well as any other groups working  
723 with children or pregnant women. The Fetal Alcohol Spectrum  
724 Disorders Diagnostic and Intervention Centers shall be located in  
725 Sarasota, Hillsborough, Duval, and Miami-Dade Counties and in  
726 other counties as the need arises and there are sufficient funds  
727 to provide staff for the centers.

728           Section 22. For the purpose of implementing this act for  
729 the 2008-2009 fiscal year:

730           (1) The sum of \$15,558,000 is appropriated from the General  
731 Revenue Fund to the Department of Children and Family Services.

732           (2) The sum of \$2,105,000 is appropriated from the General  
733 Revenue Fund to the Department of Health.

734           Section 23. Except as otherwise expressly provided in this  
735 act, this act shall take effect July 1, 2008.