

By Senator Bennett

21-656-07

1 A bill to be entitled
2 An act relating to substance abuse; creating
3 the "Fetal Alcohol Syndrome Prevention Act";
4 providing legislative findings and intent;
5 requiring the Department of Health to develop a
6 public education program to inform the public
7 regarding the detrimental effects of fetal
8 alcohol syndrome; providing content for the
9 education campaign; requiring that the
10 information be placed on certain specified web
11 sites; requiring the Department of Health and
12 the Department of Children and Family Services
13 to develop, establish, and maintain a Fetal
14 Alcohol Syndrome Prevention Network; detailing
15 the duties of the network; creating s. 397.602,
16 F.S.; providing that a pregnant woman who
17 requests evaluation for counseling or treatment
18 services to minimize the risk of alcohol
19 exposure to her unborn child may obtain such
20 evaluation at any licensed service provider
21 participating in the fetal alcohol syndrome
22 prevention network; requiring treatment in the
23 least restrictive manner; amending s. 397.675,
24 F.S.; revising the criteria for involuntary
25 admission to substance abuse treatment to
26 include a pregnant woman who, while pregnant,
27 continues to consume alcoholic beverages unless
28 the woman ceases to consume alcoholic
29 beverages; creating s. 397.68185, F.S.;
30 providing the evidence necessary to support a
31 court finding for involuntary admission for

1 preventing fetal alcohol syndrome; amending s.
2 397.6772, F.S.; prohibiting a pregnant woman to
3 be held in a municipal or county jail; amending
4 s. 397.6791, F.S.; specifying the persons who
5 may initiate an emergency admission of a
6 pregnant woman suspected of inappropriate
7 consumption of alcoholic beverages; amending s.
8 397.6793, F.S.; requiring that certain
9 information be included in the physician's
10 certificate; amending s. 397.681, F.S.;
11 providing for jurisdiction over cases of a
12 pregnant woman suspected of inappropriate
13 consumption of alcoholic beverages; amending s.
14 397.6811, F.S.; specifying who may file a
15 petition for involuntary assessment and
16 stabilization; amending s. 397.6814, F.S.;
17 providing for the contents of a petition for
18 involuntary assessment and stabilization;
19 amending s. 397.6815, F.S.; providing for court
20 procedures for proceedings involving
21 involuntary assessment and stabilization;
22 amending s. 397.695, F.S.; specifying who may
23 file a petition for involuntary treatment of a
24 pregnant woman suspected of inappropriate
25 consumption of alcoholic beverages; amending s.
26 397.6951, F.S.; providing for the contents of a
27 petition for involuntary treatment; amending s.
28 397.6955, F.S.; detailing the duties of the
29 court after the filing of the petition for
30 involuntary treatment; amending s. 397.6957,
31 F.S.; providing for the burden of proof

1 applicable in a hearing for the involuntary
2 treatment of a pregnant woman suspected of
3 inappropriate consumption of alcoholic
4 beverages; amending s. 397.697, F.S.;
5 conforming provisions to changes made by the
6 act; creating s. 562.063, F.S.; requiring each
7 vendor licensed to sell alcoholic beverages for
8 consumption on or off the vendor's premises to
9 post a health warning sign on the licensed
10 premises where alcoholic beverages are sold and
11 in such a fashion as to be clearly visible to
12 the patrons of the licensed vendor; detailing
13 the content of the warning signs; providing
14 that a vendor commits a misdemeanor of the
15 second degree for failing to post the sign;
16 requiring the Division of Alcoholic Beverages
17 and Tobacco of the Department of Business and
18 Professional Regulation to produce and
19 distribute the health warning signs; subject to
20 appropriations, requiring the Department of
21 Health to contract with the Florida Center for
22 Child and Family Development to establish fetal
23 alcohol syndrome disorders diagnostic and
24 intervention centers in certain specified
25 counties; providing effective dates.

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

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29 Section 1. This act may be cited as the "Fetal Alcohol
30 Syndrome Prevention Act."
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1 Section 2. Fetal alcohol syndrome; legislative
2 findings.--The Legislature finds that fetal alcohol syndrome
3 is a serious, permanent, and life-altering condition that
4 substantially and adversely affects persons born with fetal
5 alcohol syndrome as well as their parents, siblings, and
6 children. The Legislature also finds that fetal alcohol
7 syndrome is an extremely costly condition when the value of
8 the medical, psychiatric, respite, and other care is
9 calculated over the course of an affected person's lifetime.
10 The Legislature further finds that instances of fetal alcohol
11 syndrome can be prevented or reduced by taking steps
12 necessary, to the greatest extent possible, to protect a
13 developing fetus from the detrimental effects of alcohol
14 consumption by a pregnant woman.

15 Section 3. Public information on fetal alcohol
16 syndrome; Fetal Alcohol Syndrome Prevention Network.--

17 (1)(a) The Department of Health shall develop a public
18 education program to inform the public regarding the
19 detrimental effects of fetal alcohol syndrome. The information
20 shall include information that:

21 1. Describes fetal alcohol syndrome as the leading
22 cause of mental retardation to persons in the United States
23 and this state.

24 2. Describes the neurological damage and symptoms of
25 fetal alcohol syndrome.

26 3. Emphasizes the fact that damage to the brain from
27 fetal alcohol syndrome is permanent.

28 4. Describes the physiological characteristics and
29 defects caused by fetal alcohol syndrome.

30 5. Describes the developmental delays and
31 psychological effect of fetal alcohol syndrome.

1 6. Highlights the lifetime issues such as difficulty
2 maintaining successful independence, sustaining healthy
3 relationships, and maintaining employment and the need for
4 long-term support.

5 7. Describes the economic impact to the affected
6 person, his or her family, and to the people of this state.

7 (b) The Department of Health, the Department of
8 Children and Family Services, and the Division of Alcoholic
9 Beverages and Tobacco of the Department of Business and
10 Professional Regulation shall provide access to the public
11 information on their respective Internet web pages.

12 (2) The Department of Health, in cooperation with the
13 Department of Children and Family Services, shall develop,
14 establish, and maintain a Fetal Alcohol Syndrome Prevention
15 Network. The network shall consist of licensed service
16 providers, as defined in s. 397.311, Florida Statutes, and
17 Fetal Alcohol Spectrum Disorders Diagnostic and Intervention
18 Centers that have agreed to participate in providing
19 counseling, education, and support to pregnant women who have
20 been exposed to alcohol while pregnant. The Department of
21 Health shall also establish an information telephone hotline
22 for persons to call in order to obtain information regarding
23 fetal alcohol syndrome, local licensed service providers
24 participating in the network, or the nearest Fetal Alcohol
25 Spectrum Disorders Diagnostic and Intervention Center
26 participating in the network.

27 (3) Licensed service providers and Fetal Alcohol
28 Spectrum Disorder Diagnostic and Intervention Centers
29 participating in the prevention network shall establish a
30 system for assessing charges for services rendered when
31 involuntary or court-ordered services are required. The fees

1 charged must be apportioned according to the person's ability
2 to pay.

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

5 397.602 Voluntary admission for fetal alcohol syndrome
6 prevention.--

7 (1) A pregnant woman who requests an evaluation for
8 counseling or treatment services to minimize the risk of
9 alcohol exposure to her unborn child may obtain such
10 evaluation at any licensed service provider or Fetal Alcohol
11 Spectrum Disorder Diagnostic and Intervention Center
12 participating in the fetal alcohol syndrome prevention
13 network. The service provider's evaluation must recommend the
14 least restrictive course of action, plan, or service
15 reasonably necessary to remove or minimize the risk of alcohol
16 exposure to the unborn child which is appropriate to meet the
17 pregnant woman's needs.

18 (2)(a) The disability of minority for a pregnant minor
19 younger than 18 years of age is removed solely for the purpose
20 of obtaining voluntary alcohol or substance abuse treatment
21 services from a licensed service provider and consent to these
22 services by a minor has the same force and effect as if
23 executed by a woman who has reached the age of majority. The
24 consent is not subject to a later challenge due to the woman's
25 minority.

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

1 Section 5. Section 397.675, Florida Statutes, is
2 amended to read:

3 397.675 Criteria for involuntary admissions, including
4 protective custody, emergency admission, and other involuntary
5 assessment, involuntary treatment, and alternative involuntary
6 assessment for minors, for purposes of assessment and
7 stabilization, and for involuntary treatment.--

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

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

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

16 ~~2.(b)~~ Is in need of substance abuse services and, by
17 reason of substance abuse impairment, his or her judgment has
18 been so impaired that the person is incapable of appreciating
19 his or her need for such services and of making a rational
20 decision in regard thereto; however, mere refusal to receive
21 such services does not constitute evidence of lack of judgment
22 with respect to his or her need for such services.

23 (2) A woman also may meet the criteria for involuntary
24 admission if a court finds that she is pregnant and, while
25 knowing she is pregnant, continues to consume alcoholic
26 beverages to such a degree that there is a reasonable belief
27 that the child, when born, will be diagnosed as having fetal
28 alcohol syndrome unless the woman ceases to consume alcoholic
29 beverages, and that there is good cause to believe she will
30 continue to consume alcoholic beverages if not involuntarily
31 admitted to a treatment facility. Sections 397.501 and 397.581

1 apply to women meeting the criteria for involuntary admission
2 under this subsection. A woman involuntarily admitted under
3 this subsection may be admitted only to a licensed service
4 provider, as defined in s. 397.311, which has agreed to
5 participate in providing counseling, detoxification,
6 residential treatment, or other service component listed in s.
7 397.311(18) to pregnant women.

8 Section 6. Section 397.68185, Florida Statutes, is
9 created to read:

10 397.68185 Evidence necessary to support a court
11 finding for involuntary admission for preventing fetal alcohol
12 syndrome.--When determining whether a pregnant woman meets the
13 criteria for involuntary admission under s. 397.675(2), a
14 court may consider the following in support of its findings:

15 (1) Whether the pregnant woman was notified of the
16 effects of fetal alcohol syndrome and was counseled against
17 the consumption of alcoholic beverages;

18 (2) Whether, after being warned against the
19 consumption of alcoholic beverages, she continued to consume
20 alcoholic beverages;

21 (3) Whether the pregnant woman has been offered and
22 refused alcohol or substance abuse treatment or, if enrolled
23 in an alcohol or substance abuse treatment program, failed to
24 make a good faith effort to participate in the treatment
25 program;

26 (4) Whether the pregnant woman exhibits a lack of
27 self-control in the consumption of alcoholic beverages;

28 (5) Whether the quantity and frequency of
29 alcoholic-beverage consumption by the pregnant woman is
30 significant;

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1 (6) Whether the pregnant woman has been recommended
2 for alcohol or substance abuse treatment before or during her
3 pregnancy by her physician, spouse, or any relative or friend;

4 (7) Whether testimony by a medical expert concerning
5 the estimated alcohol-related risk to the health of the unborn
6 child based on the pregnant woman's continued consumption of
7 alcoholic beverages is convincing; and

8 (8) Whether there is any other evidence the court
9 considers relevant to determining whether the pregnant woman's
10 involuntary admission is necessary to prevent the continued
11 consumption of alcoholic beverages by the pregnant woman and
12 that, absent such intervention, there exists a reasonable
13 possibility that the unborn child, when born, may be diagnosed
14 as having fetal alcohol syndrome.

15 Section 7. Subsection (1) of section 397.6772, Florida
16 Statutes, is amended to read:

17 397.6772 Protective custody without consent.--

18 (1) If a person in circumstances which justify
19 protective custody as described in s. 397.677 fails or refuses
20 to consent to assistance and a law enforcement officer has
21 determined that a hospital or a licensed detoxification or
22 addictions receiving facility is the most appropriate place
23 for the person, the officer may, after giving due
24 consideration to the expressed wishes of the person:

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

28 (b) In the case of an adult, detain the person for his
29 or her own protection in any municipal or county jail or other
30 appropriate detention facility, except that a pregnant woman
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1 may not be detained in any municipal or county jail for
2 purposes of preventing fetal alcohol syndrome.

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4 Such detention is not to be considered an arrest for any
5 purpose, and no entry or other record may be made to indicate
6 that the person has been detained or charged with any crime.
7 The officer in charge of the detention facility must notify
8 the nearest appropriate licensed service provider within the
9 first 8 hours after detention that the person has been
10 detained. It is the duty of the detention facility to
11 arrange, as necessary, for transportation of the person to an
12 appropriate licensed service provider with an available bed.
13 Persons taken into protective custody must be assessed by the
14 attending physician within the 72-hour period and without
15 unnecessary delay, to determine the need for further services.

16 Section 8. Section 397.6791, Florida Statutes, is
17 amended to read:

18 397.6791 Emergency admission; persons who may
19 initiate.--The following persons may request an emergency
20 admission:

21 (1)(a) In the case of an adult, the certifying
22 physician, the person's spouse or guardian, any relative of
23 the person, or any other responsible adult who has personal
24 knowledge of the person's substance abuse impairment.

25 (b) In the case of an adult pregnant woman whose
26 consumption of alcoholic beverages may be placing her unborn
27 child at risk of fetal alcohol syndrome, the certifying
28 physician, joined by the pregnant woman's spouse, parent or
29 guardian, or sibling if the certifying physician and other
30 person joining in the request signs an affidavit stating that
31 the emergency admission is necessary to avert a substantial

1 alcohol-related risk to the health of the unborn child and
2 that the pregnant woman has been offered and refused alcohol
3 or other substance abuse treatment services.

4 (2) In the case of a minor, including an unemancipated
5 minor who is a pregnant woman, the minor's parent, legal
6 guardian, or legal custodian.

7 Section 9. Present subsections (2), (3), and (4) of
8 section 397.6793, Florida Statutes, are redesignated as
9 subsections (3), (4), and (5), respectively, and a new
10 subsection (2) is added to that section, to read:

11 397.6793 Physician's certificate for emergency
12 admission.--

13 (2) If the emergency admission is for a pregnant woman
14 whose consumption of alcoholic beverages may be placing her
15 unborn child at risk of fetal alcohol syndrome, the
16 physician's certificate must include the name of the woman to
17 be admitted, the relationship between the woman and the
18 physician, the relationship between the applicant and the
19 physician, any relationship between the physician and the
20 licensed service provider, a statement that the woman has been
21 examined and assessed within 5 days before the application
22 date, and a statement of facts based on the pregnant woman's
23 consumption of alcoholic beverages which indicate the need for
24 an emergency admission in order to avert or reduce a
25 substantial alcohol-related risk to the health of the unborn
26 child. The certificate must also state that the pregnant woman
27 has been counseled against the consumption of alcoholic
28 beverages during her pregnancy and has been offered and
29 refused alcohol or other substance abuse treatment services.

30 Section 10. Section 397.681, Florida Statutes, is
31 amended to read:

1 397.681 Involuntary petitions; general provisions;
2 court jurisdiction and right to counsel.--

3 (1) JURISDICTION.--The courts have jurisdiction of
4 involuntary assessment and stabilization petitions, ~~and~~
5 involuntary treatment petitions for substance abuse impaired
6 persons, and petitions for pregnant women whose consumption of
7 alcoholic beverages places their unborn child at risk for
8 fetal alcohol syndrome. Such petitions must be filed with the
9 clerk of the court in the county where the person is located.
10 The chief judge may appoint a general or special magistrate to
11 preside over all or part of the proceedings. The alleged
12 impaired person is named as the respondent.

13 (2) RIGHT TO COUNSEL.--A respondent has the right to
14 counsel at every stage of a proceeding relating to a petition
15 for his or her involuntary assessment and a petition for his
16 or her involuntary treatment as authorized by this chapter ~~for~~
17 ~~substance abuse impairment.~~ A respondent who desires counsel
18 and is unable to afford private counsel has the right to
19 court-appointed counsel and to the benefits of s. 57.081. If
20 the court believes that the respondent needs the assistance of
21 counsel, the court shall appoint such counsel for the
22 respondent without regard to the respondent's wishes. If the
23 respondent is a minor not otherwise represented in the
24 proceeding, the court shall immediately appoint a guardian ad
25 litem to act on the minor's behalf.

26 Section 11. Section 397.6811, Florida Statutes, is
27 amended to read:

28 397.6811 Involuntary assessment and stabilization.--A
29 person determined by the court to appear to meet the criteria
30 for involuntary admission under s. 397.675 may be admitted for
31 a period of 5 days to a hospital or to a licensed

1 detoxification facility or addictions receiving facility, for
2 involuntary assessment and stabilization or to a less
3 restrictive component of a licensed service provider for
4 assessment only upon entry of a court order or upon receipt by
5 the licensed service provider of a petition. Involuntary
6 assessment and stabilization may be initiated by the
7 submission of a petition to the court.

8 (1)(a) If the person upon whose behalf the petition is
9 being filed is an adult, a petition for involuntary assessment
10 and stabilization may be filed by the respondent's spouse or
11 guardian, any relative, a private practitioner, the director
12 of a licensed service provider or the director's designee, or
13 any three adults who have personal knowledge of the
14 respondent's substance abuse impairment.

15 (b) If the woman upon whose behalf the petition is
16 being filed is an adult pregnant woman, a petition for
17 involuntary assessment and stabilization may be filed by the
18 respondent's spouse, parent, guardian, or sibling and joined
19 by a physician.

20 (2) If the person upon whose behalf the petition is
21 being filed is a minor, including an unemancipated minor who
22 is pregnant, a petition for involuntary assessment and
23 stabilization may be filed by a parent, legal guardian, legal
24 custodian, or licensed service provider.

25 Section 12. Section 397.6814, Florida Statutes, is
26 amended to read:

27 397.6814 Involuntary assessment and stabilization;
28 contents of petition.--

29 (1) A petition for involuntary assessment and
30 stabilization must contain the name of the respondent; the
31 name of the applicant or applicants; the relationship between

1 | the respondent and the applicant; the name of the respondent's
2 | attorney, if known, and a statement of the respondent's
3 | ability to afford an attorney; and must state facts to support
4 | the need for involuntary assessment and stabilization,
5 | including:

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

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

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

14 | ~~2.(b)~~ The reason the petitioner believes that the
15 | respondent's refusal to voluntarily receive care is based on
16 | judgment so impaired by reason of substance abuse that the
17 | respondent is incapable of appreciating his or her need for
18 | care and of making a rational decision regarding that need for
19 | care. If the respondent has refused to submit to an
20 | assessment, such refusal must be alleged in the petition.

21 | (2) If a petition is filed for the involuntary
22 | assessment and stabilization of a pregnant woman whose
23 | consumption of alcoholic beverages may be placing her unborn
24 | child at risk of fetal alcohol syndrome, the petition must
25 | contain the name of the woman to be assessed, the relationship
26 | between the woman and the physician, the relationship between
27 | the applicant and the physician, any relationship between the
28 | physician and the licensed service provider, and a statement
29 | of facts based on the pregnant woman's consumption of
30 | alcoholic beverages which indicate the need for involuntary
31 | assessment and stabilization in order to avert or reduce a

1 substantial alcohol-related risk to the health of her unborn
2 child. The petition must also state that the pregnant woman
3 has been counseled against the consumption of alcoholic
4 beverages during her pregnancy, and has been offered and
5 refused alcohol or other substance abuse treatment services.

6 Section 13. Section 397.6815, Florida Statutes, is
7 amended to read:

8 397.6815 Involuntary assessment and stabilization;
9 procedure.--Upon receipt and filing of the petition for the
10 involuntary assessment and stabilization of a substance abuse
11 impaired person or of a pregnant woman whose consumption of
12 alcoholic beverages may be placing her unborn child at risk
13 for fetal alcohol syndrome by the clerk of the court, the
14 court shall ascertain whether the respondent is represented by
15 an attorney, and if not, whether, on the basis of the
16 petition, an attorney should be appointed; and shall:

17 (1) Provide a copy of the petition and notice of
18 hearing to the respondent; the respondent's parent, guardian,
19 or legal custodian, in the case of a minor; the respondent's
20 attorney, if known; the petitioner; the respondent's spouse or
21 guardian, if applicable; and such other persons as the court
22 may direct, and have such petition and notice personally
23 delivered to the respondent if he or she is a minor. The
24 court shall also issue a summons to the person whose admission
25 is sought and conduct a hearing within 10 days; or

26 (2) Without the appointment of an attorney and,
27 relying solely on the contents of the petition, enter an ex
28 parte order authorizing the involuntary assessment and
29 stabilization of the respondent. The court may order a law
30 enforcement officer or other designated agent of the court to
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1 take the respondent into custody and deliver him or her to the
2 nearest appropriate licensed service provider.

3 Section 14. Section 397.695, Florida Statutes, is
4 amended to read:

5 397.695 Involuntary treatment; persons who may
6 petition.--

7 (1) If the respondent is an adult, a petition for
8 involuntary treatment may be filed by the respondent's spouse
9 or guardian, any relative, a service provider, or any three
10 adults who have personal knowledge of the respondent's
11 substance abuse impairment and his or her prior course of
12 assessment and treatment. If the respondent on whose behalf
13 the petition is being filed is an adult pregnant woman whose
14 consumption of alcoholic beverages may be placing her unborn
15 child at risk of fetal alcohol syndrome, the petition for
16 involuntary treatment may be filed by the respondent's spouse,
17 parent, guardian, or sibling and joined by a physician.

18 (2) If the respondent is a minor, including an
19 unemancipated minor who is pregnant, a petition for
20 involuntary treatment may be filed by a parent, legal
21 guardian, or service provider.

22 Section 15. Section 397.6951, Florida Statutes, is
23 amended to read:

24 397.6951 Contents of petition for involuntary
25 treatment.--

26 (1) A petition for involuntary treatment must contain
27 the name of the respondent to be admitted; the name of the
28 petitioner or petitioners; the relationship between the
29 respondent and the petitioner; the name of the respondent's
30 attorney, if known, and a statement of the petitioner's
31 knowledge of the respondent's ability to afford an attorney;

1 the findings and recommendations of the assessment performed
2 by the qualified professional; and the factual allegations
3 presented by the petitioner establishing the need for
4 involuntary treatment, including:

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

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

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

13 ~~2.(b)~~ The reason the petitioner believes that the
14 respondent's refusal to voluntarily receive care is based on
15 judgment so impaired by reason of substance abuse that the
16 respondent is incapable of appreciating his or her need for
17 care and of making a rational decision regarding that need for
18 care.

19 (2) If a petition is filed for the involuntary
20 treatment of a pregnant woman whose consumption of alcoholic
21 beverages may be placing her unborn child at risk of fetal
22 alcohol syndrome, the petition must contain the name of the
23 woman to be to be assessed, the relationship between the woman
24 and the physician, the relationship between the applicant and
25 the physician, any relationship between the physician and the
26 licensed service provider, and a statement of facts based on
27 the pregnant woman's consumption of alcoholic beverages which
28 indicate the need for involuntary treatment in order to avert
29 or reduce a substantial alcohol-related risk to the health of
30 her unborn child. The petition must also state that the
31 pregnant woman has been counseled against the consumption of

1 alcoholic beverages during her pregnancy and has been offered
2 and refused alcohol or other substance abuse treatment
3 services.

4 Section 16. Section 397.6955, Florida Statutes, is
5 amended to read:

6 397.6955 Duties of court upon filing of petition for
7 involuntary treatment.--Upon the filing of a petition for the
8 involuntary treatment of a substance abuse impaired person or
9 of a pregnant woman whose consumption of alcoholic beverages
10 may be placing her unborn child at risk of fetal alcohol
11 syndrome with the clerk of the court, the court shall
12 immediately determine whether the respondent is represented by
13 an attorney or whether the appointment of counsel for the
14 respondent is appropriate. The court shall schedule a hearing
15 to be held on the petition within 10 days. A copy of the
16 petition and notice of the hearing must be provided to the
17 respondent; the respondent's parent, guardian, or legal
18 custodian, in the case of a minor; the respondent's attorney,
19 if known; the petitioner; the respondent's spouse or guardian,
20 if applicable; and such other persons as the court may direct,
21 and have the ~~such~~ petition and order personally delivered to
22 the respondent if he or she is a minor. The court shall also
23 issue a summons to the person whose admission is sought.

24 Section 17. Section 397.6957, Florida Statutes, is
25 amended to read:

26 397.6957 Hearing on petition for involuntary
27 treatment.--

28 (1) At a hearing on a petition for involuntary
29 treatment, the court shall hear and review all relevant
30 evidence, including the review of results of the assessment
31 completed by the qualified professional in connection with the

1 respondent's protective custody, emergency admission,
2 involuntary assessment, or alternative involuntary admission.
3 The respondent must be present unless the court finds that his
4 or her presence is likely to be injurious to himself or
5 herself or others, in which event the court must appoint a
6 guardian advocate to act in behalf of the respondent
7 throughout the proceedings.

8 (2) For a petition seeking involuntary treatment for
9 substance abuse impairment, the petitioner has the burden of
10 proving by clear and convincing evidence:

11 (a) The respondent is substance abuse impaired;¹⁷ and

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

15 1. The respondent has inflicted or is likely to
16 inflict physical harm on himself or herself or others unless
17 admitted; or

18 2. The respondent's refusal to voluntarily receive
19 care is based on judgment so impaired by reason of substance
20 abuse that the respondent is incapable of appreciating his or
21 her need for care and of making a rational decision regarding
22 that need for care.

23 (3) For a petition seeking involuntary treatment for a
24 pregnant woman whose consumption of alcoholic beverages may be
25 placing her unborn child at risk of fetal alcohol syndrome,
26 the petitioner has the burden of proving by clear and
27 convincing evidence that the pregnant woman, while knowing she
28 is pregnant, continues to consume alcoholic beverages to such
29 a degree that there is a reasonable belief that the child,
30 when born, will be diagnosed as having fetal alcohol syndrome
31 unless the woman ceases to consume alcoholic beverages during

1 her pregnancy and that there is good cause to believe that the
2 woman will continue to consume alcoholic beverages if not
3 involuntarily admitted to a treatment facility.

4 ~~(4)(3)~~ At the conclusion of the hearing the court
5 shall ~~either~~ dismiss the petition or order the respondent to
6 undergo involuntary substance abuse treatment, with the
7 respondent's chosen licensed service provider to deliver the
8 involuntary substance abuse treatment where possible and
9 appropriate.

10 Section 18. Section 397.697, Florida Statutes, is
11 amended to read:

12 397.697 Court determination; effect of court order for
13 involuntary ~~substance abuse~~ treatment.--

14 (1) When the court finds that the conditions for
15 involuntary ~~substance abuse~~ treatment have been proved by
16 clear and convincing evidence, it may order the respondent to
17 undergo involuntary treatment by a licensed service provider
18 for a period not to exceed 60 days. If the court finds it
19 necessary, it may direct the sheriff to take the respondent
20 into custody and deliver him or her to the licensed service
21 provider specified in the court order, or to the nearest
22 appropriate licensed service provider, for involuntary
23 treatment. When the conditions justifying involuntary
24 treatment no longer exist, the client must be released as
25 provided in s. 397.6971. When the conditions justifying
26 involuntary treatment are expected to exist after 60 days of
27 treatment, a renewal of the involuntary treatment order may be
28 requested pursuant to s. 397.6975 prior to the end of the
29 60-day period.

30 (2) In all cases resulting in an order for involuntary
31 ~~substance abuse~~ treatment, the court shall retain jurisdiction

1 over the case and the parties for the entry of such further
2 orders as the circumstances may require. The court's
3 requirements for notification of proposed release must be
4 included in the original treatment order.

5 (3) An involuntary treatment order authorizes the
6 licensed service provider to require the client to undergo
7 such treatment as will benefit him or her, including treatment
8 at any licensable service component of a licensed service
9 provider.

10 Section 19. Effective October 1, 2007, section
11 562.063, Florida Statutes, is created to read:

12 562.063 Health warning signs; posting requirement;
13 penalty.--

14 (1)(a) Each vendor licensed to sell alcoholic
15 beverages for consumption on or off the vendor's premises
16 shall post a health warning sign that complies with paragraph
17 (b) on the licensed premises where alcoholic beverages are
18 sold, at a location in each room where alcoholic beverages are
19 available for sale, and in such a fashion as to be clearly
20 visible to the patrons of the licensed vendor.

21 (b) Each sign required to be posted under paragraph
22 (a) must be posted in English and Spanish, must be at least 12
23 by 18 inches in size, must be laminated for durability and
24 neatness, and must read as follows:

25
26 HEALTH WARNING
27 ALCOHOL IN BEER, COOLERS, WINE, AND LIQUOR CAN
28 CAUSE FETAL ALCOHOL SYNDROME BIRTH DEFECTS.
29 DO NOT DRINK DURING PREGNANCY.
30 DO NOT DRINK BEFORE DRIVING A CAR, OPERATING A
31 BOAT, OR OPERATING MACHINERY.

1 DO NOT MIX ALCOHOL WITH OTHER DRUGS, INCLUDING
2 PRESCRIPTION OR ILLEGAL DRUGS. IT CAN BE FATAL.

3
4 (c) The division shall produce health warning signs
5 that comply with paragraph (b) and distribute the signs to the
6 licensed vendors operating establishments that sell alcoholic
7 beverages for consumption on or off the premises. The division
8 shall collect from each vendor an amount sufficient to cover
9 the costs of printing and delivering the signs.

10 (2) A vendor of alcoholic beverages may not sell an
11 alcoholic beverage unless the vendor has properly posted the
12 warning signs as required under subsection (1). A vendor who
13 violates this subsection commits a misdemeanor of the second
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15 Section 20. The Division of Alcoholic Beverages and
16 Tobacco of the Department of Business and Professional
17 Regulation shall produce and distribute health warning signs
18 in compliance with s. 562.063, Florida Statutes, as created by
19 this act.

20 Section 21. Fetal alcohol syndrome disorders
21 diagnostic and intervention centers; professional training.--

22 (1) Subject to appropriations, the Department of
23 Health shall contract with the Florida Center for Child and
24 Family Development to establish fetal alcohol syndrome
25 disorders diagnostic and intervention centers. The fetal
26 alcohol syndrome disorders diagnostic and intervention centers
27 shall be located in Sarasota, Hillsborough, Duval, and
28 Miami-Dade Counties and other counties to be added as need
29 arises and funds are sufficient for operations.

30 (2) Subject to appropriations, the Department of
31 Health shall contract with the Florida Center for Child and

1 Family Development to develop and conduct professional
2 training for Healthy Families Florida, healthy start
3 coalitions, child protective services programs, child care
4 facilities, domestic violence centers, behavioral health care
5 providers, educational programs, and health care
6 professionals, as well as any other groups working with
7 children or pregnant women.

8 Section 22. Except as otherwise expressly provided in
9 this act, this act shall take effect July 1, 2007.

10
11 *****

12 SENATE SUMMARY

13 Requires the Department of Health to develop a public
14 education program to inform the public regarding the
15 detrimental effects of fetal alcohol syndrome and
16 requires that the information be placed on certain
17 specified web sites. Requires the Department of Health
18 and the Department of Children and Family Services to
19 develop, establish, and maintain a Fetal Alcohol Syndrome
20 Prevention Network. Provides that a pregnant woman who
21 requests evaluation for counseling or treatment services
22 may obtain such evaluation at any licensed service
23 provider participating in the fetal alcohol syndrome
24 prevention network. Revises the criteria for involuntary
25 admission to substance abuse treatment to include a
26 pregnant woman who, while pregnant, continues to consume
27 alcoholic beverages unless the woman ceases to consume
28 alcoholic beverages. Identifies the persons who may
29 initiate an emergency admission of a pregnant woman
30 suspected of inappropriate consumption of alcoholic
31 beverages. Provides for jurisdiction over cases of a
pregnant woman suspected of inappropriate consumption of
alcoholic beverages. Identifies who may file a petition
for involuntary treatment of a pregnant woman suspected
of inappropriate consumption of alcoholic beverages.
Details the contents of a petition for involuntary
treatment. Provides for the burden of proof applicable in
a hearing for the involuntary treatment of a pregnant
woman suspected of inappropriate consumption of alcoholic
beverages. Requires each vendor licensed to sell
alcoholic beverages for consumption on or off the
vendor's premises to post a health warning sign on the
licensed premises. Details the content of the warning
signs. Provides that a vendor commits a misdemeanor of
the second degree for not complying with the act.
Requires the Division of Alcoholic Beverages and Tobacco
of the Department of Business and Professional Regulation
to produce and distribute the health warning signs.