

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
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
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
73 in a current rate of 26.8 infants with Fetal Alcohol Syndrome
74 for every 10,000 births, and each of these infants represents a
75 cost 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,

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85 results in as many as 270 infants with fetal alcohol spectrum
86 disorders for every 10,000 births, and

87 WHEREAS, according to the National Institute of Health,
88 only 39 percent of women of childbearing age know about fetal
89 alcohol 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
102 pregnant women found to be under the influence of alcohol and to
103 further require the posting of health warning signs about fetal
104 alcohol spectrum disorders on the premises of package alcoholic
105 beverage 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
 116 impact persons born with fetal alcohol spectrum disorders as
 117 well 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
 126 developing fetus from the detrimental effects of alcohol
 127 consumption by an 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.

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
 155 disorders on the affected person, his or her family, and the
 156 citizens of 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
 165 of prenatal exposure to alcohol. The Department of Health shall
 166 also establish a telephone information hotline for persons to
 167 call to obtain information regarding fetal alcohol spectrum

168 disorders, local licensed service providers participating in the
 169 network, or the nearest Fetal Alcohol Spectrum Disorders
 170 Diagnostic and Intervention Center participating in the network.

171 (3) Licensed service providers and Fetal Alcohol Spectrum
 172 Disorders Diagnostic and Intervention Centers participating in
 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
 181 Regulation shall provide access to the public information
 182 developed pursuant to subsection (1) on their respective
 183 Internet websites.

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

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

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

196 reasonably necessary to remove or minimize the risk for alcohol
 197 exposure to the unborn child that is appropriate to meet the
 198 needs of the expectant mother.

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

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

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

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

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

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

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

226 2.(b) Is in need of substance abuse services and, by
227 reason of substance abuse impairment, his or her judgment has
228 been so impaired that the person is incapable of appreciating
229 his or her need for such services and of making a rational
230 decision in regard thereto; however, mere refusal to receive
231 such services does not constitute evidence of lack of judgment
232 with respect to his or her need for such services.

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

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

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

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

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

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

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

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

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

275 8. Any other evidence the court considers relevant to
276 determining whether the involuntary admission of the expectant
277 mother is necessary to prevent her from continuing to consume

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278 alcoholic beverages and whether, absent such intervention, there
279 exists a reasonable possibility that the unborn child, when
280 born, may be diagnosed with a fetal alcohol spectrum disorder.

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

283 397.6772 Protective custody without consent.--

284 (1) If a person in circumstances which justify protective
285 custody as described in s. 397.677 fails or refuses to consent
286 to assistance and a law enforcement officer has determined that
287 a hospital or a licensed detoxification or addictions receiving
288 facility is the most appropriate place for the person, the
289 officer may, after giving due consideration to the expressed
290 wishes of the person:

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

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

299
300 Such detention is not to be considered an arrest for any
301 purpose, and no entry or other record may be made to indicate
302 that the person has been detained or charged with any crime. The
303 officer in charge of the detention facility must notify the
304 nearest appropriate licensed service provider within the first 8
305 hours after detention that the person has been detained. It is

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306 the duty of the detention facility to arrange, as necessary, for
307 transportation of the person to an appropriate licensed service
308 provider with an available bed. Persons taken into protective
309 custody must be assessed by the attending physician within the
310 72-hour period and without unnecessary delay, to determine the
311 need for further services.

312 Section 7. Section 397.6791, Florida Statutes, is amended
313 to read:

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

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

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

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

334 Section 8. Section 397.6793, Florida Statutes, is amended
 335 to read:

336 397.6793 Physician's certificate for emergency
 337 admission.--

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

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

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

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

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

359 (2) When the emergency admission is for an expectant
 360 mother consuming alcoholic beverages so as to place her unborn
 361 child at risk for a fetal alcohol spectrum disorder, the

362 physician's certificate must include the name of the person to
363 be admitted, the relationship between the person and the
364 physician, the relationship between the applicant and the
365 physician, any relationship between the physician and the
366 licensed service provider, a statement that the person has been
367 examined and assessed within 5 days before the application date,
368 and a statement of facts based on the expectant mother's
369 consumption of alcoholic beverages that indicates the need for
370 emergency admission to avert or reduce a substantial alcohol-
371 related risk to the health of the unborn child, that the
372 expectant mother has been counseled against the consumption of
373 alcoholic beverages during pregnancy, and that she has been
374 offered and has refused alcohol or other substance abuse
375 treatment services.

376 ~~(3)(2)~~ The physician's certificate must recommend the
377 least restrictive type of service that is appropriate for the
378 person. The certificate must be signed by the physician.

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

385 ~~(5)(4)~~ The physician's certificate must indicate whether
386 the person requires transportation assistance for delivery for
387 emergency admission and specify, pursuant to s. 397.6795, the
388 type of transportation assistance necessary.

389 Section 9. Section 397.681, Florida Statutes, is amended
 390 to read:

391 397.681 Involuntary petitions; general provisions; court
 392 jurisdiction and right to counsel.--

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

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

416 Section 10. Section 397.6811, Florida Statutes, is amended
417 to read:

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

428 (1) If the person upon whose behalf the petition is being
429 filed is an adult, a petition for involuntary assessment and
430 stabilization may be filed by the respondent's spouse or
431 guardian, any relative, a private practitioner, the director of
432 a licensed service provider or the director's designee, or any
433 three adults who have personal knowledge of the respondent's
434 substance abuse impairment. If the person upon whose behalf the
435 petition is being filed is an adult expectant mother consuming
436 alcoholic beverages so as to place her unborn child at risk for
437 a fetal alcohol spectrum disorder, a petition for involuntary
438 assessment and stabilization may be filed by the respondent's
439 spouse, parent or guardian, or sibling and joined by a
440 physician.

441 (2) If the person upon whose behalf the petition is being
442 filed is a minor, including any unemancipated minor who is an
443 expectant mother, a petition for involuntary assessment and

444 stabilization may be filed by a parent, legal guardian, legal
445 custodian, or licensed service provider.

446 Section 11. Section 397.6814, Florida Statutes, is amended
447 to read:

448 397.6814 Involuntary assessment and stabilization;
449 contents of petition.--

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

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

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

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

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

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

487 Section 12. Section 397.6815, Florida Statutes, is amended
488 to read:

489 397.6815 Involuntary assessment and stabilization;
490 procedure.--Upon receipt and filing by the clerk of the court of
491 the petition for the involuntary assessment and stabilization of
492 a substance abuse impaired person or an expectant mother
493 consuming alcoholic beverages so as to place her unborn child at
494 risk for a fetal alcohol spectrum disorder ~~by the clerk of the~~
495 ~~court~~, the court shall ascertain whether the respondent is
496 represented by an attorney, and if not, whether, on the basis of
497 the petition, an attorney should be appointed; and shall:

498 (1) Provide a copy of the petition and notice of hearing
499 to the respondent; the respondent's parent, guardian, or legal

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500 custodian, in the case of a minor; the respondent's attorney, if
501 known; the petitioner; the respondent's spouse or guardian, if
502 applicable; and such other persons as the court may direct, and
503 have such petition and notice personally delivered to the
504 respondent if he or she is a minor. The court shall also issue a
505 summons to the person whose admission is sought and conduct a
506 hearing within 10 days; or

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

514 Section 13. Section 397.695, Florida Statutes, is amended
515 to read:

516 397.695 Involuntary treatment; persons who may petition.--

517 (1) If the respondent is an adult, a petition for
518 involuntary treatment may be filed by the respondent's spouse or
519 guardian, any relative, a service provider, or any three adults
520 who have personal knowledge of the respondent's substance abuse
521 impairment and his or her prior course of assessment and
522 treatment. If the respondent on whose behalf the petition is
523 being filed is an adult expectant mother consuming alcoholic
524 beverages so as to place her unborn child at risk for a fetal
525 alcohol spectrum disorder, a petition for involuntary treatment
526 may be filed by the respondent's spouse, parent or guardian, or
527 sibling and joined by a physician.

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

532 Section 14. Section 397.6951, Florida Statutes, is amended
533 to read:

534 397.6951 Contents of petition for involuntary treatment.--

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

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

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

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

553 2.~~(b)~~ The reason the petitioner believes that the
554 respondent's refusal to voluntarily receive care is based on
555 judgment so impaired by reason of substance abuse that the

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556 respondent is incapable of appreciating his or her need for care
557 and of making a rational decision regarding that need for care.

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

573 Section 15. Section 397.6955, Florida Statutes, is amended
574 to read:

575 397.6955 Duties of court upon filing of petition for
576 involuntary treatment.--Upon the filing with the clerk of the
577 court of a petition for the involuntary treatment of a substance
578 abuse impaired person or an expectant mother consuming alcoholic
579 beverages so as to place her unborn child at risk for a fetal
580 alcohol spectrum disorder ~~with the clerk of the court~~, the court
581 shall immediately determine whether the respondent is
582 represented by an attorney or whether the appointment of counsel
583 for the respondent is appropriate. The court shall schedule a

584 hearing to be held on the petition within 10 days. A copy of the
585 petition and notice of the hearing must be provided to the
586 respondent; the respondent's parent, guardian, or legal
587 custodian, in the case of a minor; the respondent's attorney, if
588 known; the petitioner; the respondent's spouse or guardian, if
589 applicable; and such other persons as the court may direct, and
590 have such petition and order personally delivered to the
591 respondent if he or she is a minor. The court shall also issue a
592 summons to the person whose admission is sought.

593 Section 16. Section 397.6957, Florida Statutes, is amended
594 to read:

595 397.6957 Hearing on petition for involuntary treatment.--

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

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

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

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

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

616 2. The respondent's refusal to voluntarily receive care is
617 based on judgment so impaired by reason of substance abuse that
618 the respondent is incapable of appreciating his or her need for
619 care and of making a rational decision regarding that need for
620 care.

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

633 (4)~~(3)~~ At the conclusion of the hearing the court shall
634 either dismiss the petition or order the respondent to undergo
635 involuntary substance abuse treatment, with the respondent's
636 chosen licensed service provider to deliver the involuntary
637 substance abuse treatment where possible and appropriate.

638 Section 17. Section 397.697, Florida Statutes, is amended
639 to read:

640 397.697 Court determination; effect of court order for
641 involuntary ~~substance-abuse~~ treatment.--

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

657 (2) In all cases resulting in an order for involuntary
658 ~~substance-abuse~~ treatment, the court shall retain jurisdiction
659 over the case and the parties for the entry of such further
660 orders as the circumstances may require. The court's
661 requirements for notification of proposed release must be
662 included in the original treatment order.

663 (3) An involuntary treatment order authorizes the licensed
664 service provider to require the client to undergo such treatment

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

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

669 562.063 Health warning signs; posting requirement;
 670 penalty.--

671 (1) (a) Each vendor licensed to sell alcoholic beverages
 672 for consumption on or off the vendor's premises shall cause a
 673 health warning sign that complies with the provisions of
 674 paragraph (b) to be posted on the licensed premises where
 675 alcoholic beverages are sold, at a location in each room where
 676 alcoholic beverages are available for sale, and in such a
 677 fashion as to be clearly visible to the patrons of the licensed
 678 vendor.

679 (b) Each sign required to be posted pursuant to paragraph
 680 (a) must be posted in English, Spanish, and other languages, as
 681 appropriate to the area; must be at least 12 inches by 18 inches
 682 in size; must be laminated for durability and neatness; and must
 683 read as follows:

684
 685 HEALTH WARNING

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

687 1. FETAL ALCOHOL SYNDROME AND BIRTH DEFECTS. DO NOT DRINK
 688 DURING PREGNANCY.

689 2. DRUNK DRIVING. DO NOT DRINK BEFORE DRIVING A CAR,
 690 OPERATING A BOAT, OR OPERATING MACHINERY.

691 3. ADDICTION.

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

694
695 (c) The division shall produce health warning signs that
696 comply with paragraph (b) and distribute the signs to the
697 licensed vendors operating establishments that sell alcoholic
698 beverages for consumption on or off the premises. The division
699 shall impose a fee and collect from each vendor an amount
700 sufficient to cover the costs of printing and delivering the
701 signs.

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

707 Section 19. The Division of Alcoholic Beverages and
708 Tobacco of the Department of Business and Professional
709 Regulation shall produce and distribute health warning signs in
710 compliance with s. 562.063, Florida Statutes, as created by this
711 act.

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

716 397.6773 Dispositional alternatives after protective
717 custody.--

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

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

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

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

725 Section 21. Establishment of Fetal Alcohol Spectrum
726 Disorders Diagnostic and Intervention Centers; professional
727 training.--The Department of Health shall establish Fetal
728 Alcohol Spectrum Disorders Diagnostic and Intervention Centers
729 and develop and provide professional training for Healthy
730 Families, Healthy Start, child protection, child care, domestic
731 violence prevention, behavioral health care, education, and
732 physical health care professionals as well as any other groups
733 working with children or pregnant women. The Fetal Alcohol
734 Spectrum Disorders Diagnostic and Intervention Centers shall be
735 located in Sarasota, Hillsborough, Duval, and Miami-Dade
736 Counties and in other counties as the need arises and there are
737 sufficient funds to provide staff for the centers.

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

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

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

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